AMERICAN STATE PAPERS.

CLASS I.

FOREIGN RELATIONS.

VOLUME IV.

AMERICAN STATE PAPERS.

DOCUMENTS,

LEGISLATIVE AND EXECUTIVE,

OF THE

CONGRESS OF THE UNITED STATES,

FROM THE FIRST SESSION OF THE FOURTEENTH TO THE FIRST SESSION OF THE SEVENTEENTH CONGRESS, INCLUSIVE:

COMMENCING MARCH 4, 1815, AND ENDING MAY 8, 1822.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY WALTER LOWRIE, *Secretary of the Senate,*

AND

WALTER S. FRANKLIN, *Clerk of the House of Representatives.*

VOLUME IV.

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FOREIGN RELATIONS.

No. 277.

SPAIN.—PROHIBITORY OF ILLEGAL EXPEDITIONS IN THE UNITED STATES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS information has been received that sundry persons, citizens of the United States, or residents within the same, and especially within the State of Louisiana, are conspiring together to begin and set on foot, provide, and prepare the means for a military expedition or enterprise against the dominions of Spain, with which the United States are happily at peace; that, for this purpose, they are collecting arms, military stores, provisions, vessels, and other means; and deceiving and seducing honest and well-meaning citizens to engage in their unlawful enterprises; or organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided: I have therefore thought fit to issue this my proclamation, warning and enjoining all faithful citizens, who have been led, without due knowledge or consideration, to participate in the said unlawful enterprises, to withdraw from the same without delay; and commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein, as they will answer the contrary at their peril. And I hereby enjoin and require all officers civil and military of the United States, or of any of the States or Territories, all judges, justices, and other officers of the peace, all military officers of the army or navy of the United States, and officers of the militia, to be vigilant, each within his respective department, and according to his functions, in searching out and bringing to punishment all persons engaged or concerned in such enterprises; in seizing and detaining, subject to the disposition of the law, all arms, military stores, vessels, or other means provided or providing for the same; and, in general, in preventing the carrying on such expedition or enterprise, by all the lawful means within their power: and I require all good and faithful citizens and others, within the United States, to be aiding and assisting herein; and especially in the discovery, apprehension, and bringing to justice of all such offenders; in preventing the execution of their unlawful combinations or designs; and in giving information against them to the proper authorities.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, [L. S.] and signed the same with my hand. Done at the city of Washington, the first day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the said United States of America the fortieth.

JAMES MADISON.

By the President:

JAMES MONROE, *Secretary of State.*

14th CONGRESS.] **No. 278.** [1st SESSION.

MESSAGE AT THE COMMENCEMENT OF THE FOURTEENTH CONGRESS, FIRST SESSION.

COMMUNICATED TO CONGRESS, DECEMBER 5, 1815.

Fellow-citizens of the Senate and of the House of Representatives: WASHINGTON, *December* 5, 1815.

I have the satisfaction, on our present meeting, of being able to communicate to you the successful termination of the war which had been commenced against the United States by the regency of Algiers. The squadron in advance on that service, under Commodore Decatur, lost not a moment, after its arrival in the Mediterranean, in

seeking the naval force of the enemy then cruising in that sea, and succeeded in capturing two of his ships—one of them the principal ship, commanded by the Algerine admiral. The high character of the American commander was brilliantly sustained on the occasion, who brought his own ship into close action with that of his adversary, as was the accustomed gallantry of all the officers and men actually engaged. Having prepared the way by this demonstration of American skill and prowess, he hastened to the port of Algiers, where peace was promptly yielded to his victorious force. In the terms stipulated, the rights and honor of the United States were particularly consulted, by a perpetual relinquishment, on the part of the Dey, of all pretensions to tribute from them. The impressions which have thus been made, strengthened as they will have been by subsequent transactions with the regencies of Tunis and of Tripoli, by the appearance of the larger force which followed under Commodore Bainbridge, the chief in command of the expedition, and by the judicious precautionary arrangements left by him in that quarter, afford a reasonable prospect of future security for the valuable portion of our commerce which passes within reach of the Barbary cruisers.

It is another source of satisfaction that the treaty of peace with Great Britain has been succeeded by a convention on the subject of commerce, concluded by the plenipotentiaries of the two countries. In this result a disposition is manifested on the part of that nation corresponding with the disposition of the United States, which, it may be hoped, will be improved into liberal arrangements on other subjects, on which the parties have mutual interests, or which might endanger their future harmony. Congress will decide on the expediency of promoting such a sequel, by giving effect to the measure of confining the American navigation to American seamen—a measure which, at the same time that it might have that conciliatory tendency, would have the further advantage of increasing the independence of our navigation, and the resources for our maritime defence.

In conformity with the articles in the treaty of Ghent relating to the Indians, as well as with a view to the tranquillity of our western and northwestern frontiers, measures were taken to establish an immediate peace with the several tribes who had been engaged in hostilities against the United States. Such of them as were invited to Detroit acceded readily to a renewal of the former treaties of friendship. Of the other tribes, who were invited to a station on the Mississippi, the greater number have also accepted the peace offered to them. The residue, consisting of the more distant tribes or parts of tribes, remain to be brought over by further explanations, or by such other means as may be adapted to the dispositions they may finally disclose.

The Indian tribes within and bordering on the southern frontier, whom a cruel war on their part had compelled us to chastise into peace, have latterly shown a restlessness which has called for preparatory measures for repressing it, and for protecting the commissioners engaged in carrying the terms of the peace into execution.

The execution of the act for fixing the military peace establishment has been attended with difficulties which even now can only be overcome by legislative aid. The selection of officers; the payment and discharge of the troops enlisted for the war; the payment of the retained troops, and their re-union from detached and distant stations; the collection and security of the public property in the Quartermaster, Commissary, and Ordnance Departments; and the constant medical assistance required in hospitals and garrisons, rendered a complete execution of the act impracticable on the 1st of May, the period more immediately contemplated. As soon, however, as circumstances would permit, and as far as it has been practicable, consistently with the public interests, the reduction of the army has been accomplished. But the appropriations for its pay and for other branches of the military service having proved inadequate, the earliest attention to that subject will be necessary; and the expediency of continuing upon the peace establishment the staff officers who have hitherto been provisionally retained is also recommended to the consideration of Congress.

In the performance of the executive duty upon this occasion, there has not been wanting a just sensibility to the merits of the American army during the late war; but the obvious policy and design in fixing an efficient military peace establishment did not afford an opportunity to distinguish the aged and infirm, on account of their past services; nor the wounded and disabled, on account of their present sufferings. The extent of the reduction, indeed, unavoidably involved the exclusion of many meritorious officers of every rank from the service of their country; and so equal as well as so numerous were the claims to attention, that a decision by the standard of comparative merit could seldom be attained. Judged, however, in candor, by a general standard of positive merit, the Army Register will, it is believed, do honor to the establishment; while the ease of those officers whose names are not included in it devolves, with the strongest interest, upon the legislative authority, for such provision as shall be deemed the best calculated to give support and solace to the veteran and the invalid; to display the beneficence as well as the justice of the Government; and to inspire a martial zeal for the public service upon every future emergency.

Although the embarrassments arising from the want of a uniform national currency have not been diminished since the adjournment of Congress, great satisfaction has been derived in contemplating the revival of the public credit, and the efficiency of the public resources. The receipts into the Treasury, from the various branches of revenue, during the nine months ending on the 30th of September last, have been estimated at $12,500,000; the issues of Treasury notes of every denomination, during the same period, amounted to the sum of $14,000,000; and there was also obtained upon loan, during the same period, a sum of $9,000,000, of which the sum of $6,000,000 was subscribed in cash, and the sum of $3,000,000 in Treasury notes. With these means, added to the sum of $1,500,000, being the balance of money in the Treasury on the 1st of January, there has been paid, between the 1st of January and the 1st of October, on account of the appropriations of the preceding and of the present year, (exclusively of the amount of the Treasury notes subscribed to the loan, and of the amount redeemed in the payment of duties and taxes,) the aggregate sum of $33,500,000, leaving a balance then in the Treasury estimated at the sum of $3,000,000. Independent, however, of the arrearages due for military services and supplies, it is presumed that a further sum of $5,000,000, including the interest on the public debt payable on the 1st of January next, will be demanded at the Treasury to complete the expenditures of the present year, and for which the existing ways and means will sufficiently provide.

The national debt, as it was ascertained on the 1st of October last, amounted, in the whole, to the sum of $120,000,000, consisting of the unredeemed balance of the debt contracted before the late war, ($39,000,000,) the amount of the funded debt contracted in consequence of the war, ($64,000,000,) and the amount of the unfunded and floating debt, including the various issues of Treasury notes, ($17,000,000,) which is in a gradual course of payment. There will probably be some addition to the public debt, upon the liquidation of various claims which are depending; and a conciliatory disposition on the part of Congress may lead honorably and advantageously to an equitable arrangement of the militia expenses incurred by the several States, without the previous sanction or authority of the Government of the United States. But when it is considered that the new as well as the old portion of the debt has been contracted in the assertion of the national rights and independence; and when it is recollected that the public expenditures, not being exclusively bestowed upon subjects of a transient nature, will long be visible in the number and equipments of the American navy, in the military works for the defence of our harbors and our frontiers, and in the supplies of our arsenals and magazines, the amount will bear a gratifying comparison with the objects which have been attained, as well as with the resources of the country.

The arrangements of the finances, with a view to the receipts and expenditures of a permanent peace establishment, will necessarily enter into the deliberations of Congress during the present session. It is true that the improved condition of the public revenue will not only afford the means of maintaining the faith of the Government with its creditors inviolate, and of prosecuting successfully the measures of the most liberal policy, but will also justify an immediate alleviation of the burdens imposed by the necessities of the war. It is, however, essential to every modification of the finances, that the benefits of a uniform national currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil; but, until they can again be rendered the general medium of exchange, it devolves on the wisdom of Congress to provide a substitute, which shall equally engage the confidence and accommodate the wants of the citizens throughout the Union. If the operation of the State banks cannot produce this result, the probable operation of a national bank will merit consideration; and, if neither of these expedients be deemed effectual, it may become necessary to ascertain the terms upon which the notes of the Government (no longer required as an instrument of credit) shall be issued, upon motives of general policy, as a common medium of circulation.

Notwithstanding the security for future repose which the United States ought to find in their love of peace, and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson that, whether to prevent or repel danger, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension and gradual completion of the works of defence, both fixed and floating, on our maritime frontier; and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed.

As an improvement in our military establishment, it will deserve the consideration of Congress, whether a corps of invalids might not be so organized and employed as at once to give support to meritorious individuals, excluded by age or infirmities from the existing establishment, and to preserve to the public the benefit of their stationary services and of their exemplary discipline. I recommend, also, an enlargement of the Military Academy already established, and the establishment of others in other sections of the Union. And I cannot press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free State. If experience has shown, in the recent splendid achievements of militia, the value of this resource for the public defence, it has shown also the importance of that skill in the use of arms, and that familiarity with the essential rules of discipline, which cannot be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws, in every respect, to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the case designated by the constitution.

The signal services which have been rendered by our navy, and the capacities it has developed for successful co-operation in the national defence, will give to that portion of the public force its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all Governments. To preserve the ships now in sound state, to complete those already contemplated, to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments, for the construction, the repairs, and the security of vessels of war, is dictated by the soundest policy.

In adjusting the duties on imports to the object of revenue, the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies, of a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justify the belief that, with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become, at an early day, not only safe against occasional competitions from abroad, but a source of domestic wealth, and even of external commerce. In selecting the branches more especially entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependance on foreign supplies, ever subject to casual failures, for articles necessary for the public defence, or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which cannot fail to be rewarded.

Among the means of advancing the public interest, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none, the utility of which is more universally ascertained and acknowledged, none that do more honor to the Governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication, in bringing and binding more closely together the various parts of our extended confederacy. Whilst the States, individually, with a laudable enterprise and emulation, avail themselves of their local advantages, by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work. And it is a happy reflection, that any defect of constitutional authority which may be encountered can be supplied in a mode which the constitution itself has providently pointed out.

The present is a favorable season, also, for bringing again into view the establishment of a national seminary of learning within the District of Columbia, and with means drawn from the property therein, subject to the authority of the General Government. Such an institution claims the patronage of Congress, as a monument of their solicitude for the advancement of knowledge, without which the blessings of liberty cannot be fully enjoyed or long preserved; as a model instructive in the formation of other seminaries; as a nursery of enlightened preceptors; and as a central resort of youth and genius from every part of their country, diffusing on their return examples of those national feelings, those liberal sentiments, and those congenial manners, which contribute cement to our Union, and strength to the great political fabric of which that is the foundation.

In closing this communication, I ought not to repress a sensibility, in which you will unite, to the happy lot of our country, and the goodness of a superintending Providence to whom we are indebted for it. Whilst other portions of mankind are laboring under the distresses of war, or struggling with adversity in other forms, the United States are in the tranquil enjoyment of prosperous and honorable peace. In reviewing the scenes through which it has been attained, we can rejoice in the proofs given that our political institutions, founded in human rights, and

framed for their preservation, are equal to the severest trials of war, as well as adapted to the ordinary periods of repose. As fruits of this experience, and of the reputation acquired by the American arms, on the land and on the water, the nation finds itself possessed of a growing respect abroad, and of a just confidence in itself, which are among the best pledges for its peaceful career. Under other aspects of our country, the strongest features of its flourishing condition are seen in a population rapidly increasing on a territory as productive as it is extensive; in a general industry, and fertile ingenuity, which find their ample rewards; and in an affluent revenue, which admits a reduction of the public burdens, without withdrawing the means of sustaining the public credit, of gradually discharging the public debt, of providing for the necessary defensive and precautionary establishments, and of patronizing, in every authorized mode, undertakings conducive to the aggregate wealth and individual comfort of our citizens.

It remains for the guardians of the public welfare to persevere in that justice and good will towards other nations which invite a return of these sentiments towards the United States; to cherish institutions which guaranty their safety, and their liberties, civil and religious; and to combine with a liberal system of foreign commerce an improvement of the national advantages, and a protection and extension of the independent resources of our highly favored and happy country.

In all measures having such objects my faithful co-operation will be afforded.

JAMES MADISON.

14th CONGRESS.] No. 279. [1st SESSION.

ALGIERS.

COMMUNICATED TO THE SENATE, DECEMBER 6, 1815.

To the Senate of the United States: WASHINGTON, *December* 6, 1815.

I lay before the Senate, for their consideration and advice, as to a ratification, a treaty of peace with the Dey of Algiers, concluded on the 30th day of June, 1815; with a letter relating to the same from the American commissioners to the Secretary of State.

JAMES MADISON.

Treaty of peace and amity concluded between the United States of America and His Highness Omar Bashaw, Dey of Algiers.

ART. 1. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace and friendship between the President and citizens of the United States of America, on the one part, and the Dey and subjects of the regency of Algiers in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations: and if either party shall, hereafter, grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party—freely, when it is freely granted to such other nations; but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conductive to their respective interests.

ART. 2. It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and regency of Algiers from the United States of America, on any pretext whatever.

ART. 3. The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

ART. 4. A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the treaty of peace and amity concluded between the United States and the Dey of Algiers on the 5th of September, 1795.

And it is agreed between the contracting parties, that, in lieu of the above, the Dey of Algiers shall cause to be delivered, forthwith, into the hands of the American consul residing at Algiers, the whole of a quantity of bales of cotton left by the late consul general of the United States in the public magazines in Algiers; and that he shall pay into the hands of the said consul the sum of ten thousand Spanish dollars.

ART. 5. If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

ART. 6. If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately; and in no case, or on any pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war be detained from its lawful owners, after the exhibition of sufficient proofs of American citizenship and of American property by the consul of the United States residing at Algiers.

ART. 7. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of

the subjects of Algiers insult or molest the commander, or any other person, on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the regency of Algiers, or having seen her passports and certificates from the consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested, and without detention. No passports shall be granted by either party to any vessels but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

ART. 8. A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for six months, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

ART. 9. Vessels of either of the contracting parties, putting into ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a distance at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever; but in no case shall she be compelled to land her cargo.

ART. 10. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if re-shipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon; and the crew shall be protected and succored, until they can be sent to their own country.

ART. 11. If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

ART. 12. The commerce between the United States of America and the regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

ART. 13. The consul of the United States of America shall not be responsible for the debts contracted by citizens of his own nation, unless he previously gives written obligations so to do.

ART. 14. On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned, gun for gun; and if, after such arrival, so announced, any Christians whatsoever, captives in Algiers, make their escape and take refuge on board any of the ships of war, they shall not be required back again; nor shall the consul of the United States or commanders of said ships be required to pay any thing for the said Christians.

ART. 15. As the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation; and as the said States have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the consuls and agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

The consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea; and shall not be prevented from going on board any vessels they may think proper to visit; they shall likewise have liberty to appoint their own dragoman and broker.

ART. 16. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared, on any pretext whatever; but, if the consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievance in writing, and transmit the same to the Government of the other; and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and, in case the grievances are not redressed, and a war should be the event, the consuls and citizens or subjects of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

ART. 17. If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

ART. 18. If any of the Barbary States, or other Powers at war with the United States, shall capture any American vessel and send her into any port of the regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshment of any kinds, and to sell such prizes in the said ports, without any other customs or duties than such as are customary on ordinary commercial importations.

ART. 19. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the Government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nation having a consul or agent in Algiers, such disputes shall be settled by the consuls or agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the regency of Algiers shall be decided by the Dey in person, and no other.

ART. 20. If a citizen of the United States should kill, wound, or strike a subject of Algiers; or, on the contrary, a subject of Algiers should kill, wound, or strike a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament. And if any delinquent should make his escape, the consul shall not be responsible for him, in any manner whatever.

ART. 21. The consul of the United States of America shall not be required to pay any customs or duties whatever on any thing he imports from a foreign country for the use of his house and family.

ART. 22. Should any of the citizens of the United States of America die within the limits of the regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when he shall render an account of the property; neither shall the Dey nor his subjects give hindrance in the execution of any will that may appear.

ON BOARD THE UNITED STATES SHIP GUERRIERE, *July* 6, 1815.

I certify the foregoing to be a true copy of a treaty of peace negotiated by Commodore Decatur and myself with the regency of Algiers, and signed by the Dey of that regency on the 30th June, 1815.

WILLIAM SHALER.

SIR: UNITED STATES SHIP GUERRIERE, BAY OF ALGIERS, *July* 4, 1815.

We have the honor to refer you to the official reports of Commodore Decatur to the Navy Department, for an account of the operations of this squadron previous to our arrival off Algiers, on the 28th ultimo.

Having received information that the Algerine squadron had been at sea for a considerable time longer than that to which their cruises usually extend, and that a despatch boat had been sent from Gibraltar to Algiers to inform them of our arrival in the Mediterranean, we thought that they might have made a harbor where they would be in safety. We, therefore, whilst they were in this state of uncertainty, believed it a proper moment to deliver the President's letter, agreeably to our instructions. Accordingly, on the 29th ultimo, a flag of truce was hoisted on board the Guerriere, with the Swedish flag at the main. A boat came off about noon, with Mr. Norderling, consul of Sweden, and the captain of the port, who confirmed the intelligence we had before received, and to whom we communicated information of the capture of their frigate and brig. The impression made by these events was visible and deep. We were requested by the captain of the port (Mr. Norderling declaring he was not authorized to act) to state the conditions on which we would make peace; to which we replied by giving the letter of the President to the Dey, and by a note from us to him; a copy of which (No. 1) we have the honor to transmit herewith. The captain of the port then requested that hostilities should cease pending the negotiation, and that persons authorized to treat should go on shore; he and Mr. Norderling both affirming that the Minister of Marine had pledged himself for our security and return to our ships when we pleased. Both these propositions were rejected, and they were explicitly informed that the negotiation must be carried on on board the fleet, and that hostilities, as far as they respected vessels, could not cease. They returned on shore. On the following day the same persons returned, and informed us that they were commissioned by the Dey to treat with us on the proposed basis, and their anxiety appeared extreme to conclude the peace immediately. We then brought forward the model of a treaty, which we declared would not be departed from in substance; at the same time declaring that, although the United States would never stipulate for paying tribute under any form whatever, yet, that they were a magnanimous and generous nation, who would, upon the presentation of consuls, do what was customary with other great nations in their friendly intercourse with Algiers. The treaty was then examined, and they were of opinion that it would not be agreed to in its present form, and particularly requested that the article requiring the restitution of the property they had captured, and which had been distributed, might be expunged; alleging that such a demand had never before been made upon Algiers. To this it was answered that the claim was just, and would be adhered to. They then asked whether, if the treaty should be signed by the Dey, we would engage to restore the captured vessels? which we refused. They then represented that it was not the present Dey who had declared the war, which they acknowledged to be unjust; conceding that they were wholly in the wrong, and had no excuse whatever; requesting, however, that we would take the case of the Dey into consideration, and, upon his agreeing to terms with us, more favorable than had ever been made with any other nation, to restore the ships, which they stated would be of little or no value to us, but would be of great importance to him, as they would satisfy the people with the conditions of the peace we were going to conclude with him.

We consulted upon this question, and determined that, considering the state of those vessels, the sums that would be required to fit them for a passage to the United States, and the little probability of selling them in this part of the world, we would make a compliment of them to His Highness in the state they then were; the commodore engaging to furnish them with an escort to this port. This, however, would depend upon their signing the treaty as presented to them, and could not appear as an article of it, but must be considered as a favor conferred on the Dey by the United States.

They then requested a truce, to deliberate upon the terms of the proposed treaty, which was refused; they even pleaded for three hours. The reply was, "not a minute; if your squadron appears in sight before the treaty is actually signed by the Dey, and the prisoners sent off, ours would capture them." It was finally agreed that hostilities should cease when we perceived their boat coming off with a white flag hoisted, the Swedish consul pledging his word of honor not to hoist it unless the treaty was signed, and the prisoners in the boat. They returned on shore, and, although the distance was full five miles, they came back within three hours, with the treaty signed as we had concluded it, and the prisoners.

During the interval of their absence a corvette appeared in sight, which would have been captured if they had been detained one hour longer. The treaty has since been drawn out anew, translated by them, and duly executed by the Dey; which we have the honor to transmit herewith.

Mr. Shaler has since been on shore, and the cotton and money mentioned in the fourth article have been given up to him. They now show every disposition to maintain a sincere peace with us, which is, doubtless, owing to the dread of our arms; and we take this occasion to remark that, in our opinion, the only secure guaranty we can have for the maintenance of the peace just concluded with these people is, the presence in the Mediterranean of a respectable naval force.

As this treaty appears to us to secure every interest within the contemplation of the Government, and as it really places the United States on higher grounds than any other nation, we have no hesitation, on our part, in fulfilling such of its provisions as are within our power, in the firm belief that it will receive the ratification of the President and Senate.

We have the honor to be, with great respect, sir, your obedient servants,

STEPHEN DECATUR,
WILLIAM SHALER.

The Hon. JAMES MONROE, *Secretary of State.*

No. 1.

The American Commissioners to the Dey of Algiers.

The undersigned have the honor to inform His Highness the Dey of Algiers that they have been appointed by the President of the United States of America, commissioners plenipotentiary to treat of peace with His Highness; and that, pursuant to their instructions, they are ready to open a negotiation for the restoration of peace and harmony between the two countries, on terms just and honorable to both parties; and they feel it incumbent on them to state, explicitly, to His Highness, that they are instructed to treat upon no other principle than that of perfect equality, and on the terms of the most favored nations: no stipulation for paying any tribute to Algiers, under any form whatever, will be agreed to.

The undersigned have the honor to transmit, herewith, a letter from the President of the United States; and they avail themselves of this occasion to assure His Highness of their high consideration and profound respect.

STEPHEN DECATUR,
WILLIAM SHALER.

14th CONGRESS.] No. 280. [1st SESSION.

GREAT BRITAIN—COMMERCIAL CONVENTION.

COMMUNICATED TO THE SENATE, DECEMBER 6, 1815.

To the Senate of the United States: WASHINGTON, *December* 6, 1815.

I lay before the Senate, for their consideration and advice, as to a ratification, a convention to regulate the commerce between the United States and Great Britain, signed by their respective plenipotentiaries on the 3d of July last, with letters relating to the same, from the American plenipotentiaries to the Secretary of State; and also the declaration with which it is the intention of the British Government to accompany the exchange of the ratifications of the convention.

JAMES MADISON.

A convention to regulate the commerce between the territories of the United States and His Britannic Majesty.

The United States of America and His Britannic Majesty, being desirous, by a convention, to regulate the commerce and navigation between their respective countries, territories, and people, in such manner as to render the same reciprocally beneficial and satisfactory, have respectively named plenipotentiaries, and given them full powers to treat of and conclude such convention: that is to say, the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States; and His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, has named for his plenipotentiaries the right honorable Frederick John Robinson, vice-president of the committee of privy council for trade and plantations, joint paymaster of His Majesty's forces, and a member of the Imperial Parliament; Henry Goulburn, Esq., a member of the Imperial Parliament, and under Secretary of State; and William Adams, Esq., doctor of civil laws: and the said plenipotentiaries, having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, viz:

ART. 1. There shall be, between the territories of the United States of America and all the territories of His Britannic Majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

ART. 2. No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe of any articles the growth, produce, or manufacture of the United States, than are, or shall be, payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to His Britannic Majesty's territories in Europe, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States, or of His Britannic Majesty's territories in Europe, to or from the said territories of His Britannic Majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed, in any of the ports of the United States, on British vessels, than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States, than shall be payable in the same ports on British vessels.

The same duties shall be paid on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels; and the same duties shall be paid on the importation into the ports of any of His Britannic Majesty's territories in Europe, of any article the growth, produce, or manufacture of the United States, whether such importation shall be in British vessels or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, to the United States, whether such ex-

portation shall be in vessels of the United States or in British vessels; and the same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of the United States, to His Britannic Majesty's territories in Europe, whether such exportation shall be in British vessels or in vessels of the United States.

It is further agreed, that, in all cases where drawbacks are, or may be, allowed upon the re-exportation of any goods the growth, produce, or manufacture of either country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a British or an American vessel. But when such re-exportation shall take place from the United States in a British vessel, or from the territories of His Britannic Majesty in Europe in an American vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawbacks.

The intercourse between the United States and His Britannic Majesty's possessions in the West Indies and on the continent of North America shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights with respect to such an intercourse.

ART. 3. His Britannic Majesty agrees that the vessels of the United States of America shall be admitted, and hospitably received, at the principal settlements of the British dominions in the East Indies, viz: Calcutta, Madras, Bombay, and Prince of Wales's island; and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited: *Provided, only*, That it shall not be lawful for them, in any time of war between the British Government and any State or Power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favored European nations; and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in the vessels of the most favored European nations. But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

It is also understood that the permission granted by this article is not intended to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States, having in the first instance proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade.

The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at the Cape of Good Hope, the island of St. Helena, or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that, in all that regards this article, the citizens of the United States shall be subject in all respects to the laws and regulations of the British Government from time to time established.

ART. 4. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade to reside in the dominions and territories of the other party; but, before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that in case of illegal or improper conduct towards the laws or Government of the country to which he is sent, such consul may either be punished according to law, if the laws will reach the case, or be sent back; the offended Government assigning to the other the reasons for the same.

It is hereby declared, that either of the contracting parties may except from the residence of consuls such particular places as such party shall judge fit to be excepted.

ART. 5. This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the United States and His Majesty for four years from the date of its signature; and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

Done at London, this third day of July, in the year of our Lord one thousand eight hundred and fifteen.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

Extract of a letter from the American Commissioners, Messrs. Clay and Gallatin, to the Secretary of State, dated

LONDON, *May* 18, 1815.

Having had reason to believe that the British Government had abstained from answering the communication of the joint commission from Ghent of the —— day of December, 1814, until they received official information of the American ratification of the treaty of peace, we thought it advisable, soon after that event was known to us, to repair to this city, in order that we might ascertain the disposition of this Government as to the commercial intercourse between the two countries.

Shortly after our arrival here, we were invited by Lord Castlereagh to an interview with him. A minute of the substance of the conversation which took place on that occasion, as drawn up and agreed to by the parties, is enclosed. We communicated to Mr. Goulburn, the next day, our answer upon the three subjects to which the conversation related.

In the interview with Lord Castlereagh, he had stated that four or five days might be necessary on their part to prepare for the proposed conversation. Nearly three weeks having elapsed without hearing further on the subject, we took what appeared to us a fit occasion to intimate our intention of leaving London. A few days after, we received an invitation from the vice-president of the board of trade, Mr. Robinson, to call at his office on the 11th instant. We accordingly attended, and were received by him and Messrs. Goulburn and Adams, two of the British commissioners who had negotiated the treaty of Ghent.

They opened the conversation by adverting to what had led to this interview, and professed themselves to be ready to receive any propositions we might choose to make. We observed, that in the treaties which America had heretofore made (particularly with this country) regulating commercial intercourse, there were generally comprised two subjects: one, which respected commercial regulations, applicable to a state of peace as well as of war; the other, which respected the rights and duties of the parties, one being at war and the other remaining at peace. Accordingly, our Government had instructed us to bring forward both those subjects.

As to the commercial intercourse, without at this time going into details, or minor points, which it might be necessary in the progress of the negotiation to adjust, we would content ourselves, in this unofficial conversation, with touching on the most important topics which it seemed to us desirable to discuss and arrange. These were, that the two countries should respectively be placed on the footing of the nation the most favored; that, in the trade between America and the British European dominions, all discriminating duties on tonnage and on merchandise, either imported or exported, should be abolished; that the trade between America and the British West Indies should be regulated, and placed on some more permanent basis than the occasional acts of the colonial authorities; that the nature and kind of intercourse between America and the adjoining British provinces should be defined and provided for; and that the trade with the British India possessions should be opened to America on liberal principles.

In regard to the discriminating duties, we remarked, that a proposition to abolish them first came from Great Britain, and a provision to that effect was inserted in the unratified treaty of 1806. Congress had taken up the matter at their last session, and passed an act, which we explained. We thought it desirable that they should be abolished, in order to prevent those collisions, and that system of commercial welfare, in which the two countries would probably be involved by an adherence to them. As an example, we mentioned the great extra duty to which, as we understood, the article of cotton was liable by the British laws, when imported in foreign vessels, and which, if persisted in, would certainly be met by some countervailing regulations.

With respect to the trade to British India, we observed, that we had no equivalent to offer for it; that it was for Great Britain to consider whether a commerce, consisting as it did almost entirely in the exchange of our specie for India produce, was not of a nature to deserve the most liberal encouragement; but that we had rather enter into no stipulation on the subject than be restricted to a direct intercourse, as had been proposed by the unratified treaty, both on the outward and return voyage.

On the other subject, (the rights and duties of the parties, one being at war and the other in a condition of peace,) we proceeded to remark, that whilst a prospect of a long European peace appeared to exist, as was the case when the treaty of Ghent was concluded, it was less important to provide for questions arising under this head. But it was impossible to shut our eyes to the demonstrations every where making of a new war, which, if it should assume a maritime character, might again menace the harmony and good understanding between the two countries. It was desirable, therefore, to anticipate and provide for the evil. The first and most important point was that of impressment. Great Britain had always professed a willingness to receive and consider any proposition which America should be disposed to make on that subject. It would, perhaps, be unprofitable at this time to go into a discussion of the right; as to which we would merely remark, that it was impossible that there could be a stronger conviction on the part of Great Britain that it was with her, than there was on the part of America that it was on her side. It was better to look to some practical arrangement, by which, without concession of right by either party, the mischiefs complained of on both sides might be prevented. To this end the attention of our Government had been turned. We believed that Great Britain had never heretofore contended that the American Government was bound to prohibit the merchants of the United States from employing foreign seamen, any more than it was bound to forbid their shipping contraband articles. America was, however, now willing to take upon herself such an obligation, and to exclude British seamen from her merchant service; and we believed such exclusion might be as effectually executed as our revenue laws. Here we called their attention to the act which Congress had passed on that subject, and to the message of the President to that body towards the close of its last session. Upon the supposition that the exclusion of British seamen should be absolute and entire, there would no longer exist any ground for the claim of impressment, and, of course, no objection to its abandonment. We stated that, besides the motive which existed with our Government of guarding against collision with Great Britain, another powerful one operated—that of encouraging our native seamen, and of not being obliged to rely on the uncertain supply of foreigners. To this system, as a substitute for that of impressment, it did not appear to us that Great Britain could object, unless it was thought to be impracticable in its execution. We had no doubt ourselves that, even admitting that there might be, as in cases of smuggling, occasional instances of evasion of the system of exclusion, it would nevertheless be, upon the whole, much more favorable in its result to Great Britain. This system would apply to and operate upon every American vessel; whilst that of impressment reached only the cases of those vessels with which it accidentally came in contact. We were aware of the difficulties which had heretofore opposed a satisfactory arrangement on this subject. Still, it was one of such vital importance, so tending to bring the two countries into collision, that it was impossible it should receive a consideration too earnest and too anxious.

The next point which it seemed to us important to settle was, the trade of America with the colonies of the enemies of Great Britain. Towards the end of the last European war, questions growing out of that trade had been terminated by the conquest of those colonies by Great Britain; but many of them having been restored at the peace, the disputes which heretofore existed might again arise. The former arrangements on this subject might, with some modifications, serve as a basis.

We then stated that we did not intend, in this preliminary and unofficial conversation, to discuss the other points belonging to this branch of the subject. A definition of blockades was desirable, and could not, it seemed, be attended with much difficulty, as we believed that there was no real difference between the two countries with respect to the abstract principle; but we apprehended that the disputes which might hereafter take place on that subject would arise almost exclusively from questions of fact, which no previous definition could prevent.

As, in the event of war, Great Britain might desire to know the disposition of our Government on the subject of privateers and prizes, we would only now say that the principle which might be adopted with respect to Great Britain, whether of admission or exclusion, must equally and impartially apply to all the parties to the war.

These were all the topics noticed by us, and we enforced and illustrated them by various other observations.

The British gentlemen, professing not to have expected those points to be brought forward which applied to a belligerent state of one of the parties, expressed a wish to know whether, in our view, the two subjects were inseparable, and whether we could not come to an agreement on those topics which were probably less difficult to be adjusted, leaving the others for further consideration and future arrangement? We replied, that, heretofore, they had always been blended together by our Government, and that we intended to bring them all up for consideration; that, at present, however, we only presented them for consideration, as it would be premature, at this time, to make any of them a *sine qua non;* and that whether a treaty omitting some of them would be acceptable, must depend

on its general tenor, and upon the extent and importance of the subjects which might be comprehended in the arrangement.

They proceeded to remark that some of the subjects had been always found to involve extreme difficulty, particularly that of impressment; that Great Britain was certainly prepared, at all times, to receive and to consider any proposition that America might be disposed to make in relation to it; but one of the gentlemen remarked that, from the deep interest which was felt by Great Britain in it, she must view with great jealousy (by which, he said, he meant vigilance) any such proposition; that the inquiry which they had just made as to our willingness to separate the two subjects proceeded from a wish to ascertain whether it were likely that any practical result could be speedily obtained, if they entered upon the negotiation at this time.

On the subject of discriminating duties, mentioned by us, they said their Government would receive favorably the proposition for a mutual abolition of them. As to the trade with India, their Government was not at all disposed to shut us out from it. In regard to the trade to the West Indies, considering the difficulties which had heretofore presented themselves in placing it, by treaty, upon a footing satisfactory to both parties, they feared it would not now be practicable to enter into any stipulation respecting it which should meet the views of the two countries.

The interview terminated by their stating that they would report to the cabinet the substance of what had passed between us, and by their pledging themselves to do all in their power to afford us an early answer.

On the 16th instant, having been again invited by the vice-president of the board of trade to call at his office, we accordingly attended, and were received by the same gentlemen. They stated that they had reported to the cabinet what had passed at the last interview, and were now prepared to give us an answer on the several topics to which the conversation related; in doing this, they would observe the order which had been marked out by us.

1st. On the commercial intercourse between the two countries, they were authorized to state that their Government was ready to treat with us on the footing of the most favored nation, and was also willing to enter into any arrangement by which all discriminating duties on importations and tonnage should be mutually done away. They were willing to admit us to the enjoyment of the trade with British India, unclogged by the restriction on the outward voyage contained in the unratified treaty, but must still insist on that contained in the treaty of 1794, on the return voyage. Considering that we had candidly stated that we had no equivalent to offer, except what was to be found in the trade itself, they would expect, for this concession, a spirit of accommodation on our side in other parts of the commercial arrangement—the fur trade, or some other.

The trade with the British West Indies, they stated, had always been a subject of great difficulty, and their Government was not prepared to make any change in that colonial policy to which they had so long adhered; but they would hope that this would not form any obstacle to the negotiation.

With respect to the trade with their North American possessions, they were ready to receive and discuss any propositions we might have to offer, with an anxious desire to place it on a footing mutually satisfactory.

2dly. On those subjects which related to a state in which one of the parties should be at war and the other in peace, it was not necessary to disguise that they had been always attended with great difficulties. Still they were willing, in a spirit of amity and with candor, to receive and to discuss any propositions we might offer.

With regard to blockades, they could not think it necessary to enter into any treaty definition of them, as the questions which might hereafter arise on that subject, according to our own statement, would relate rather to the fact than to the principle, on which the two Governments seemed to agree. Indeed, they thought that such a definition might tend to weaken, as implying a doubt of the correctness of the principle.

In relation to the trade with enemies' colonies, besides the intrinsic difficulty of the question, as heretofore experienced in all attempts to arrange it, there was another, arising out of their want of information as to whether France had adopted any, and what, system of colonial policy, since the restoration of her colonies. It might be that she had opened their trade to foreign nations in peace as well as in war; in which case, the questions that had heretofore existed could not be agitated again.

Impressment had, they continued, of all this class of subjects, been found most difficult to arrange. They were aware how important it was considered in both countries, and how, in both, it touched public sensibility. As heretofore, they were now ready to receive and consider any proposition our Government might make respecting it; and, even without any treaty stipulation, their Government was now anxiously engaged in devising means to prevent the abuses of which we complain. If the law which we had mentioned at the last interview should be effectual in its object, it would doubtless do away a great motive with them for impressment. Still they were bound to consider, with the most vigilant attention, any proposition for the abandonment of what they must consider a right essential to their safety. That law did not, however, as they understood, settle the question who were to be considered as British subjects—a question on which the two countries might not be able to come to an understanding.

With regard to our ideas respecting privateers and prizes, they were certainly fair and unexceptionable.

As they had hinted at some accommodation in the fur trade, or in other parts of the commercial arrangement, for their supposed concession respecting the India trade, we thought the occasion suitable for stating that we were positively instructed not to consent to the renewal of the trade between British subjects and the Indians within our territories. We stated that the disposition of our Government on this subject did not proceed from commercial, but political considerations. They did not insist upon it, nor seem to think that the determination of our Government would prevent an arrangement of the Canada trade. One of them inquired whether we expected, in like manner, to be excluded from the trade with the Indians in their territories? To which we replied, certainly.

We explained the law for the exclusion of foreign seamen from our service, and mentioned that the naturalization of seamen would be almost altogether prevented, in future, by the necessity of a continued residence of five years. We stated that we were authorized to enter into stipulations that would forbid the employment of such British seamen as might, under our laws, be hereafter naturalized; but that we could not do it with respect to those who were already naturalized. We had thought that, as to them, an exception might be made, permitting, on both sides, the voluntary employment of such seamen, natives of one country, as might have heretofore been naturalized under the laws of the other country. We added, that the number of British seamen already naturalized, which could constitute, as it appeared to us, the only difficulty in an arrangement, was very inconsiderable. Doctor Adams concurred in opinion that there were not many.

We made some further explanations, and finally told them that, considering the dispositions which we had been happy to meet with in them, we would now say, that we would enter upon the negotiation; reserving to ourselves, however, the right, as our powers were several as well as joint, to withdraw from it if circumstances should make it eligible to do so, and to leave Mr. Adams, whom we daily expected, to conclude it.

The interview closed by their undertaking to provide themselves immediately with the necessary powers to proceed in the negotiation, and by an assurance that they would continue to do all in their power to bring it to a speedy and successful issue.

Extract of a minute of a conversation which took place at Lord Castlereagh's, between his lordship and Messrs. Clay and Gallatin, April 16, 1815.

Lord Castlereagh then called the attention of the American commissioners to a communication made by them at Ghent, relative to their power to treat on the commercial intercourse between the two countries. He said, before he gave an answer to that communication, he should be glad, if it were agreeable to the American commissioners, that there should be an unofficial conversation between them and the British commissioners who negotiated the treaty of peace, together with Mr. Robinson, whom he would associate with them for that purpose, to ascertain if it were likely that some general principles could be agreed upon to form the basis of a treaty of commerce. He should prefer that this conversation, like that which he understood had taken place in the former negotiation between Lords Holland and Aukland, and Messrs. Monroe and Pinkney, should be free from official forms; and thought such a course best calculated to ascertain if it were likely that the two Governments could come to any practical result on this interesting subject.

It was observed by one of the American commissioners, that such a conversation would be on terms of inequality, (the American commissioners being invested with powers, and the other gentlemen having none,) unless it was understood not only that it should be considered as entirely unofficial, but that the same gentlemen should afterwards be commissioned to conclude a treaty, if it were thought that one could be formed. Lord Castlereagh remarked, in reply, that such was certainly his intention.

The conversation ended in an understanding that the American commissioners would consult together upon the three topics mentioned by Lord Castlereagh, and communicate on the following day to Mr. Goulburn the result of their deliberations.

The American Plenipotentiaries to the Secretary of State.

Sir: London, *July* 3, 1815.

We have the honor to transmit a convention for regulating the commercial intercourse between the United States and Great Britain, which we concluded this day with the British plenipotentiaries.

Messrs. Clay and Gallatin's despatch of the 18th May last has informed you of the preliminary steps taken by them on that subject. Mr. Adams arrived in London on the 25th of May, and on the 5th of June we were invited by Messrs. Robinson, Goulburn, and Adams, to meet them on the 7th. At this conference, after a mutual exhibition of our powers, and some general observations, we delivered to them our projet of a commercial convention, a copy of which (marked No. 1) is herewith enclosed. They promised to take it into immediate consideration, and on the 9th informed us that they would prepare and transmit to us a contre-projet.

Believing that there was no prospect of an immediate arrangement on the subject of seamen, and knowing that without it no treaty defining the rights and duties of belligerents and neutrals was admissible, we excluded all that related to that branch of the subject from our projet, and confined it to objects purely commercial.

We took the third article of the treaty of 1794, respecting the intercourse with Canada, as the basis of the corresponding article; omitting, according to our instructions, whatever related to the Indian trade. In drawing the other articles, we were principally guided by the unratified treaty of 1806; by the instructions given in relation to it by the Secretary of State, in his despatch of May 20th, 1807; and by the act of Congress of 3d March last, for abolishing all discriminating duties. From the previous explicit declarations of the British plenipotentiaries, we deemed it useless to offer any article on the subject of the intercourse with the West India islands, and only inserted a clause to prevent the application to that intercourse of the provisions contemplated by the convention.

On the 16th the British plenipotentiaries addressed to us a note, enclosing their contre-projet, (marked No. 2;) and on the 17th we transmitted our answer, (marked No. 3.) The whole subject was discussed at large in conferences held on the 19th and 21st. The British plenipotentiaries, in a note of the 20th, (marked No. 4,) stated the substance of their answer to ours of the 17th. In the conference of the 21st we delivered the additional clause to the second article of the contre-projet, (marked No. 5;) and afterwards, on the same day, we transmitted our note marked No. 6.

It will be perceived, by these notes, that we had come to an understanding as to the intercourse between the United States and the British territories in Europe, and that we disagreed on three points: the intercourse with Canada; placing, generally, both countries on the footing of the most favored nations; and the intercourse with the British East Indies.

On the first point, the British plenipotentiaries persisted in refusing to admit that the citizens of the United States should have the right to take their produce down the river St. Lawrence to Montreal, and down the river Chambly (or Sorel) to the St. Lawrence; and, without that permission, the article was useless to us, and unequal in its practical operation. The provision that the importation of our produce into Canada should not be prohibited, unless the prohibition extended generally to all similar articles, afforded us no security, as no similar articles are imported into Canada from any other foreign country; whilst the corresponding provision, respecting the importation into the United States, through Canada, of the produce and manufactures of Great Britain, effectually prevented us from prohibiting such an importation, since this could not be done without extending the prohibition to the importation of all similar articles, either of British or other foreign growth or manufacture, into the Atlantic ports of the United States.

The article for placing, respectively, the two countries on the footing of the most favored nation, limited, as was insisted on by the British plenipotentiaries, to the intercourse between the United States and the European territories of Great Britain, was unnecessary, since all that appeared desirable on that subject was secured by the second article; and a provision of that nature, unless offering some obvious advantage, was deemed embarrassing, on account of the difficulties attached to its execution.

With this view of the two subjects, and finding that to arrange them in a satisfactory manner was impracticable, we proposed, in our note of the 21st, to omit altogether the articles relating to them.

On the subject of the intercourse with India, the British plenipotentiaries, contrary to the impression made in the unofficial conversations on Messrs. Clay and Gallatin, insisted, on our official conferences, that our admission to that trade was, on the part of Great Britain, a concession altogether gratuitous, and for which, particularly as to the privilege of indirect outward voyages, she ultimately expected an equivalent; whilst we strenuously contended that an equivalent was found in the trade itself, which was highly beneficial to India, or, at all events, considering the nature of the commercial intercourse generally between the two countries, in the other provisions of the convention. On the same ground, we urged our claim to be placed in India on the same footing, at least, as the most favored nations; to which it was replied that they made a distinction between those nations which had pos-

sessions there and those which had none. The refusal not being altogether explicit, we renewed our proposal to that effect in our note.

The British plenipotentiaries, in a note of the 23d, (marked No. 7,) acceded to our proposal to omit the third and fifth articles, and, refusing that on the subject of India, offered to omit the article altogether, and to sign a convention embracing only the provisions respecting the intercourse between the United States and the British territories in Europe.

This proposal we rejected in our note of the 24th, (marked No. 8.) But in order to meet, if practicable, the views of the British Government, and to avoid making any distinction between the East India trade and the other branches of commercial intercourse, we proposed to limit the duration of the whole convention to four years; and we offered, as an alternative, an arrangement for the sole purpose of abolishing the discriminating duties, in conformity with the act of Congress of the last session.

In a note of the 26th, (marked No. 9,) the British plenipotentiaries informed us that they found it necessary to refer our last proposals to their Government; and by their note of the 29th, (marked No. 10,) they accepted our offer of a convention embracing the East India article, and limited to four years, to be calculated from the date of its signature. We replied to this in a note dated 30th June, (and marked No. 11,) and on the same day arranged, in a conference, the details of the convention.

We beg leave to add, that the same restriction which confines our vessels to the principal ports of India is, except in special cases, imposed by the act of Parliament on British subjects; and that, besides the discrimination in the export duty from England, the difference on the import duty on the article of cotton had, by a late act of Parliament, been increased to two-pence sterling per pound in favor of every species imported in British vessels, and even of Brazil cotton imported in Portuguese vessels.

We have the honor to be, respectfully, sir, your obedient servants,

JOHN QUINCY ADAMS,
H. CLAY,
ALBERT GALLATIN.

The Hon. JAMES MONROE, *Secretary of State, Washington.*

No. 1.

Projet of the American Minister.

ART. 1. There shall be, between the territories of the United States and all the dominions of His Britannic Majesty in Europe, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers within the territories and dominions aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time; also, to hire and possess houses and warehouses, for the purposes of their commerce; and, generally, the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries, respectively.

ART. 2. No other or higher duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the dominions of His Britannic Majesty in Europe, nor on the importation into His Britannic Majesty's dominions in Europe, of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles being of the growth, produce, or manufacture of any other foreign country. Nor shall any higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States, or to His Britannic Majesty's dominions in Europe, respectively, than such as are payable on the exportation of the like articles to every other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States, or of His Britannic Majesty's dominions in Europe, to or from the said States, or the said dominions, which shall not equally extend to all other nations. No other or higher duties or charges shall be imposed, in any of the ports of the United States, on British vessels, (such only excepted as may be bound from or to British possessions to which vessels of the United States are not permanently admitted,) than shall be payable, in the said ports, by vessels of the United States; nor in the ports of any of His Britannic Majesty's dominions in Europe, on the vessels of the United States, than are or shall be payable in the said ports by British vessels. The same duties of exportation and importation, and also the same drawbacks and bounties, shall be respectively paid and allowed, in either country, on all articles the produce, growth, or manufacture of the United States, or of His Britannic Majesty's dominions in Europe, whether such exportation or importation be in vessels of the United States or in British vessels.

ART. 3. His Britannic Majesty agrees that the vessels of the United States shall be admitted, and hospitably received, in all the seaports and harbors of the British dominions in the East Indies; and that the citizens of the said States may freely carry on a trade with the said territories, in all articles of which the importation or exportation respectively to or from the said territories shall not be entirely prohibited: *Provided, only*, That it shall not be lawful for them, in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military or naval stores, or rice.

The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher duty or charge than shall be payable on British vessels in the ports of the United States; and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen; or to some port or place, or ports or places in China, or in the Indian seas, whence the said vessels shall proceed, as aforesaid, to some port or place in America, and there unlade the whole of the articles exported, in the manner above mentioned, from the aforesaid British territories; and such regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories, without the special permission of the British Government there; but the vessels going from one port to another of the said territories, for the sole purposes either of discharging their original cargoes, or part thereof, or of completing their return cargoes, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the United States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgressions should be attempted against the regulations of the Brit-

ish Government in this respect, the observance of the same shall and may be enforced against the citizens of America, in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction, of whatsoever nature, established in such harbor, port, or place, according as the same may be. The vessels of the United States may also touch for refreshment at the island of St. Helena, or at such other ports or places as may be in the possession of Great Britain in the African or Indian seas, but subject, in all respects, to such regulations as the British Government may from time to time establish there.

ART. 4. The navigation of all the lakes, rivers, and water communications, the middle of which is the boundary between the United States and His Britannic Majesty's dominions on the continent of North America, shall, at all times, be free to the citizens of the United States and to His Majesty's subjects. The said citizens and subjects may freely carry on trade and commerce with each other, and for that purpose pass and repass by land or inland navigation into the respective territories of the two parties on the said continent; and no higher or other tolls, or rates of ferriage, than what are or shall be payable by natives, shall be demanded on either side. All goods and merchandise, whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of the commerce above mentioned, be carried into the same, in the manner aforesaid, by His Majesty's subjects; and such goods and merchandise shall be subject to no higher or other duties than would be payable by citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said United States; and, in like manner, all goods and merchandise, whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of the commerce above mentioned, be carried into the same, in the manner aforesaid, by the citizens of the United States; and such goods and merchandise shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. All goods not prohibited to be exported from the said territories, respectively, may, in like manner, be carried out of the same by the two parties. No duty of importation or exportation shall be levied by either party on peltries or furs which may be brought, in the manner aforesaid, by land or inland navigation, from the said territories of one party into the said territories of the other party.

ART. 5. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, and agents for the protection of seamen, to reside in the dominions and territories of the other party; and the said consuls and agents shall enjoy the liberties and rights which belong to them by reason of their functions. But before any consul or agent aforesaid shall act as such, he shall be, in the usual form, approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that, in case of illegal or improper conduct towards the laws or Government, a consul or agent aforesaid may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back; the offended Government assigning to the other the reasons for the same.

ART. 6. It being the intention of the high contracting parties that the people of their respective dominions shall be placed on the footing of the most favored nation, it is agreed, that in case either party shall hereafter grant any additional advantage in navigation or trade to any other nation, the citizens or subjects of the other party shall fully participate therein—freely, where it is freely granted to such other nation, or yielding the same compensation where the grant is made for some equivalent.

No. 2.

The British Plenipotentiaries to the American Plenipotentiaries.

BOARD OF TRADE, *June* 16, 1815.

The undersigned have the honor to transmit to the plenipotentiaries of the United States a contre-projet for the arrangement of the commercial intercourse between the two countries. The American plenipotentiaries will observe, that the article respecting the British East Indies is not proposed to be included in the body of the treaty, but in a separate article, and more limited in point of duration than would be suitable to the arrangements of the treaty itself. The undersigned, nevertheless, flatter themselves that the American plenipotentiaries will see in the proposed article for the East India intercourse a proof of the liberal and conciliatory disposition with which the British Government is disposed to act upon the subject.

It will be recollected that at one of the unofficial conferences, and, subsequently, at the first official conference held with the American plenipotentiaries, the undersigned stated, by order of their Government, that if the power of going from the United States to the British dominions in the East Indies by an indirect course were conceded, Great Britain must be considered as entitled to some equivalent for the concession, and that the fur trade was pointed out by the undersigned as capable of furnishing that equivalent.

The American plenipotentiaries having stated that their instructions did not permit them to grant, by stipulation, any commercial intercourse between His Majesty's subjects and the Indians residing within the acknowledged boundaries of the United States, and not having suggested any other means of finding an equivalent, the undersigned would have been fully justified in tendering a contre-projet which wholly omitted the concession in question. But His Majesty's Government, anxious to renew the commercial relations of the two countries, in the true spirit of peace and harmony, has authorized the undersigned to offer a separate article, by which the indirect voyage from the United States to the British East Indies will be permitted, without equivalent, for the space of two years, in the confident hope that during that period the American Government will be enabled to propose such an equivalent as may induce Great Britain to make that permission commensurate with the general duration of the treaty.

The undersigned will be happy to have the honor of seeing the American plenipotentiaries on any day which may suit their convenience, and request them to accept the assurance of their high consideration.

F. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

Contre-projet of the British Commissioners.

ARTICLE 1. There shall be, between all the territories of His Britannic Majesty in Europe, and the territories of the United States of America, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty fully and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid, to which other foreigners are permitted to come; to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete

protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

ART. 2. No other or higher duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe of any articles the growth, produce, or manufacture of the United States, and no other or higher duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in either of the two countries on the exportation of any articles to His Britannic Majesty's territories in Europe, or to the United States, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any article the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, or of the United States, to or from the said territories of His Britannic Majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No other or higher duties or charges shall be imposed in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States, than shall be payable on British vessels; nor in any of the ports of the United States on British vessels, than those payable in the same ports by vessels of the United States.

ART. 3. The navigation of all lakes, rivers, and water communications, the middle of which is or may be the boundary between His Britannic Majesty's territories on the continent of North America, and the United States, shall, with the exceptions hereinafter mentioned, at all times be free to His Majesty's subjects and the citizens of the United States. The inhabitants of His Britannic Majesty's territories in North America, and the citizens and subjects of the United States, may freely carry on trade and commerce by land or inland navigation, as aforesaid, with goods and merchandise the growth, produce, or manufacture of the British territories in Europe or North America, or of the United States, respectively, within the territories of the two parties, respectively, on the said continent, (the countries within the limits of the Hudson's Bay Company only excepted;) and no other or higher duties or tolls, or rates of ferriage, or portage, than what are or shall be payable by natives, respectively, shall be taken or demanded on either side. All goods or merchandise, whose importation into the United States shall not be wholly prohibited, may fully, for the purposes of the commerce above mentioned, be carried into the said United States, in the manner aforesaid, by His Britannic Majesty's subjects; and the said goods and merchandise shall be subject to no higher or other duties than would be payable by citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the United States. And, in like manner, all goods and merchandise the growth, produce, or manufacture of the United States, whose importation into His Majesty's said territories in America shall not be entirely prohibited, may fully, for the purposes of the commerce above mentioned, be carried into the same by land, or by means of such lakes, rivers, and water communications as above mentioned, by the citizens of the United States; and such goods and merchandise shall be subject to no other or higher duty than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. No duty shall be levied by either party on peltries or furs which may be brought in the manner aforesaid by land or inland navigation, from the said territories of the other; but tolls, or rates of ferriage, or portage, may be demanded and taken in manner above mentioned on such peltries or furs.

It is hereby declared, that nothing in this article contained, as to the navigation of rivers, lakes, or water communications, shall extend to give a right of navigation upon or within the same in those parts where the middle is not the boundary between His Britannic Majesty's territories and the United States of America.

ART. 4. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent. And it is hereby declared that, in case of illegal or improper conduct towards the laws or Government of the country to which he is sent, such consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended Government assigning to the other the reasons for the same.

It is hereby declared, that either of the contracting parties may except from the residence of consuls such particular places as such party shall judge proper to be so excepted.

ART. 5. It being the intention of the contracting parties that the inhabitants of His Britannic Majesty's territories in Europe, and the inhabitants of the United States, shall, in respect to commerce between the said territories, be placed on the footing of the most favored nations, it is agreed, that in case either of the contracting parties shall hereafter grant any additional advantages in commerce or navigation to any European nation as to the importation or exportation to or from such other European nation and His Britannic Majesty's territories in Europe, or to or from such European nation and the territories of the United States, the citizens and subjects of the other contracting party shall likewise enjoy the same, freely, where it has been freely granted to such other European nation, and, where conditionally granted, on the same terms and conditions on which such advantage shall have been granted, or on terms and conditions which may be afterwards agreed upon as equivalent thereto by the contracting parties.

FIRST SEPARATE ARTICLE.

His Britannic Majesty agrees that the vessels of the United States shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, *videlicet*, Calcutta, Madras, Bombay, and the Prince of Wales's island; and that the citizens of the said United States may fully carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories shall not be entirely prohibited: ***Provided, only***, That it shall not be lawful for them, in any time of war between the British Government and any Power or State whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no other or higher duty or charge than shall be payable on the vessels of the most favored European nations; and they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favored European nation.

But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade.

The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, at the Cape of Good Hope, the island of St. Helena, or such other places as may be in the possession of Great Britain in the African or Indian seas; it being well understood that, in all that regards this article, the citizens of the United States shall be subject in all respects to the laws and regulations of the British Government from time to time established.

SECOND SEPARATE ARTICLE.

It is hereby agreed and declared, that the first separate article of the present treaty shall be limited in its duration to the period of two years from the date of the exchange of the ratifications of the said treaty.

No. 3.

The American to the British Plenipotentiaries.

HARLEY STREET, *June* 17, 1815.

The undersigned have the honor to acknowledge the receipt of the note of His Britannic Majesty's plenipotentiaries of the 16th instant, enclosing their contre-projet for the arrangement of the commercial intercourse between the two countries.

Anxious to ascertain, with as little delay as possible, whether there be any probability that such an arrangement can now be concluded as shall be satisfactory to both parties, the undersigned will not at this time enter into a discussion of the subject, and, leaving minor points for subsequent consideration, will only propose the following alterations in the contre-projet of His Britannic Majesty's plenipotentiaries, viz:

Art. 2.—1st. To reinstate the clause in the projet of the undersigned which provided that the same duties, drawbacks, and bounties should be paid and allowed in either country, on the importation or exportation of articles the produce, growth, or manufacture of His Britannic Majesty's territories in Europe, or of the United States, whether such importations or exportations should be in British vessels or in vessels of the United States.

2d. To reinstate the clause in the projet of the undersigned which excepted from the provision to equalize tonnage duties British vessels bound to or from British possessions to which vessels of the United States were not permanently admitted; or to introduce a new article, providing that neither the intercourse between the United States and His Britannic Majesty's possessions in the West Indies, nor that by sea between the said States and His Britannic Majesty's possessions in North America, shall be affected by any article in the treaty, but that each party shall remain in the complete possession of its rights, in respect to such an intercourse.

Art. 3.—To reinstate, in substance, the article proposed on that subject by the undersigned, so that the commerce by land or inland navigation, sanctioned by the article, be confined to that which may be carried on between the citizens of the United States and His Britannic Majesty's subjects; and so as not to preclude the citizens of the United States from carrying articles of the growth, produce, or manufacture of the said States down the river St. Lawrence, as far at least at Montreal, and down the waters of Lake Champlain, as far at least as the St. Lawrence; or, if no satisfactory arrangement can at present be formed on this subject, to omit the article altogether.

Art. 5.—To place, generally, each nation on the footing of the most favored nation, without restricting that privilege, as relates to the citizens of the United States, to the commerce with His Britannic Majesty's territories in Europe.

Second separate article to be omitted.

The undersigned will have the honor to wait on His Britannic Majesty's plenipotentiaries on Monday, the 19th instant, at two o'clock, at the Office of Trade, when the undersigned hope they will be able to communicate to them their final determination on the proposed alterations.

The undersigned request His Britannic Majesty's plenipotentiaries to accept the assurances of their distinguished consideration.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN.

The Rt. Hon. F. J. ROBINSON, H. GOULBURN, and Dr. WILLIAM ADAMS.

No. 4.

The British to the American Plenipotentiaries.

BOARD OF TRADE, *June* 20, 1815.

In compliance with the request of the American plenipotentiaries, the undersigned have the honor to communicate to them, in writing, the substance of the observations which were made on the part of the British plenipotentiaries, in the conference of yesterday, upon the different points referred to in the note of the American plenipotentiaries of the 17th instant.

Upon the first point, relating to a part of the second article of the contre-projet of the undersigned, the British plenipotentiaries stated it to be the intention of their Government to agree not only to a mutual equalization of such duties as may be properly called tonnage duties, but also of all duties upon the importation of goods the growth, produce, or manufacture of the two countries, respectively, whether imported in British or in American ships; they stated, further, their readiness to accede to a similar and mutual equalization of bounties payable upon the above articles. Upon the subject of drawbacks, they represented that the clause, as proposed by the American plenipotentiaries, appeared to give to the vessels of the United States which might be engaged in the general re-exportation of American produce from this country to all other parts of the world an advantage equal to that enjoyed by British ships; and that this privilege went beyond the general principle of an article which was confined to the trade between the two countries, respectively. They expressed a wish to receive from the American plenipotentiaries a more precise explanation of their views upon this point.

Upon the second point referred to in the note of the American plenipotentiaries, the undersigned expressed their readiness to agree to a clause which should contain the latter alternative suggested by the American plenipotentiaries.

Upon the third article, relating to the intercourse between Canada and the United States, the undersigned disclaimed any intention of obtaining, by any interpretation of the words of the article as they had proposed it, a right to an intercourse with the Indians residing within the acknowledged limits of the United States, which the

American plenipotentiaries had already stated that their instructions forbade them to concede. And they expressed their readiness to agree to the insertion of such words as would clear up any doubt which might exist upon the subject.

As to the navigation of the river St. Lawrence as far as Montreal, and that of the waters flowing from Lake Champlain to that river, the undersigned stated themselves not to be authorized to stipulate the concession of that indulgence in the way proposed by the American plenipotentiaries. The undersigned likewise stated their objections to extending Article 5 beyond the intercourse between the United States and His Britannic Majesty's dominions in Europe.

In regard to the two separate articles of the contre-projet, the undersigned stated that they had no authority to grant the first, unless accompanied by a limitation in point of time; and when the American plenipotentiaries proposed, as a substitute for that article, one which should give the United States the same privileges as the most favored European nations in their intercourse with the British possessions in that quarter, the undersigned, whilst they admitted that, in some respects, it stood upon different grounds from an article which should grant the indirect voyage to the East Indies, without any equivalent or limitation in point of time, did not feel themselves authorized to hold out any expectation that this new suggestion could be acceded to by Great Britain.

The undersigned request the American plenipotentiaries to accept the assurances of their high consideration.

F. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 5.

Second sketch of article for equalizing duties.

The same duties shall be paid on the importation into the ports of any of His Britannic Majesty's territories in Europe of any articles the growth, produce, or manufacture of the United States, and the same drawbacks shall be allowed on the re-exportation thereof, whether such importation shall be in vessels of the United States or in British vessels; and the same duties shall be paid on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, and the same drawbacks shall be allowed on the re-exportation thereof, whether such importation shall be in vessels of the United States or in British vessels. The same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of the United States to His Britannic Majesty's territories in Europe, whether such exportation shall be in vessels of the United States or in British vessels; and the same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States or in British vessels.

No. 6.

The American to the British Plenipotentiaries.

HARLEY STREET, *June* 21, 1815.

The undersigned have the honor to acknowledge the receipt of the note of the British plenipotentiaries dated the 20th instant, communicating the substance of the observations which they had made in the conference of the 19th, upon the different points referred to in the note of the undersigned of the 17th instant.

The views of the undersigned, with respect to the second article, being precisely the same with those stated by the British plenipotentiaries, there will be no difficulty in framing a clause embracing the objects contemplated by both parties, and which shall be free from ambiguity.

The explanation given by the British plenipotentiaries upon that part of the third article which the undersigned apprehended might be liable to a construction, in reference to the Indian trade, not intended by either party, is perfectly satisfactory. But they regret that they cannot accede to the alterations proposed in other respects by the British plenipotentiaries to the article which had been offered by the undersigned, particularly as they affect the privilege of inland navigation by the river St. Lawrence and by the waters flowing from Lake Champlain; nor have they found it practicable to frame any article compatible with the different views entertained by the two parties respecting the intercourse between the United States and Canada. They therefore recur to the proposal made in their note of the 17th instant, to omit that article altogether, that proposal not having been noticed in the note of the British plenipotentiaries of the 20th instant.

They make the same offer as to the fifth article of the contre-projet.

And, thirdly, they hereby renew the proposal made verbally in the conference of the 19th instant, to substitute, for the two separate articles, one placing the United States, in their intercourse with the British possessions in India, on the footing of the most favored European nation.

The undersigned request to be made acquainted with the determination of the British plenipotentiaries on those three propositions.

The undersigned tender again to the British plenipotentiaries assurances of their distinguished consideration.

JOHN QUINCY ADAMS,
H. CLAY,
ALBERT GALLATIN.

The Rt. Hon. F. ROBINSON, H. GOULBURN, and Dr. WILLIAM ADAMS.

No. 7.

The British to the American Plenipotentiaries.

BOARD OF TRADE, *June* 23, 1815.

The undersigned have the honor to acknowledge the receipt of the note of the American plenipotentiaries of the 21st instant, and are happy to find that no difficulty exists on either side as to the second article. Upon the subject of the third article, the undersigned regret to learn that the American plenipotentiaries have not found it practicable to frame any article compatible with the different views entertained by the two parties respecting the intercourse between Canada and the United States; and as the undersigned are equally unable to accede to the proposition made on the part of the United States respecting the navigation of waters lying exclusively within the territories of His Britannic Majesty, they accede to the proposal of omitting the article altogether. They have also no objection to the omission of the fifth article.

In regard to the trade with the British East Indies, the undersigned are not authorized to substitute, for the two separate articles which they had proposed, one which shall put the intercourse of the United States in that quarter upon the footing of the most favored European nation, inasmuch as it would have the practical effect of granting, in another shape, that which the undersigned are instructed to withhold, unless accompanied by a greater limitation of time than they would think it expedient to apply to the other arrangements of the treaty. If, however, the American plenipotentiaries adhere to their objection to the substance of the two separate articles, as proposed on the part of Great Britain, the undersigned are ready to omit altogether any article upon the subject of the East Indies.

The undersigned are nevertheless disposed to consider the arrangements of the second article (as agreed upon, or understood,) to be of sufficient importance to the mutual interests of Great Britain and the United States, particularly in the common object of securing a free commercial intercourse between the two countries, to induce them readily to sign a treaty or convention for that single purpose, independent of the other points to which the negotiation has referred.

The undersigned are happy, upon this occasion, to renew to the American plenipotentiaries the assurances of their high consideration.

F. J. ROBINSON,
WILLIAM ADAMS.

No. 8.

The American to the British Plenipotentiaries.

HARLEY STREET, *June* 24, 1815.

The undersigned have the honor to acknowledge the receipt of the note of the British plenipotentiaries of the 23d instant, expressing their assent to the proposal of omitting the third and fifth articles of the contre-projet. To the proposal of omitting, also, altogether, any article upon the subject of the East Indies, and of signing an arrangement embracing all the provisions contained in the second article, the undersigned do not feel themselves authorized to accede. But they offer to sign a convention embracing that article entire, and the first separate article, the whole of which convention shall be limited to the term of four years from the date of the exchange of the ratifications; or they will agree to a convention for the sole purpose of abolishing all discriminating duties on American and British vessels, and their cargoes, in the intercourse between the United States and his Britannic Majesty's territories in Europe, in the manner contemplated by the second article, and as explained and mutually agreed on in the conferences on that subject, omitting all the other provisions contained in the same article, and which had for object to place the two countries, respectively, on the footing of the most favored nation.

The undersigned request the British plenipotentiaries to accept the assurances of their distinguished consideration.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN.

The Rt. Hon. F. J. ROBINSON, H. GOULBURN, and DR. WILLIAM ADAMS.

No. 9.

The British to the American Plenipotentiaries.

BOARD OF TRADE, *June* 26, 1815.

The undersigned have the honor to acknowledge the receipt of the note of the American plenipotentiaries of the 24th instant, in which they offer to sign a convention embracing the second article entire, and the first separate article, the whole convention to be limited to the term of four years from the date of the exchange of the ratifications; or to agree to a convention for the sole purpose of abolishing all discriminating duties on American and British vessels, and their cargoes, in the intercourse between the United States and the British territories in Europe, omitting all the other provisions contained in the same article, and which had for object to place the two countries, respectively, on the footing of the most favored nation.

As neither of these proposals were contemplated in the instructions with which the undersigned were originally furnished, and which were framed with a view to a less limited arrangement, they have felt themselves under the necessity of referring the last note of the American plenipotentiaries to the consideration of their Government, and will not fail to communicate the result of that reference as soon as they shall be enabled to do so.

The undersigned are happy to avail themselves of this opportunity of renewing to the American plenipotentiaries the assurances of their high consideration.

F. J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

To the AMERICAN PLENIPOTENTIARIES.

No. 10.

The British to the American Plenipotentiaries.

BOARD OF TRADE, *June* 29, 1815.

In reference to the note which the undersigned had the honor to address to the American plenipotentiaries on the 26th instant, they are now instructed to acquaint them that the British Government is ready to agree to a convention for four years, (to be calculated from the date of its signature,) which shall contain the whole of the second article, as proposed by the undersigned, and as explained and mutually agreed upon in their several conferences; and also the first separate article, relating to the East Indies, as proposed on the part of Great Britain, (the latter article also to be in force for four years from the same date.) The undersigned, in making this communication to the American plenipotentiaries, feel it to be their duty to state, in the most explicit manner, that although, in the earnest desire of promoting a good understanding between the two countries, the British Government has, at the present time, forborne to insist on making in the body of the treaty any marked distinction between its concession in regard to the East Indies, and its other concessions, for which a stipulated equivalent is obtained, yet that it still considers itself as granting to the United States a privilege, in regard to the East Indies, for which it is entitled to

require an equivalent; and the undersigned must, therefore, be distinctly understood as reserving to His Majesty's Government, in any future negotiations, the clear right either of withholding this privilege altogether, after the expiration of four years, or of renewing the grant of it for such equivalents, or subject to such modifications, as expediency may seem to require at the time of such future negotiations.

The undersigned request to have the honor of seeing the American plenipotentiaries on Friday next, the 30th instant, at two o'clock, at the Board of Trade; and avail themselves of this opportunity of again offering the assurances of their high consideration.

F. J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 11.

The American to the British Plenipotentiaries.

HARLEY STREET, *June* 30, 1815.

The undersigned have had the honor to receive the note of the British plenipotentiaries, dated the 29th instant, and stating the terms on which their Government is ready to agree to a convention on the subject of the commercial intercourse between the United States and Great Britain.

The undersigned have already, in the conferences which they had the honor to hold with the British plenipotentiaries, expressed their opinion that the proposed convention, taken altogether, was founded on principles of reciprocity, was equally advantageous to both parties, and contained in itself a fair equivalent for every presumed concession made by either party; but both Governments will undoubtedly have a clear right, after the expiration of four years, of refusing to renew, or of subjecting to modifications, any of the stipulations now agreed on which may appear to either party injurious, or requiring some further equivalent. The same earnest desire of promoting a good understanding between the two countries, which has been expressed on the part of Great Britain, has induced the undersigned to agree to a convention more limited both as to its objects and duration than they had contemplated, with a hope that, in the mean time, its deficiencies may be supplied, and such other provisions may be adopted, as will conduce to mutual convenience, and tend to strengthen the relations of amity and friendship happily restored between the two countries.

The undersigned will have the honor to meet the British plenipotentiaries this day, and feel pleasure in renewing the assurances of their high consideration.

JOHN QUINCY ADAMS,
H. CLAY,
ALBERT GALLATIN.

The Rt. Hon. F. J. ROBINSON, H. GOULBURN, Esq., and Dr. W. ADAMS.

The undersigned, His Britannic Majesty's chargé des affaires in the United States, has the honor to acquaint the American Secretary of State, for the information of the President, that he has received His Royal Highness the Prince Regent's ratification, in the name and on the behalf of His Majesty, of the commercial convention between the two countries, signed at London on the 3d of last July; and that he has been authorized and is ready to proceed to the exchange, whenever the ratification on the part of the United States shall have taken place.

In communicating this intelligence, the undersigned has received the Prince Regent's commands, at the same time, to transmit to the Government of the United States the accompanying declaration, explanatory of the intentions of His Majesty's Government in so far as regards the intercourse of vessels belonging to the United States with the island of St. Helena; the existing circumstances of the world having rendered it necessary that that island should, for the present, be excepted from the ports of refreshment enumerated in the third article of the said convention.

The undersigned avails himself of this opportunity of requesting the American Secretary of State to accept the assurance of his high consideration.

ANTHONY ST. JOHN BAKER.

DECLARATION.

The undersigned, His Britannic Majesty's chargé des affaires in the United States of America, is commanded by His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London on the 3d of July of the present year, for regulating the commerce and navigation between the two countries, that, in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns, that St. Helena shall be the place allotted for the future residence of General Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person; and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India Company, shall be excluded from all communication with or approach to that island.

It has, therefore, become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the island of St. Helena; and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding that the vessels of the United States cannot be allowed to touch at or hold any communication whatever with the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte.

ANTHONY ST. JOHN BAKER.

WASHINGTON, *November* 24, 1815.

14th Congress.] No. 281. [1st Session.

GREAT BRITAIN—MASSACRE AT DARTMOOR PRISON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 31, 1816.

To the House of Representatives of the United States: WASHINGTON, *January* 31, 1816.

I transmit a report of the Secretary of State, complying with a resolution of the 4th instant.

JAMES MADISON.

DEPARTMENT OF STATE, *January* 31, 1816.

The resolution of the House of Representatives of the 4th instant, requesting the President to cause to be laid before that House (if in his opinion it will not be inconsistent with the public welfare) any authentic information he may have received, or communications which may have passed between this Government and the Government of Great Britain, in relation to the transactions at Dartmoor prison, in the month of April last, as far as the American prisoners of war there confined were affected by such transactions, having been referred to the Secretary of State, he has the honor to submit to the President the accompanying papers, marked A, B, and C, as containing all the information in this Department called for by the resolution, or immediately connected with it.

All which is respectfully submitted.

JAMES MONROE.

List of papers in packet marked A.

Extract of a minute of a conversation which took place at Lord Castlereagh's, between his lordship and Messrs. Clay and Gallatin, on the 16th of April, 1815.

Extract of a letter from Messrs. Clay and Gallatin to Mr. Beasley, dated the 18th of April, 1815.

Letter of Mr. Charles King to Mr. Adams, dated Plymouth, 26th April, 1815.

Report of Messrs. Larpent and King, upon the occurrence at Dartmoor prison, dated 26th of April, 1815.

Letter of Lord Castlereagh to Messrs. Clay and Gallatin, dated 22d of May, 1815.

Letter of Messrs. Clay and Gallatin to Lord Castlereagh, dated 24th of May, 1815.

Extract of a letter from Mr. Adams to the Secretary of State, dated 23d of June, 1815.

Letter of Mr. Baker, His Britannic Majesty's chargé des affaires, to the Secretary of State, dated Aug. 3, 1815.

Letter of the Secretary of State to Mr. Baker, dated December 11, 1815.

A.

Extract of a minute of a conversation which took place at Lord Castlereagh's, between his lordship and Messrs. Clay and Gallatin, on the 16th of April, 1816.

Lord Castlereagh began by adverting to the unfortunate event which had taken place at Dartmoor, and proposed that, as a statement of the transaction had been received from the American prisoners differing very materially in fact from an inquiry instituted by the port admiral, some means should be devised of procuring information as to the real state of the case; in order either, on the one hand, to satisfy the United States that the lives of their citizens, however unfortunately, had not been wantonly sacrificed, or, on the other, to enable the British Government to punish their civil and military officers, if they should be found to have resorted to measures of extreme severity without necessity, or with too much precipitation. He therefore proposed that one of the American commissioners should proceed to Dartmoor, with one of the gentlemen with whom they had negotiated at Ghent, and, after examining the persons concerned, and such other evidence as might be thought necessary, should make a joint report upon the facts of the case; that as neither Government could have any other wish beyond that of clearing up a transaction which might, if left unexplained, and as it now stood, upon *ex parte* statements, create much irritation between the two countries, so the British Government had no desire to screen any person whose conduct might have been improper or precipitate.

The American commissioners, agreeing to the principles of Lord Castlereagh's proposition, so far as related to the advantage of having a joint report upon the facts of the case, entertained doubts whether they could, with propriety, take such a duty upon themselves; and suggested that Mr. Beasley, from the situation which he held in this country, appeared to them better qualified for the task. Lord Castlereagh replied, that it was only from a desire of giving to any report which might be made the sanction of the highest authority, that he had suggested the employment of the commissioners themselves; and, deeming it of the most essential importance to satisfy the public in both countries on this subject, he was induced to prefer his original proposition; but that he must, of course, leave it to the American commissioners to decide whether Mr. Beasley was better fitted for this service; and that, upon receiving the result of their consideration of the subject, the Government would appoint some person properly qualified to meet the American gentleman who might be so selected; such person being either one of the late British commissioners at Ghent, or a commissioner of the transport board, according as the American commissioners might decide upon going themselves or sending Mr. Beasley. Lord Castlereagh then entered upon the immediate release of the American prisoners of war detained in this country. After stating the inconvenience of retaining in confinement men who had a right, under a treaty of peace, to be liberated, he requested information as to whether Mr. Beasley was proceeding in the measures which he understood to have been taken for conveying them back to America.

The American commissioners stated that Mr. Beasley had certainly taken up some transports, on his own responsibility, previous to the receipt of instructions from America; but that the American Government considered the restoration of prisoners to imply their reconveyance to their own country by the Power detaining them; and the American commissioners did not know whether Mr. Beasley had either authority or funds for continuing the service which he had, on his own view of the subject, commenced.

Lord Castlereagh stated that he saw no objection to adopting some such measure as that which had been adopted in America, and proposed that such party should defray half the expense of conveying the prisoners from this country to America, leaving the ultimate construction of the treaty for future arrangements. But he remarked, that the article on which the doubt had arisen being founded on principles of perfect reciprocity, it appeared to him scarcely consonant with those principles, that the only expense to be defrayed by the United States should be that of conveying the British prisoners from the United States to Bermuda or Halifax, while Great Britain should have not only to convey to America the American prisoners now in this country, but also to bring home from colonies nearly as distant as the United States all her own prisoners.

Extract of a letter from H. Clay and Albert Gallatin, Esquires, to Mr. Beasley.

LONDON, *April* 18, 1815.

At the request of Lord Castlereagh, we have had interviews with him and Mr. Goulburn, on the subjects of the transportation of the American prisoners now in this country to the United States, and of the late unfortunate event at the depot at Dartmoor.

On the latter subject, as a statement of the transaction has been received from the American prisoners differing very materially in fact from that which had resulted from an inquiry instituted by the port admiral, it has been thought advisable that some means should be devised of procuring information as to the real state of the case, in order, on the one hand, to show that there had not been any wanton or improper sacrifice of the lives of American citizens, or, on the other, to enable the British Government to punish their civil and military officers, if it should appear that they have resorted to measures of extreme severity, without necessity, or with too much precipitation.

Lord Castlereagh proposed that the inquiry should be a joint one, conducted by a commissioner selected by each Government; and we have thought such an inquiry most likely to produce an impartial and satisfactory result.

We presume that you will have too much occupation on the first subject, and the other incidental duties of your office, to attend to this inquiry in person. On that supposition, we have stated to the British Government that we should recommend to you the selection of Charles King, Esq., as a fit person to conduct it in behalf of the American Government. If Mr. King will undertake the business, he will forthwith proceed to Dartmoor, and, in conjunction with the British commissioner, who may be appointed on the occasion, will examine the persons concerned, and such other evidence as may be thought necessary, and make a joint report upon the facts of the case to J. Q. Adams, Esq., minister plenipotentiary of the United States at this court, and to the British Government.

The mode of executing this service must be left to the discretion of Mr. King and his colleague. If they can agree upon a narration of the facts, after having heard the evidence, it will be better than reporting the whole mass of testimony in detail, which they may, perhaps, find it necessary to do, if they cannot come to such an agreement.

We are, &c.

H. CLAY.
ALBERT GALLATIN.

R. G. BEASLEY, Esq., &c.

Mr. Charles King to Mr. Adams.

SIR: PLYMOUTH, *April* 26, 1815.

In pursuance of instructions received from Messrs. Clay and Gallatin, I have now the honor to transmit to you the report prepared by Mr. Larpent and myself, on behalf of our respective Governments, in relation to the unfortunate transaction at Dartmoor prison of war, on the 6th of the present month. Considering it of much importance that the report, whatever it might be, should go forth under our joint signatures, I have forborne to press some of the points which it involves as far as otherwise I might have done; and it therefore may not be improper, in this letter, to enter into some little explanation of such parts of the report. Although it does appear that a part of the prisoners were, on that evening, in such a state and under such circumstances as to have justified, in the view which the commander of the depot could not but take of it, the intervention of the military force, and even in a strict sense the first use of fire-arms, yet I cannot but express it as my settled opinion, that, by a conduct a little more temporizing, this dreadful alternative of firing upon the unarmed prisoners might have been avoided. Yet, as this opinion has been the result of subsequent examination, and after having acquired a knowledge of the comparatively harmless state of the prisoners, it may be but fair to consider whether, in such a moment of confusion and alarm as that appears to have been, the officer commanding could have fairly estimated his danger, or have measured out with precision the extent and nature of the force necessary to guard against it. But when the firing became general, as it afterwards appears to have done, and caught with electric rapidity from the square to the platforms, there is no plea nor shadow of excuse for it, except in the personal exasperation of the soldiery; nor for the more deliberate (and, therefore, more unjustifiable) firing which took place into three of the prisons, Nos. 1, 3, and 4, but more particularly into No. 3, after the prisoners had retired into them, and there was no longer any pretence of apprehension as to their escape. Upon this ground, as you, sir, will perceive by the report, Mr. Larpent and myself had no difference in opinion; and I am fully persuaded that my own regret was not greater than his, at perceiving how hopeless would be the attempt to trace to any individuals of the military these outrageous proceedings.

As to whether the order to fire came from Captain Shortland, I yet confess myself unable to form any satisfactory opinion, though, perhaps, the bias of my mind is that he did give such an order. But his anxiety and exertions to stop it, after it had continued some little time, are fully proved; and his general conduct, previous to this occurrence, as far as we could with any propriety enter into such details, appears to have been characterized by great fairness, and even kindness, in the relation which he stood towards the prisoners.

On the subject of any complaints existing against their own Government by the prisoners, it was invariably answered, to several distinct questions put by me on that head, that none whatsoever existed, or had been expressed by them, although they confessed themselves to entertain some animosity against Mr. Beasley, to whom they attribute their detention in this country; with what justice, you, sir, will be better able to judge. They made no complaint whatsoever as to their provisions, and general mode of living and treatment in the prison.

I have transmitted to Mr. Beasley a list of the killed and wounded on this melancholy occasion, with a request that he would forward it to the United States for the information of their friends at home; and I am pleased to have it in my power to say that the wounded are, for the most part, doing well.

I have also enclosed to Mr. Beasley the notes taken by me of the evidence adduced before us, with a request that he would have them fairly copied, as also a copy of the depositions taken before the coroner, and desired him to submit them to you when in order.

I cannot conclude, sir, without expressing my high sense of the impartiality and manly fairness with which this inquiry has been conducted on the part of Mr. Larpent, nor without mentioning that every facility was afforded to us in its prosecution, as well by the military officers commanding here and at the prison, as by the magistrates of the vicinity.

I have the honor to be, sir, with much respect, your most obedient, very humble servant,

CHARLES KING.

To His Excellency J. Q. ADAMS, &c.

Report of Messrs. Larpent and King upon the occurrence at Dartmoor prison.

PLYMOUTH, *April* 26, 1815.

We, the undersigned commissioners, appointed on behalf of our respective Governments to inquire into and report upon the unfortunate occurrence of the 6th of April instant, at Dartmoor prison, having carefully perused the proceedings of the several courts of inquiry instituted immediately after that event, by the orders of Admiral Sir John T. Duckworth and Major General Brown, respectively, as well as the depositions taken at the coroner's inquest, upon the bodies of the prisoners who lost their lives upon that melancholy occasion; upon which inquest the jury found a verdict of "justifiable homicide," proceeded immediately to the examination, upon oath, in the presence of one or more of the magistrates of the vicinity, of all the witnesses, both American and English, who offered themselves for the purpose, or who could be discovered as likely to afford any material information on the subject, as well those who had been previously examined before the coroner as otherwise, to the number, in the whole, of above eighty. We further proceeded to a minute examination of the prison, for the purpose of clearing up some points which, upon the evidence alone, were scarcely intelligible; obtaining from the prisoners, and from the officers of the depot, all the necessary assistance and explanation; and premising that we have been, from necessity, compelled to draw many of our conclusions from statements and evidence highly contradictory. We do now make, upon the whole of the proceedings, the following

REPORT.

During the period which has elapsed since the arrival in this country of the account of the ratification of the treaty of Ghent, an increased degree of restlessness and impatience of confinement appears to have prevailed amongst the American prisoners at Dartmoor, which, though not exhibited in the shape of any violent excesses, has been principally indicated by threats of breaking out, if not soon released. On the 4th of this month, in particular, only two days previous to the event the subject of this inquiry, a large body of the prisoners rushed into the market square, from whence by the regulations of the prison they are excluded, demanding bread instead of biscuit, which had on that day been issued by the officers of the depot. Their demands, however, having been then almost immediately complied with, they returned to their own yards; and the employment of force, on that occasion, became unnecessary.

On the evening of the 6th, about six o'clock, it was clearly proved to us that a breach or hole had been made in one of the prison walls, sufficient for a full-sized man to pass, and that others had been commenced in the course of the day, near the same spot, though never completed; that a number of the prisoners were over the railing, erected to prevent them from communicating with the sentinels on the walls, which was of course forbidden by the regulations of the prison; and that, in the space between the railing and those walls, they were tearing up pieces of turf, and wantonly pelting each other in a noisy and disorderly manner; that a much more considerable number of the prisoners were collected together at that time in one of their yards, near the place where the breach was effected; and that, although such collection of prisoners was not unusual at other times, (the gambling tables being commonly kept in that part of the yard,) yet, when connected with the circumstances of the breach, and the time of the day, which was after the horn (the signal for the prisoners to retire to their respective prisons) had ceased to sound, it became a natural and just ground of alarm to those who had charge of the depot.

It was also in evidence that, in the building formerly the petty officers' prison, but now the guard barrack, which stands in the yard, to which the hole in the wall would serve as a communication, a part of the arms of the guard who were off duty were usually kept in the racks; and though there was no evidence that this was, in any respect, the motive which induced the prisoners to make the opening in the wall, or even that they were ever acquainted with the fact, it naturally became at least a further cause for suspicion and alarm, and an additional reason for precaution.

Upon these grounds, Captain Shortland appears to us to have been justified in giving the order (which about this time he seems to have given) to sound the alarm-bell, the usual signal for collecting the officers of the depot, and putting the military on the alert. However reasonable and justifiable this was as a measure of precaution, the effects produced thereby in the prisons (but which could not have been intended) were most unfortunate, and deeply to be regretted. A considerable number of prisoners in the yards where no disturbance existed before, and who were either already within their respective prisons, or quietly retiring as usual towards them, immediately upon the sound of the bell rushed back from curiosity, as it appears, towards the gates where, by that time, the crowd had assembled; and many who were at the time absent from their yards, were also, from the plan of the prison, compelled, in order to reach their own homes, to pass by the same spot. And thus, that which was merely a measure of precaution, in its operation increased the evil it was intended to prevent.

Almost at the same instant that the alarm-bell rang, (but whether before or subsequent is, upon the evidence, doubtful, though Captain Shortland states it positively as one of his further reasons for causing it to ring,) some one or more of the prisoners broke the iron chain which was the only fastening of No. 1 gate, leading into the market square, by means of an iron bar; and a very considerable number of the prisoners immediately rushed towards that gate, and many of them began to press forward, as fast as the opening would permit, into the square.

There was no direct proof before us of previous concert or preparation on the part of the prisoners, and no evidence of their intention or disposition to effect their escape on this occasion, excepting that which arose by inference from the whole of the above detailed circumstances connected together.

The natural and almost irresistible inference to be drawn, however, from the conduct of the prisoners, by Captain Shortland and the military, was, that an intention on the part of the prisoners to escape was on the point of being carried into execution, and it was at least certain that they were, by force, passing beyond the limits prescribed to them, at a time when they ought to have been quietly going in for the night.

It was also in evidence that the outer gates of the market square were usually opened about this time to let the bread-wagon pass and repass to the store, although, at the period in question, they were in fact closed.

Under these circumstances, and with these impressions necessarily operating upon his mind, and the knowledge that, if the prisoners once penetrated through the square, the power of escape was almost to a certainty afforded to them, if they should be so disposed, Captain Shortland, in the first instance, proceeded down the square, towards the prisoners, having ordered a part of the different guards, to the number of about fifty only at first, (though they were increased afterwards,) to follow him. For some time both he and Doctor Magrath endeavored, by quiet means and persuasion, to induce the prisoners to retire to their own yards, explaining to them the fatal consequences which must ensue if they refused, as the military would, in that case, be necessarily compelled to employ force. The guard was, by this time, formed in the rear of Captain Shortland, about two-thirds of the way down the square: the latter is about one hundred feet broad, and the guards extended nearly all across. Captain Shortland, finding that persuasion was in vain, and that, although some were induced by it to make an effort to retire, others pressed on in considerable numbers, at last ordered about fifteen file of the guard, nearly in front of the gate which had been forced, to charge the prisoners back to their own yards.

The prisoners were in some places so near the military that one of the soldiers states he could not come fairly to the charge, and the military were unwilling to act as against an enemy. Some of the prisoners, also, were unwilling and reluctant to retire, and some pushing and struggling ensued between the parties, arising partly from intention, but mainly from the pressure of those behind preventing those in front from getting back. After some little time, however, this charge appears to have been so far effective, and that with little or no injury to the prisoners, as to have driven them, for the most part, quite down out of the square, with the exception of a small number, who continued their resistance about No. 1 gate.

A great crowd still remained collected after this in the passage between the square and the prisoners' yards, and in the part of these yards in the vicinity of the gates. This assemblage still refused to withdraw, and, according to most of the English witnesses, and some of the American, was making a noise, hallooing, insulting, and provoking, and daring the military to fire; and, according to the evidence of several of the soldiers and some others, was pelting the military with large stones, by which some of them were actually struck. This circumstance is, however, denied by many of the American witnesses; and some of the English, upon having the question put to them, stated that they saw no stones thrown previously to the firing, although their situation at the time was such as to enable them to see most of the other proceedings in the square.

Under these circumstances the firing commenced. With regard to any order having been given to fire, the evidence is very contradictory; several of the Americans swear, very positively, that Captain Shortland gave that order; but the manner in which, from the confusion of the moment, they describe this part of the transaction, is so different in its details, that it is very difficult to reconcile their testimony. Many of the soldiers, and other English witnesses, heard the word given by some one; but no one of them can swear it was by Captain Shortland, or by any one in particular; and some, amongst whom is the officer commanding the guard, think, if Captain Shortland had given such an order, that they must have heard it, which they did not. In addition to this, Captain Shortland denies the fact; and from the situation in which he appears to have been placed at the time, even according to the American witnesses, in front of the soldiers, it may appear somewhat improbable that he should then have given such an order. But, however it may remain a matter of doubt whether the firing first began in the square by order, or was a spontaneous act of the soldiers themselves, it seems clear that it was continued and renewed both there and elsewhere without orders; and that on the platforms, and in several places about the prison, it was certainly commenced without any authority.

The fact of an order having been given at first, provided the firing was, under the existing circumstances, justifiable, does not appear very material in any other point of view than as showing a want of discipline and self-possession in the troops, if they should have fired without orders.

With regard to the above most important consideration of "whether the firing was justifiable or not," we are of opinion, under all the circumstances of the case, from the apprehension which the soldiers might fairly entertain, owing to the number and conduct of the prisoners, that this firing, to a certain extent, was justifiable in a military point of view, in order to intimidate the prisoners, and compel them thereby to desist from all acts of violence, and to retire, as they were ordered, from a situation in which the responsibility of the agent and military could not permit them with safety to remain.

From the fact of the crowd being so close, and the firing, at first, being attended with very little injury, it appears probable that a large proportion of the muskets were, as stated by one or two of the witnesses, levelled over the heads of the prisoners; a circumstance, in some respects, to be lamented, as it induced them to cry out "blank cartridges," and merely irritated and encouraged them to renew their insults to the soldiery, which produced a repetition of the firing in a manner much more destructive.

The firing in the square having continued for some time, by which several of the prisoners sustained injuries, the greater part of them appear to have been running back with the utmost confusion and precipitation to their respective prisons, and the cause for further firing seems, at this period, to have ceased. It appears, accordingly, that Captain Shortland was in the market square exerting himself and giving orders to that effect, and that Lieutenant Fortye had succeeded in stopping the fire of his part of the guard.

Under these circumstances, it is very difficult to find any justification for the further renewal and continuance of the firing, which certainly took place both in the prison yards and elsewhere, though we have some evidence of subsequent provocation given to the military, and resistance to the turnkeys in shutting the prisons, and of stones being thrown out from within the prison doors.

The subsequent firing appears rather to have arisen from the state of individual irritation and exasperation on the part of the soldiers who followed the prisoners into their yards, and from the absence of nearly all the officers, who might have restrained it, as well as from the great difficulty of putting an end to a firing when once commenced under such circumstances. Captain Shortland was, from this time, busily occupied with the turnkeys in the square, receiving and taking care of the wounded. Ensign White remained with his guard at the breach, and Lieutenants Avelyne and Fortye, the only other subalterns known to have been present, continued in the square with the main bodies of their respective guards.

The time of the day, which was the officers' dinner hour, will, in some measure, explain this, as it caused the absence of every officer from the prison whose presence was not indispensable there. And this circumstance, which has been urged as an argument to prove the intention of the prisoners to take this opportunity to escape, tended to increase the confusion, and to prevent those greater exertions being made which might, perhaps, have obviated at least a portion of the mischief which ensued. At the time that the firing was going on in the square a cross fire was also kept up from several of the platforms on the walls round the prison, where the sentries stand, by straggling parties of soldiers, who ran up there for that purpose. As far as this fire was directed to disperse the men assembled round the breach, (for which purpose it was most effectual,) it seems to stand upon the same ground as that in the first instance in the square. But that part which, it is positively sworn, was directed against straggling parties of prisoners running about the yards and endeavoring to enter the few doors which the turnkeys, according to their usual practice, had left open, does seem, as stated, to have been wholly without object or excuse, and to have been a wanton attack upon the lives of defenceless, and, at that time, unoffending individuals.

In the same, or even in more severe terms, we must remark upon what was proved as to the firing into the doorways of the prisons, more particularly into that of No. 3 prison, at a time when the men were in crowds at the entrance.

From the position of the prison and of the door, and from the marks of the balls, which were pointed out to us, as well as from the evidence, it was clear this firing must have proceeded from soldiers a very few feet from the door-way; and though it was certainly sworn that the prisoners were at the time of part of the firing, at least, continuing to insult, and occasionally to throw stones at the soldiers, and that they were standing in the way of and impeding the turnkey who was there for the purpose of closing the door, yet still there was nothing stated which could, in our view, at all justify such excessively harsh and severe treatment of helpless and unarmed prisoners, when all idea of escape was at an end.

Under these impressions, we used every endeavor to ascertain if there was the least prospect of identifying any of the soldiers who had been guilty of the particular outrages here alluded to, or of tracing any particular death at that time to the firing of any particular individual, but without success; and all hopes of bringing the offenders to punishment would seem to be at an end.

In conclusion, we, the undersigned, have only to add, that whilst we lament, as we do most deeply, the unfortunate transaction which has been the subject of this inquiry, we find ourselves totally unable to suggest any steps to be taken as to those parts of it which seem most to call for redress and punishment.

CHARLES KING,
FRANCIS SEYMOUR LARPENT.

Lord Castlereagh to Messrs. Clay and Gallatin.

GENTLEMEN: FOREIGN OFFICE, *May* 22, 1815.

I lost no time in laying before the Prince Regent the report made by Mr. Larpent and Mr. King, respectively appointed on the part of His Majesty's Government and that of the United States of America, to inquire into the circumstances of the late unfortunate occurrence at Dartmoor prison.

His Royal Highness has commanded me to express, through you, to the Government of America, how deeply he laments the consequences of this unhappy affair.

If any thing can tend to relieve the distress which His Royal Highness feels on this occasion, it is the consideration that the conduct of the soldiers was not actuated by any spirit of animosity towards the prisoners, and that the inactivity of the officers may be attributed rather to the inexperience of militia forces than to any want of zeal or inclination to afford that liberal protection which is ever due to prisoners of war.

But, His Royal Highness has observed, at the same time, with sincere regret, that although the firing of the troops upon the prisoners may have been justified at its commencement, by the turbulent conduct of the latter, yet that as the extent of the calamity must be ascribed to a want of steadiness in the troops, and of exertion in the officers, calling for the most severe animadversion, His Royal Highness has been pleased to direct the commander-in-chief to address to the commanding officer of the Somerset militia his disapprobation of the conduct of the troops, which, it is trusted, will make a due impression on the minds of the officers and men who were engaged in this unfortunate transaction.

As an additional proof of the sentiments which animate the Prince Regent on this occasion, I am further commanded to express His Royal Highness's desire to make a compensation to the widows and families of the sufferers; and I have to request that you, gentlemen, would make this known to your Government, inviting them, at the same time, to co-operate with His Majesty's chargé des affaires in the United States in investigating the respective claims, for the purpose of fulfilling His Royal Highness's benevolent intentions upon this painful occasion.

I request that you will accept the assurance of the distinguished consideration with which I have the honor to be, &c.

CASTLEREAGH.

To HENRY CLAY, Esq., and ALBERT GALLATIN, Esq.

Copy of a letter from Messrs. Clay and Gallatin to Lord Castlereagh.

MY LORD: HANOVER STREET, HANOVER SQUARE, *May* 24, 1815.

We have the honor to acknowledge the receipt of your lordship's official note of the 22d instant.

Having, as we have already informed your lordship, no powers on the subject to which it refers, we will lose no time in transmitting it to our Government. We will also place in the possession of the American minister near His Britannic Majesty's Government (whose arrival here we daily expect) a copy of your lordship's note, together with a statement of what had previously passed respecting the unfortunate event at Dartmoor.

We embrace the opportunity of tendering, &c.

H. CLAY,
ALBERT GALLATIN

The Rt. Hon. VISCOUNT CASTLEREAGH,
Secretary of State for the Foreign Department, &c.

Extract of a letter from Mr. Adams to the Secretary of State, dated

JUNE 23, 1815.

He (Lord Castlereagh) then mentioned the late unfortunate occurrence at Dartmoor prison, and the measures which had been taken, by agreement, between him and Messrs. Clay and Gallatin on that occasion. I said I had received a copy of the report made by Mr. King and Mr. Larpent, after their examination into the transaction, and of the written depositions which had been taken as well on that examination as previously, at the coroner's inquest; that after what had been done, I considered the procedure as so far terminated that I was not aware of any further steps to be taken by me until I should receive the instructions of my Government on the case. From the general impression made on my mind from the evidence that I had perused, I regretted that a regular trial of Captain Shortland had not been ordered, and I thought it probable that such would be the opinion of my Government. He said that undoubtedly there were cases in which a trial was the best remedy to be resorted to, but there were others in which it was the worst; that a trial, the result of which would be an acquittal, would place the whole affair in a more unpleasant situation than it would be without it; that the evidence was extremely contradictory; that it had been found impossible to trace to any individual the most unjustifiable part of the firing; and that Captain Shortland denied having given the order to fire. I admitted that the evidence was contradictory, but said that from the impression of the whole mass of it upon me, I could not doubt either that Captain Shortland gave the order to fire, or that, under the circumstances of the case, it was unnecessary. It was true, the result of a trial might be an acquittal; but as it was the regular remedy for a case of this description, the substitution of any other was susceptible of strong objections, and left the officer apparently justified, when I could not but consider his conduct as altogether unjustifiable.

Mr. Baker, His Britannic Majesty's chargé des affaires, to the Secretary of State.

SIR: PHILADELPHIA, *August* 3, 1815.

In a communication made by Viscount Castlereagh, His Majesty's principal Secretary of State for Foreign Affairs, to Messrs. Clay and Gallatin, on the 20th of last May, relative to the unfortunate occurrence at Dartmoor prison, his lordship expressed to those gentlemen, by the command of His Royal Highness the Prince Regent, how deeply His Royal Highness lamented the consequences of that unhappy affair, and that if any thing could have alleviated the distress which His Royal Highness felt on that occasion, it was the consideration that the conduct of the soldiers had not been actuated by any spirit of animosity towards the prisoners, and that the inactivity of the officers was to be attributed rather to the inexperience of a militia force than to any want of zeal or inclination to afford that liberal protection which is ever due to prisoners of war. His lordship likewise informed them that, although the firing appeared to have been justified at its commencement, by the turbulent conduct of the prisoners, yet that as the extent of the calamity was to be ascribed to a want of steadiness in the troops and of exertion in the officers, calling for the most severe animadversion, His Royal Highness has been pleased to direct the commander-in-chief to address to the commanding officer of the Somerset militia his disapprobation of the conduct of the troops, so that a due impression might be made on the minds of the officers and men engaged in that unfortunate transaction.

As an additional proof of the sentiments which animated the Prince Regent on this painful occasion, his lordship was also further commanded to express to Messrs. Clay and Gallatin His Royal Highness's desire to make a compensation to the widows and families of the sufferers.

In reiterating these sentiments on the part of His Majesty's Government, for the information of the President of the United States, I have the honor to acquaint you that I have been directed to concert with the American Government the most efficient means of carrying into execution these benevolent intentions of His Royal Highness the Prince Regent, and shall be ready, with a view of expediting the arrangements to be made, to proceed without delay to Washington for the purpose of communicating with you personally on the subject, should it suit your convenience to meet me there. I beg leave, at the same time, to suggest, as a necessary preliminary to any measures which may be adopted, that information should be procured from the different States with respect to the families of the sufferers, and any other circumstances which may facilitate the completion of the arrangements alluded to.

I have the honor to be, &c.

ANTHONY ST. JOHN BAKER.

The Hon. JAMES MONROE, &c.

The Secretary of State to Anthony St. John Baker, Esq., His Britannic Majesty's chargé des affaires.

SIR: DEPARTMENT OF STATE, WASHINGTON, *December* 11, 1815.

I have had the honor to receive your letter of the 3d of August, communicating a proposition of your Government to make provision for the widows and families of the sufferers in the much-to-be-lamented occurrence at Dartmoor.

It is painful to touch on this unfortunate event, from the deep distress it has caused to the whole American people. This repugnance is increased by the consideration that our Governments, though penetrated with regret, do not agree in sentiment respecting the conduct of the parties engaged in it.

Whilst the President declines accepting the provision contemplated by His Royal Highness the Prince Regent, he nevertheless does full justice to the motives which dictated it.

I have the honor to be, &c.

JAMES MONROE.

ANTHONY ST. JOHN BAKER, Esq., *His Britannic Majesty's Chargé des Affaires.*

B.

DEVON, *to wit:*

Informations of witnesses severally taken and acknowledged on the behalf of our sovereign lord the King, touching the death of John Haywood at the prison of war at Dartmoor, in the parish of Lidford, in the county of Devon, the eighth day of April, in the fifty-fifth year of the reign of our sovereign lord King George III., before Joseph Whiteford, gentleman, one of the coroners of his said Majesty for the said county, on an inquisition then and there taken on view of the body of the said John Haywood, then and there lying dead, as follows:

THOMAS EDWARDS, a private soldier in His Majesty's first regiment of Somerset militia, on his oath, saith: That he is stationed with the said regiment at the barracks at Dartmoor, adjoining the prison of war there; that on Thursday last, the sixth day of this present month of April, he was on the guard called the west piquet guard, and at the hour of half-past six in the evening was fixed as sentinel in what is called the barrack yard, which is situated within the walls of the prison, but the yard allotted to the prisoners is separated from the barrack yard by a stone wall; that about the hour of seven in the evening of same day he (this informant) was near his post, when he heard a noise as if some persons on the other side of the wall were attempting to undermine it; whereupon he went to that part of the wall from whence the noise proceeded, and, on looking at the wall, he perceived that the mortar between the stones was moving, at the height of between three and four feet from the ground; whereupon this informant immediately went to the corner of a building which is called the cook house, and alarmed the sentinel nearest to this informant on the wall, and desired him to order the piquet out; that this informant then returned to the spot where he had seen the mortar moving, and by this time there was a hole made through the wall large enough for this informant to put his musket and bayonet through, and, on looking through the hole in the wall, he saw a great number of the prisoners, he believes to the number of three or four hundred, assembled together near the hole in the wall; and he thinks that there were altogether upwards of one thousand assembled nearly around the same place; that this informant spoke to the prisoners through the wall, and ordered them off several times, but many of the prisoners declared that they would not go, and they still continued beating against the wall; and this informant observed that one of the prisoners had an iron bar in his hand, with which he was tearing down the wall, and the prisoners within the prison were at this time hallooing and making a great noise; that the prisoners continued beating against the wall until they had made a hole in it large enough for the largest man in the prison to pass through, when this informant cocked his musket and presented it towards the prisoners, threatening to fire at them unless they desisted; when the prisoners abused this informant, asked him why he did not fire, and said he was afraid to do so, and they still continued tearing down the wall of the prison; that shortly after the piquet guard came to this informant's assistance, and then this informant left that part of the wall and went to his post; that Lieutenant

White of the same regiment commanded the piquet guard, and this informant heard him order the prisoners to go from the wall, but they refused to do so, and still continued tearing the wall down; that some of the men of the piquet guard threatened to fire at the prisoners, but Lieutenant White told them that they should not fire, and remained in the barrack yard with his party, where the hole was; that about half-past seven o'clock, whilst this informant was at his post, he heard the report of several muskets in the direction of the market place, but did not leave his post; and at this time the prisoners were still beating against the wall on the inside at several different places, but after many muskets had been discharged they quitted the wall; that this informant remained at his post until he was relieved at half-past eight o'clock, and during this time no musket was fired in the barrack yard; and after this informant was relieved he did not hear the report of any muskets, and the firing had entirely ceased; and this informant further saith that he was not within the walls of the prison, and did not see any musket discharged, but only heard the report of them.

THOMAS EDWARDS.

Sworn before me, JOSEPH WHITEFORD, *Coroner.*

Samuel White, a lieutenant in His Majesty's regiment of first Somerset militia, on his oath, saith: That, on Thursday last, the 6th day of the present month, (April,) he (this informant) had the west guard of the prison of war at Dartmoor, and about half-past six o'clock in the evening he was in the guard room, when, in consequence of some information he received, he ordered out the guard, and proceeded with it to the barrack yard, which adjoins that part of the prison distinguished by No. 7, and is separated therefrom by a stone wall; that Charles Edwards, now present, was then a sentinel in the barrack yard, and at his post, and at the distance of about fifteen yards from the post where Edwards was the sentinel; he (this informant) observed a hole in the wall which separated the barrack yard from the prison, large enough for a man of any size to come through; that at this time there were a great number of prisoners within the wall near the hole, and several of them tearing down the wall, and he particularly noticed two of the prisoners with iron bars in their hands, removing the stones from the wall; that this informant spoke to the prisoners repeatedly, and desired them to desist from what they were about, and told them that, unless they did, the whole of the military would be called out, and obliged to commit violence to compel them to desist: but the prisoners still continued tearing down the wall, and repeated volleys of turf and stones were thrown through the opening the prisoners had made in the wall, and over it, at this informant and the guard; and this informant was struck by some of the mortar and stones taken from the wall, and thrown at him by the prisoners, and several of the men complained of having been also struck with the stones thrown; that this informant did not see Captain Shortland, the agent for the prisoners of war, in the barrack yard, after this informant came; that when this informant spoke to the prisoners who were about the wall, they abused this informant and the guard, declared they would not leave the spot, and said "*fire, fire;*" that the prisoners within the walls of the prison were, throughout, in a state of disturbance, and whilst some of them were tearing down the wall, the rest were huzzaing and making a great noise, and at this time it was about the hour in the evening when the prisoners are usually locked up in their different prisons; that he (this informant) had been in the barrack yard about fifteen minutes when he heard the prisoners huzzaing and making a great noise adjoining the yard where the market is held, which is the principal entrance to the prison, and at the same time he heard the alarm-bell ring, and the drum beat to arms, and immediately after he heard the report of a single musket, which proceeded as in a direction from the prison gates leading into the market place; and this informant then proceeded towards the market place, to ascertain by whose orders the firing had commenced, leaving the piquet guard under the care of the sergeants; and in his way to the market place he heard several other muskets discharged in the same direction as the former, whereupon he immediately returned to his guard, without going to the market place, and still found the prisoners tearing down the wall between the prison and the barrack yard, endeavoring to widen the breach; that the prisoners continued tearing down the wall, when some muskets were fired from the walls by the sentinels towards the place where the breach was; whereupon the number of prisoners near the breach lessened considerably, many running towards their respective prisons, and others towards the principal gate; that some of the prisoners attempted to force their way through the breach, when he (this informant) ordered the guard to charge, and warned the prisoners against the consequences that would follow; that this informant was at this time at the breach in the wall, and part of his body was through, to see what was passing within the walls, and he then observed that the principal rush of the prisoners was towards the main gate, leading to the market place; and just at this moment he (this informant) heard a volley of musketry discharged in the market place, and immediately after the prisoners began to retreat; and shortly after, this informant saw the guard, and the rest of the soldiers who were not on guard, pass on the inside of the prison wall, opposite the breach, and they were drawn up in front of the prison No. 7, and Major Jolliff was persuading the prisoners to go to their prisons, but many of them remained at the prison door, abusing the military; that after a considerable effort on the part of the guard, the prisoners were driven into No. 7 prison, and the door locked; that at the time this informant heard the volley of musketry in the market place, or immediately after, there were several muskets fired from the different platforms where the sentinels were placed, but the firing ceased instantly after the soldiers entered the prison yard; that this informant remained with the guard until half-past eight o'clock at night, when every thing was reported to be quiet, when, by order of the field officer, the guard was returned to the guard room; that there was not a musket discharged in the barrack yard, and he (this informant) saw no person killed or wounded; that when this informant saw the prisoners rush towards the gates, they were in a very riotous, disorderly state, and they appeared to this informant as if determined to force their passage through the gateway; that the soldiers on guard are directed to refrain from any communication with the prisoners, to prevent the prisoners from getting over the iron railing within the walls of the prison, and likewise to prevent the prisoners from tearing down or undermining the walls; that in case the prisoners do not desist from such practices when spoken to, the guard is to be alarmed, but the sentinels are ordered not to fire unless in cases of absolute necessity, or where a prisoner or prisoners is or are in the act of escaping from the prison; that on the 4th day of April instant this informant was also on the guard, and the prisoners were then very disorderly, and refused to obey the commands, insomuch that the guards were turned out, the alarm-bell rung, and the drums beat to arms; and at this time, which was about seven o'clock in the evening, the prisoners had forced the gates of the prison, and had the possession of the whole of the market place, and their demand was then for bread instead of biscuit, which this informant understood had been offered them instead of bread, there being much biscuit in store; but on the 6th day of April instant he did not hear the prisoners assign any cause for their conduct. And this informant further saith, that on the 7th day of April instant he attended Admiral Sir Josias Rowley and Captain Schornberg to the walls of the prison, and heard the admiral speak to the prisoners from the platform at the main gates, opposite the prison No. 7, and requested to know their grievances, and why the breaches had been made in the wall, and the gates forced; when one of the prisoners, whom this informant understood to be one of the committee, said, in reply to the admiral, that there was no cause of complaint, and that the breach made in the wall was to get a ball which had been thrown over the wall by some of the boys; that the prisoner said that the chain at the gates was not sufficiently strong, and the press at

the gates was so strong, that the gates were forced open, and one or two hundred rushed out, but that there was no intention to escape; that when this informant saw the prisoners breaking down the wall on the 6th day of April, instant, the persons employed about it were all men, and they were all the time abusing the military; and during the time this informant was in the barrack yard, no person asked for a ball, or said a ball had been thrown over the wall.

SAM. WHITE, *Lieut. 1st Somerset reg't. militia.*

Sworn before me, JOS. WHITEFORD, *Coroner.*

JOHN MITCHELL, one of the clerks in the office of Thomas George Shortland, Esq., the agent for prisoners of war at Dartmoor, in the parish of Lidford, in the county of Devon, on his oath, saith: That, on Thursday, the sixth day of April instant, about a quarter before seven in the evening, he (this informant) was in his own room, the duty of the day having been finished, except receiving the evening report, when one of the turnkeys, called Richard Arnold, came to this informant's room, and, in consequence of information which he gave, this informant walked towards the south guard, accompanied by Mr. John Bennett, store clerk at the prison, and observed the officer of the guard on the platform; and this informant went on the platform, and saw a great number of prisoners between the iron railing within the walls of the prison and the wall of the military way, which is a place where the prisoners are not permitted to go, and the prisoners were throwing peat and other light articles; that this informant then went to the guard room, where there was a report that a breach had been made by the prisoners in the hospital wall, where he immediately went, but saw no appearance of breach there. That he then returned to the lodge, and, finding that the west guard were not at their post, he went to the north guard and requested the sergeant to assemble his guard, and they followed this informant to the station of the west guard; that this informant then went to the front of the principal entrance to the prison, and saw Captain Shortland in the front of the prison, and the gate of the prison nearest to the hospital was open, and the prisoners were coming through the gates of the prison, towards the upper gates, in a body, at a quick pace, making a great noise, and using the word "keeno," which this informant has frequently heard the prisoners use when they were bent on any thing; that Captain Shortland advanced towards the prisoners, calling on the guard to follow, form, and be steady, and directed them to keep possession of the market square; that this informant followed Captain Shortland, keeping between him and the military, and this informant heard Captain Shortland desire the prisoners to return quietly to their prisons, for fear of any unpleasant consequences, and he repeatedly urged the prisoners to return to their prison, but they still continued advancing, speaking in a riotous manner, and making a great noise; and at this moment he (this informant) also saw the surgeon, Dr. Magrath, speaking to the prisoners, and he heard him persuade the prisoners to return; that, at this time, he (this informant) observed a large body of prisoners assembled at the other gate, or the opposite side of the market place, and proceeded towards this gate with an intention of observing their conduct minutely, but, on hearing a noise on his left, he turned round and observed the prisoners were much further up the square, more numerous, and part of the guards had charged their bayonets towards the prisoners to force them down, and almost at the same moment he (this informant) heard the report of a musket discharged, and the sound came from where the guard were charged to force the prisoners down, but this informant did not see any person fall; that he (this informant) ran and got in the rear of the military, and almost instantly a discharge of musketry took place from the guards who were forcing the prisoners down, and shortly after he heard various discharges of musketry from different parts of the prison; that he (this informant) did not hear any person give orders to fire; that several muskets were fired in the market square, but what number he cannot say, and, immediately after the firing had ceased, he heard Captain Shortland call for turnkeys to take up the wounded; that this informant made his way through the military, with some of the turnkeys, and the first person he saw was a black man lying on the ground, on his face, apparently dead; and there was another man wounded in the square, and sitting in the sentry box, but this informant did not notice any other; that there was then an outcry from the military for the key of the gate which leads to Nos. 5 and 7 prisons, and this informant went and procured a turnkey, who brought the key and opened the gate, and, after some of the military had passed in, this informant went inside the gate, and there saw a white man lying on the ground, also apparently dead; and at this time this informant heard the report of several single muskets, at different parts of the prison, apparently as if from the walls, and, considering it unsafe, he retired behind the military, and went again to the lodge, where he remained until there was a call for turnkeys to shut up the prison, when he procured the necessary turnkeys and sent them down, and then went towards the military himself, and, at Captain Shortland's request, went to ascertain the number of prisoners who had been sent up, and afterwards, by order of Captain Shortland, went to the surgery ward of the hospital to receive the wounded, and ascertain their number, and, whilst there, he received thirty-four prisoners, who were wounded, and one dead man was also brought to the hospital by mistake; that this informant remained there until he was sent for by Captain Shortland to report the number; that, at the time the first musket was fired, he thinks that there were about five hundred prisoners in the market square, and the foremost of them were behaving in a very riotous and disorderly manner, quite disrespectful to Captain Shortland, and without appearing to pay the least attention to what Captain Shortland or Dr. Magrath were saying, and though requested to retire they continued to advance, and seemed to this informant as if determined to force their way to the upper gates, which were then opened to permit the bread-wagon to go out; that, since the 26th day of March last, there has been much dissatisfaction among the prisoners in the prison towards Mr. Beasley, the American agent, whom the prisoners understood was appointed to send them home; and, on the 4th day of April instant, about seven o'clock in the evening, the prisoners got open the gates leading to the market square, and came up and occupied the square until about ten o'clock, when they retired to their respective prisons; that this informant went to the gates and spoke to some of the prisoners, and also went inside amongst them, and asked what they came up for, when they replied it was because they had had no bread that day; that the transport board had permitted the contractor to issue biscuit, of which he had a store, for his contract, and it was arranged by Captain Shortland that they were to have it only one day in a week, and the prisoners had been offered their rations of biscuit, which was one pound of biscuit instead of one pound and a half of soft bread, but they had refused to accept it throughout the day, but remained quiet till the evening; that, on the 6th day of April instant, soft bread had been issued to the prisoners, as usual, and Captain Shortland had, on the 5th, communicated to the committee for the prisoners that he did not intend to issue any biscuit without further directions from the board; that this informant did not observe any thing thrown by the prisoners at the military on the evening of the 6th, and did not see the prisoners armed with any offensive weapons; that if the prisoners had forced their way to the upper gate of the market square, there would have been no obstacle to their getting out of the prison, as all the gates were open; that about a quarter of an hour previous to this informant seeing the prisoners coming in a body through the gate, the usual horn, the signal for their retiring to their respective prisons, had been blown, and continued to blow nearly the whole of the time.

JOHN MITCHELL.

Sworn before me, JOSEPH WHITEFORD, *Coroner.*

Richard Arnold, one of the turnkeys of the prison of war at Dartmoor, on his oath, saith: That on the 6th day of April instant he (this informant) was stationed at the lower gate in the market square, adjoining to the wall of the military hospital; that just before seven o'clock in the evening this informant went on the platform in the front of the gates of the prison leading into the market square, when he saw a great number of prisoners between the iron railing and the military wall which separates the military way from the prison, and went and reported the circumstance to Mr. Mitchell, and from thence went to Mr. Holmden, the clerk of the agent at the prison, and then this informant returned towards the lodge, and there met Mr. Holmden with a guard, and he went into the prison with them to turn the prisoners from between the railing and the wall, and this informant went to the lower gate again; that, just as this informant got to the gate, he heard a sentinel call from the barrack yard to a sentinel on the platform near the market square, that the prisoners were breaking a hole through the barrack wall, and desiring him to call the guard; that this informant immediately went to the west guard and called them, and when the guard was turned out Captain Shortland came through the lodge, and went with the guard to the barrack yard, and this informant went there also, after having called the north and south guard to be in readiness if they were wanted; that on coming into the barrack yard he observed a hole in the wall on the south side of the cook room, large enough for a man to creep through, and he saw a great number of prisoners through the hole in the wall, who were abusing the soldiers and the captain; that this informant then returned to the market square, leaving Captain Shortland in the barrack yard, and the horn was then sounding for the prisoners to turn into their respective prisons, when he observed a large body of prisoners collected between the iron railing in the front of the prisons, and they were attempting to force the gates, which were locked and secured by an iron chain, and were very riotous; that this informant went away to call the guard, and met Captain Shortland at the upper gate; that the guard was outside by the guard house, drawn out, and Captain Shortland called to them to follow him, and this informant returned with him, and by this time the prisoners had forced the gate, and many hundreds had assembled in the market square; that Captain Shortland desired the soldiers to draw up, be steady, and keep their ground, and the soldiers formed just across the square; that this informant saw Captain Shortland go up in front of the military, and heard him desire the prisoners to go in, or otherwise he should be obliged to use means which he should be very sorry for; that the prisoners were very riotous, calling out "keeno, keeno," several times, and advanced instead of retiring, when some of the soldiers came to a charge, and this informant made the best of his way to get in their rear, and just after he got in the rear he heard a single musket, and soon after he heard several muskets discharged, but the muskets were at first elevated so high that he does not think a single shot touched either of the prisoners, and he then observed that many of the prisoners had got a great way in the yard, when some of them called out "Fire, you buggers, you have no shot in your pieces or guns;" when the military fired again, and this informant heard a great cry amongst the prisoners, and almost immediately he heard Captain Shortland call for the turnkeys to help the wounded away; that this informant saw one man dead in the gateway of prison No. 7, and saw several men carried towards the hospital wounded, but he does not know any of them; that this informant did not hear any person give orders to fire; that he was near to Captain Shortland when the firing first began, and, if Captain Shortland had given any orders to fire, he thinks that he must have heard them; that between the first discharge and the second the prisoners had retreated from the market square towards the prison, but had made a stand when the second firing commenced; that he did not see the prisoners armed with any offensive weapons, nor did he see them throw any stones at the military; that the same evening, after the prisoners were locked up, he went into the prison yard, and saw several places in the wall where the stones had been taken out, but there was only one hole entirely through the wall.

RICHARD ARNOLD.

Sworn before me, JOS. WHITEFORD, *Coroner.*

Stephen Hall, one of the turnkeys at the prison of war at Dartmoor, on his oath, saith: "That on the 6th day of April instant, about a quarter before seven o'clock in the evening, he went into the market square, and went to the lower gate, when he saw some of the prisoners come over in a body from the wall which separates the barrack yard from the prison, and they came to the gate next to the hospital, and forced the gate open, and went up towards the market square; that this informant was close by Captain Shortland in the square, and heard the captain desire them to go back, but they said they would not; that there were some soldiers at this time formed in the market square, and when the prisoners refused to retire they came to a charge, and then this informant went to the rear, when he heard a single musket fire; and at this time he had not heard any person give orders to fire, nor did he hear any such orders given afterwards; that after the musket was fired he went towards the lodge, and heard several muskets fired, and shortly after he heard the captain call for the turnkeys to bring up the wounded, when this informant went down and assisted in taking up two wounded men, one of them in the market square and the other in the prison, and he also picked up one man dead in the market square, but he does not know the man; that when this informant saw the prisoners coming across the yard towards the gate, they were behaving in a very riotous manner, and this informant observed that they had some iron bars, and he thinks that three of the men had an iron bar each; that he did not see either of the men attempt to strike with them, and he did not see either of the prisoners throw any thing towards the military; that this informant heard the alarm-bell ring just before he saw the prisoners come across the prison and force the gate; that after they had forced the gate this informant persuaded the prisoners to go back, but they refused to do so; that they made no complaints whatever in this informant's hearing; that on the 7th day of April instant, he was at the lower gate, when he heard some persons who were walking between the railing, and they were talking about a black man that was killed; and this informant heard the prisoners say, if the black man had not been killed he would have killed Captain Shortland, and that he had a knife in his pocket prepared to stab him; that there was no person present with this informant at the time he heard this conversation, and he does not know the prisoners who were talking together.

STEPHEN HALL.

Sworn before me, JOSEPH WHITEFORD, *Coroner.*

Richard Cephus, an American prisoner of war, on his oath, saith: "That he hath this day seen the bodies of several men lying dead at the dead-house in the hospital at Dartmoor, and amongst them he saw the body of John Haywood, a black man; that John Haywood was in prison No. 4, with this informant, and on Thursday last, about half-past five in the evening, he went to the privy adjoining to prison No. 4, and had not been there above a few minutes when he heard a firing of musketry as from the market square and the ramparts around the prison; that at first there was a single musket which he heard the report of, and immediately after several volleys were fired; that about six o'clock he came out of the privy and then saw John Haywood going down to go out of the prison, and asked him where he was going: he said he was going out to see what the firing was about, and parted from this informant;

that this informant went back to the privy, and about ten minutes after he heard that Haywood was dead, but did not see him till this day; that this informant was not out in the prison yard from four o'clock in the afternoon of the 6th day of April instant until the following day about half-past eight in the morning.

RICHARD CEPHUS, his × mark.

Sworn before me, JOSEPH WHITEFORD, *Coroner.*

GEORGE MAGRATH, surgeon at the hospital at the prison of war at Dartmoor, on his oath, saith: That, on the 6th day of April instant, about ten minutes before seven o'clock in the evening, whilst sitting in his own house, he heard the alarm-bell ring on the outside of the prison, and immediately ran out, and, on arriving at that part of the military way which fronts the market square, he saw a line of soldiers drawn up on the outside of the square fronting the outer gate; that, on looking into the square, he observed a considerable body of the prisoners advancing up the square, and, having understood that the prisoners were breaking out, this informant, with as much haste as he could, advanced towards them; as soon as this informant got amongst them, he began to exhort them to return quietly into the prison, and told them that he feared any attempt of that kind (meaning an attempt to escape) would be attended with serious consequences; that many of the prisoners told this informant that they were kept an unnecessary length of time in prison after they considered themselves as free, or some words to that effect; that this informant observed to them that their detention appeared to be entirely the fault of their own agent, Mr. Beasley; and several of those whom this informant had addressed, appearing to be sensible of the truth of what this informant had advanced, went back and retired towards the gate leading into the prison from the market square; that this informant continued to address himself to others, and, whilst expostulating with them, this informant saw the soldiers march down the square and form in a line fronting the prisoners, about the middle of the square, and, during this time, greater numbers of the prisoners were pressing up through the gate; and whilst this informant was still using language to those whom he addressed, calculated to induce them to return into prison, he heard a voice (but whose it was this informant did not know) ordering the soldiers to charge; that, at this time, Captain Shortland was near to this informant, and he appeared to be employing the same means as he (this informant) was, to induce the prisoners to return to the prison; that, on hearing the word "charge" given, he looked round, (for his back was then to the soldiers, and his face towards the prison,) and found himself on the point of the soldiers' bayonets, who were close to him; that he (this informant) was driven a considerable way, at the point of the bayonet, with the prisoners, when he found it necessary to make some attempt to extricate himself, and succeeded in getting round the left wing, which rested on the wall which separates the market square from the hospital, and, whilst this informant was endeavoring to get round, the firing commenced—at first he heard two or three muskets, but afterwards the discharges became more frequent, and almost amounted to a volley; that, as soon as this informant had extricated himself, being apprehensive that his assistance might be required, in consequence of the firing, he went to make preparation for the purpose; that this informant went to his own house and carried some instruments to the receiving-room of the hospital, where he awaited the arrival of some wounded men, but he did not see any of those who were killed on the spot until this morning; that this informant has this day examined the body of a black man, stated to be called John Haywood, and found that the ball had entered a little posterior to the acremien of the left shoulder; passing obliquely upwards, it made its egress about the middle of the right side of the neck, and, in the judgment of this informant, he died of that wound, which appeared to have been inflicted by a musket ball; that this informant, at the time the order was given to charge, was in warm conversation with the prisoners, and, therefore, cannot take upon himself to say who gave the order, but this informant heard no person give an order to fire; that there was a great deal of confusion among the prisoners, and, therefore, he cannot speak to the general conduct of the prisoners; but those to whom this informant spoke appeared disposed to listen to him, and many receded towards the gate amongst those with whom this informant had been conversing; that the number of the prisoners that were assembled in the market square he cannot say, or even form an estimate, but there was a considerable crowd together, and, during the time this informant was in conversation with the men, they were pressing forward in a body; that, as the whole of this informant's attention was engrossed with a few to whom this informant addressed himself, he cannot take upon himself to give any opinion as to the necessity of coercion; but this informant is of opinion that the prisoners ought not to have been in that situation at so late an hour in the evening; that there was a great clamor of voice, and a general murmur among the prisoners, but this informant did not observe them proceed to any acts of violence before he came away; that, after he came away, and in going to his own house, and from thence to the hospital, he heard the discharge of musketry; and this informant's attention was not attracted to it above two or three minutes, but whether it continued beyond that time he cannot say.

GEORGE MAGRATH.

Sworn before me, JOSEPH WHITEFORD, *Coroner.*

JOHN ODIORNE, a citizen of the United States of America, on his oath, saith: That he has been at the prison of war at Dartmoor ever since the 29th day of September last: that, on Thursday last, the 6th day of April instant, a little after six o'clock in the evening, he was at the store in market square, standing by the door, and the wagon with the bread for the prisoners was partly unladen, when this informant heard some person talking loud at the gate at the upper end, and went around the wagon to see who it was, and saw Captain Shortland advancing into the yard, and he was giving his orders to the turnkeys at the lodge in a loud voice; and Richard Arnold spoke to him, and told him something about the wall, when Captain Shortland said, "Damn you, why did not you tell me about it before? ring the bell; call the guard out:" that the guard immediately followed Captain Shortland into the yard, when he ordered them to form across the yard, about two-thirds of the way down: that there were not soldiers enough to stretch across the yard, and they formed with their right on the southern wall, leaving some distance between their left and the northern wall: that Captain Shortland used some harsh expressions to the guard, and bade them form on the northern wall, for that was the place where the prisoners were coming; and just as Captain Shortland gave the orders, this informant saw the prisoners force the gate No. 1, which adjoins the hospital wall; and before this time this informant had not seen a single prisoner in the market square, except those who were employed with him: that there could not have been a body of men in the square without the informant's seeing them, as at this time he was on the steps, at the store, which is about ten feet high, and commands a complete view of the square: that, after the prisoners had advanced to the distance of between twenty-five and thirty feet, Captain Shortland then ordered the men to charge upon them, and the soldiers charged upon the prisoners, when they retreated into the yard, leaving one man behind, who appeared to this informant to have fallen down, and a soldier was standing over him with a bayonet, threatening to stab him if he did not get up; and the man on the ground appeared to be drunk, but this informant could not hear what he said: that, after the prisoners had retreated within the prison, this informant saw an officer put his hand to the gate which opened against the hospital wall, as this informant thought to shut the gate; but instead of shutting it he retreated to the

soldiers, at a little distance from the gate, when he heard an order given to fire by Captain Shortland, as the informant supposed, for he was looking directly at him: that the order was not instantly complied with as soon as a musket might have been fired; but in a few seconds a musket was fired by a person at the right of Captain Shortland, a few paces in advance of the others, and immediately after two muskets were fired to the left of Captain Shortland, by the hospital wall, and after that there was a general discharge; and immediately after the general discharge a party of soldiers marched into No. 1 yard, through the gate, and fired a volley, and then wheeled about and returned into the square, and after the soldiers had returned into the square and formed into line, the officer ordered them to fire, and immediately the whole line across the square fired into the yard; after which the line broke up and advanced into the yard, and this informant could not see any further, but he heard the report of guns in the yard: that, soon after, this informant saw a prisoner coming out of the yard, bringing a prisoner on his back, and a corporal or sergeant spoke to the man, abused him, called him a coward, and said, "this comes of your keeno:" that this informant spoke to the sergeant or corporal, and abused him for having spoken so to the wounded man; but by the advice of Mr. John Arnold he went into the store, and remained there all night: that, about forty minutes, or forty-five, before he saw Captain Shortland, he was in No. 7 prison yard, and he did not perceive there was any thing the matter; there was a great crowd round the gambling tables, as usual, but he was not near the place where this informant has seen the holes mended in the wall: that he saw a small hole in the wall the day before, about six or seven inches in depth, and, on inquiring what it was done for, some person said it was done to make quoits with: that this informant never heard that the hole was made for boys to go out and fetch their balls. And this informant further saith that he did not see Dr. Magrath in the square addressing the prisoners, nor did he see him either go in or out.

JOHN ODIORNE.

Sworn before me, JOS. WHITEFORD, *Coroner.*

ADDISON HOLMES, a citizen of the United States of America, on his oath, saith: That on Thursday, the 6th day of this present month of April, between the hours of five and six o'clock in the evening, he was at the lower part of the yard of the prison No. 3, and, understanding that a hole had been broken through the wall in the prison No. 7, by the boys, to get at their balls, he was going to see it; and hearing the alarm-bell rung, he went into the market square, having found the gate open, and there were about a dozen prisoners in the square, and a great many more followed after him; he was going up to see what the alarm-bell was rung for, when he saw the troops entering the outer gate of the square, and Captain Shortland was with them: that, as the troops came through the gate, they were paraded across the square; and this informant saw Dr. Magrath at the left of the troops, talking to about a dozen of the prisoners, advising them to go down to the prison quietly; and some of them turned and went towards the gate, but others were talking with him still: that at this time there was a considerable body of prisoners in the rear: that Captain Shortland was in front of the troops, and about the middle of them, speaking to one man, who wanted to say something to him; but it appeared that the captain would have no conversation with him, and pushed him from him twice, when the man turned about and was going down slowly: that the captain then turned round and ordered the troops to charge their bayonets, twice; but they did not do so until they were ordered by one of their own officers, and then the troops charged their bayonets and the prisoners were forced on before them, and Dr. Magrath, being in front, stepped in between two bayonets, and got to the rear: that this informant stepped aside, and got between two sentry boxes, and the troops passed him; and by this time the prisoners were forced to the gate, had got inside the prison, and shut the gate after them; but Captain Shortland, who was in front of the troops, shoved the gate open, and this informant, thinking it was a good opportunity for him to get in, pushed on between two men, and then saw that Captain Shortland had hold of a musket, and immediately that musket was discharged; but whether Captain Shortland pulled the trigger or not this informant does not know; and immediately after there was firing at the left: that Captain Shortland had ordered the troops to fire before he took hold of the musket, but he was not obeyed, and then took hold of the musket, and he believes the soldier had hold of it at the same time: that just after the firing at the left, as he (this informant) was passing between two men, one of whom had discharged his musket, this man was hauling his musket back to stab this informant, and before he drew it past this informant, he (this informant) unshipped the bayonet and threw it on the ground, and then pushed off the bayonet on the left with his arm, and got in round the gate, when the soldiers immediately fired another round, and he saw a man fall: that this informant stopped a few minutes, and the soldiers fired several rounds, and this informant went round the prison No. 1, to the prison No. 3, and the soldiers were firing from the walls up the prison: that this informant got into the prison No. 3, when two rounds were fired into the prison door, which killed one man and wounded another; but who it was that was killed he does not know: that directly after this the prison doors were shut, and he heard no more of it: that he cannot say what was doing in the yard of prison No. 7, as he was not there; but the prisoners in the yard of prison No. 3 were walking the yard quietly, it being just before the time of turning in when he heard the alarm-bell.

ADDISON HOLMES.

Sworn before me, JOS. WHITEFORD, *Coroner.*

JOHN ARNOLD, steward of the prisoners in health at the prison of war at Dartmoor, on his oath, saith: That on Thursday, the 6th day of April instant, about seven o'clock in the evening, he was at the door of the contractor's store in the market square, receiving bread from a wagon into the store, and John Odiorne, an American prisoner, was with him, when suddenly he heard a great noise at the bottom of the square, and some persons were saying that the prisoners were pulling down the barrack wall, and the soldiers were running through the military way, as this informant supposed, to get their arms; and almost immediately after the alarm-bell was rung, and the drums beat to arms, and the horns sounded; that, soon after, this informant saw a great body of prisoners between the railing and the market square, and some prisoners were in the market square; that just about this time, he (this informant) saw Dr. Magrath and Mr. McFarlane, the surgeons, go down the market square, and, just after, Captain Shortland also came into the market square, and the soldiers marched in with their officers; that this informant ordered the wagon away, not thinking it safe to let it remain, as the prisoners were at this time very riotous; and just as this informant had ordered the wagon away, the prisoners burst open the gate next the hospital and rushed in the market square, in a very large body, and at this time the outer gates were all open to permit the wagon to pass; and this informant believed, at the time, that the prisoners, taking advantage of the circumstance, were endeavoring to effect their escape; that the soldiers were formed across the square, and the prisoners had advanced in a body, in a riotous manner, calling out "keeno," close to the soldiers, within musket length, or thereabout, wher the soldiers immediately charged upon the prisoners, but this informant did not hear any order to charge given, and this informant thinks that, from the noise made by the prisoners, it was impossible to hear any word of command; that the soldiers

drove the prisoners at the point of their bayonets within the gates of the prison, whereupon the prisoners turned their faces towards the soldiers, still continuing assembled together in a large body, and began to throw stones at the soldiers, and, from the appearance of the size of the stones, he (this informant) has no doubt but that some of them were five or six pounds in weight; that the prisoners threw a great number of stones, and continued doing so for about two minutes, when this informant saw one of the muskets from the soldiers discharged towards the prison yard, and within a minute afterwards he saw the whole party fire their muskets, and it appeared to this informant that the muskets were elevated above the prisoners; that there was a large body of the prisoners assembled in the three yards in front of the gate, and stones were throwing in all directions towards the military, when this informant saw the soldiers fire their muskets towards the prisoners, and, about this time, he saw Dr. Magrath and Mr. McFarlane run up the market square, and soon after he saw a man brought up wounded; that this informant was standing on the steps of the store all the time before alluded to, and could distinctly see what was passing, except when the soldiers were involved in the smoke; that Odiorne and six or seven American prisoners were standing on the steps of the store, and they all saw the prisoners throwing stones at the soldiers; and this informant remarked to them, that, if the prisoners continued to assault the soldiers so, some of them would be shot; that this informant never heard Captain Shortland give any directions to the soldiers to fire, and he was so near to Odiorne that if orders had been given which he might have heard, he (this informant) must have heard also, as he has as quick an ear as most people; and this informant further saith, that the firing was very irregular, and it did not seem like firing in obedience to orders; and this informant further saith, that it appeared to him the soldiers were in danger from the stones thrown at them by the prisoners.

JOHN ARNOLD.

Sworn before me, JOS. WHITEFORD, *Coroner.*

WILLIAM GIFFORD, a private soldier in His Majesty's first regiment of Somerset militia, on his oath, saith: That on Thursday, the 6th day of this present month of April, about half-past six o'clock in the evening he (this informant) was posted as sentinel in the market place, at the gate adjoining the hospital wall; that about half an hour after this informant had been posted, he heard the prisoners huzzaing in the yard of prison No. 7, and soon after the west guard, to which this informant belonged, was called for; that this informant then saw a prisoner come from No. 7 yard, with an iron bar in his hand, and a great number of prisoners were following him, and the prisoner who had the bar broke the lock of the gate, where this informant was sentinel, with it, and the prisoners rushed out as fast as they could come, crying out "keeno;" whereupon the alarm-bell was rung, and part of the north guard came into the market square, and Captain Shortland was with them; that the soldiers formed on the left side, where the crowd of prisoners was forcing up, there not being enough to form across the yard; that Captain Shortland spoke to the prisoners and ordered them back, but they did not go, and at this time they were so close to the military that they could be touched by the bayonet; that Captain Shortland ordered the soldiers to charge, which they did, and forced the prisoners almost to the prison gate, but they would not go into the prison yard, and stood fast at the gate; that the prisoners then began to throw stones at the soldiers, and this informant saw several of the men's caps knocked off with the stones; that the prisoners were very riotous, huzzaing and throwing a great number of stones or bricks at the soldiers, when this informant heard the word "fire" given by some person, but whom he does not know; that this informant immediately heard a discharge of musketry, and saw that the muskets were presented in the air; that the prisoners still continued huzzaing and throwing stones at the military, when the soldiers began to fire towards the prisoners, and this informant afterwards saw two men, like prisoners, lying in the market place apparently dead, one on the right side of the guard and the other on the left; that the soldiers then went into the different prison yards to turn the prisoners in, and this informant heard some firing in the yards; that Major Jolliff had the command of the first Somerset regiment of militia, but he was not present when the first firing commenced; and this informant further saith, that the stones thrown at the soldiers were large enough to have killed some of them, and the stones were thrown so thick that it appeared to this informant the soldiers were in great danger; that this informant did not discharge his musket at all; that this informant was near to Captain Shortland when the prisoners were forced to the prison gate, and he never saw Captain Shortland with a musket in his hand, or attempt to take a musket: if he had, he (this informant) thinks that it was impossible for him not to have seen it; that he never heard Captain Shortland give any orders to fire, and this informant was so near to him that he thinks he must have heard him if he had given any such orders; that whilst the prisoners were huzzaing, many continued calling out "murder the rascal," by which this informant understood they meant Captain Shortland—and this was before any firing took place; and this informant further saith, that he did not hear or see a musket discharged on the evening of the 6th day of April instant before the prisoners began to throw stones.

WILLIAM GIFFORD, his × mark.

Sworn before me, JOS. WHITEFORD, *Coroner.*

JAMES GROVES, a private soldier in the first regiment of Somerset militia, on his oath, saith: That he was placed as sentinel in the barrack yard at Dartmoor prison, on the 6th day of April instant, and was relieved by Thomas Edwards at half-past six o'clock in the evening; that about five o'clock in the evening a ball was thrown over the wall close by the old cook room, which is now the armorer's shop, and the armorer was there at the door at the time, and he caught up the ball and threw it over the wall into the prison again; that this informant saw no other ball whilst he was on sentry, and no person whatever called to this informant to throw over any ball; that just at the time the armorer was about to throw the ball over, some person from the prison called out "throw the ball over," but after the ball was thrown over this informant heard no further call; that whilst this informant remained on sentry he did not hear any attack upon the wall, and saw no breach whatever therein.

JAMES GROVES, his × mark.

Sworn before me, JOS. WHITEFORD, *Coroner.*

DAVID SPENCER WARREN, a citizen of the United States of America, on his oath, saith: That on Thursday last, the 6th day of April instant, in the evening, about half an hour before the usual time of turning in the prisoners, he heard the alarm-bell, and went up to the gate of the yard of the prison No. 1, and when he arrived there he saw a number of prisoners in the market square, and a number of soldiers were in the square, and Captain Shortland was at the head of one party of them, and he was forming a line across the yard, which after he had done, he told them to charge; that the soldiers did charge on the prisoners, who ran back into the prison yard, and Captain Shortland and the soldiers followed them to the gate, and as the prisoners got inside the gate they flung one of them to; that Captain Shortland ordered one of the soldiers to fire, and immediately there was a soldier with his musket turned to the right, and Captain Shortland caught hold of the musket and pointed it towards a man that stood by the gate,

and said "God damn you, fire;" that directly after this a fire of musketry became general; that this informant went through No. 1 prison and into No. 3, and was in prison No. 3 when the soldiers fired into the prison No. 3; and there was a man called Smith, a shipmate of this informant, wounded, and he also saw a man fall on the inside of the prison, but whether he was killed or wounded this informant cannot say; that this informant did not see any of the officers with the soldiers when Captain Shortland gave the order to fire; that after the firing began he saw some stones, he believes two or three, thrown by the prisoners over the wall into the square—he saw one of them about as big as his fist; that this informant did not observe whether the muskets were elevated at the first firing, but he did not see any man fall, and therefore he remarked to some of the prisoners that he thought they were blank cartridges; that this informant was not in the yard of No. 7.

DAVID S. WARREN.

Sworn before me, JOS. WHITEFORD, *Coroner.*

James Greenlaw, a citizen of the United States of America, on his oath, saith: That on Thursday, the 6th day of April instant, he was in No. 3 yard, near the door of the prison, when he heard the alarm-bell ring; that he went from thence towards the railing, at the entrance into the market square, and saw some prisoners in the market square, and at the same time he saw the troops coming through the market gate, with Captain Shortland at their head, and saw him form the men in one line extending across the square, and he then ordered them to charge: whereupon the prisoners retreated into the prison yard, when this informant heard Captain Shortland give orders for the soldiers to fire upon the prisoners; and thereupon this informant ran into No. 4 yard, for shelter, and as this informant turned to go back again he saw two black men, whom he did not know, fall; that as soon as this informant thought the firing had ceased, he ran up towards the grating to speak to Captain Shortland, and asked if he would allow him to speak to him, when Captain Shortland said "No, you damned rascal!" whereupon two soldier officers put their swords through the iron railing towards this informant, and one soldier pricked him with his bayonet; that this informant then retreated into No. 3 yard, and he then heard two distinct volleys, and the soldiers shortly after came into No. 3 yard, when he retreated into No. 3 prison, and sat down inside to assist in dressing a wounded man, and a moment after this he heard two distinct volleys fired into the prison, which killed one man and severely wounded another; that this informant did not see any stones thrown from the prison into the square until the firing had commenced, and then he saw two stones thrown over the wall from No. 4 prison; that this informant was not in No. 7 prison yard.

JAMES GREENLAW.

Sworn before me, JOS. WHITEFORD, *Coroner.*

Thomas Burgess Mott, a citizen of the United States of America, on his oath, saith: That on the 6th day of April instant, this informant was in prison No. 5, when some persons came to him, as being one of the committee for the prisoners, and, in consequence of the information they gave, he procured some assistance, and was going out of the door of the prison to go towards a wall which he understood some men and boys were breaking, to prevent it; and just as he came to the door of the prison he heard a fire of musketry, as from the gateway of the market square, and met a crowd of prisoners retiring to their prisons, apparently in great confusion; when most of the people had passed, he met a man between No. 5 and No. 6 prisons, who was wounded and bleeding very much, and the man leaned on this informant, and he was proceeding towards the gateway to take him to the surgeon, but the fire of musketry and the balls came so thick that he stepped forward a step or two to request permission to take the wounded man away, but he believes he was not heard; that he then turned to the back of No. 5 cook house, out of the way of the fire, where several others were standing, and they had not opened a fire from the ramparts of the lower wall which commanded the lower door of No. 5 prison; but as this informant and the others turned from the place to go into the prison, a fire of musketry was discharged towards the only door which was open of No. 5 prison, and shortly after this informant saw two men in the prison dead, but he does not know their names himself, or where they were killed, and he saw also several others wounded.

THOS. B. MOTT.

Sworn before me, JOS. WHITEFORD, *Coroner.*

Enoch Burnham, a citizen of the United States, on his oath, saith: That on Thursday, the 6th day of April instant, about half-past six o'clock in the evening, he went to the railing of the market place, and remained there about half an hour, when he saw a crowd of the prisoners making a noise, but the principal part of them were youngsters, full of mischief, and they came, some of them, between the two railings, and he saw seven or eight go into the market square, but there was no great body there; that at this time he saw some soldiers come down the square, and Captain Shortland with them, and the soldiers charged upon the prisoners, who retreated into No. 1 prison yard, without making any resistance; that this informant remained at the gate when the military began to fire, and at this time there was no crowd of prisoners within the gate—there might have been forty or fifty men; that when the firing commenced he retreated into the prison yard, and lay down by the wall, and the prisoners who were about the gate also retreated; that this informant lay by the wall about five or seven minutes, when this informant went up by the barrack wall, towards where there was a hole, and the soldiers then began to fire from the ramparts of the south wall, when he went to No. 7 prison, and got as far as the steps, when a heavy firing again commenced from the wall, and this informant lay down to save his life for about four or five minutes, and then got into the prison, and was going through to go to his own prison, and had got to the steps, when the firing commenced from the platform next to the south corner; whereupon he retreated into No. 7 again, and went into the north end, and saw one prisoner in the yard who appeared to be wounded, and he ran back against the wall and he saw several soldiers raise their muskets and fire at him, and he fell immediately, but this informant does not know who the man was; that this informant saw the wounded man lift up his hands towards the soldiers before they fired; that this informant did not see any stones thrown, but he heard some of the youngsters speak about throwing stones; that he did not hear the word to fire given, and he was near the gratings; when the military first began to fire, they were at some distance from the gratings.

ENOCH BURNHAM.

Sworn before me, JOS. WHITEFORD, *Coroner.*

Robert Holmden, first clerk to Captain Shortland at the prison of war at Dartmoor, on his oath, saith: That on Thursday, the 6th day of April instant, Richard Arnold, the turnkey, reported to this informant that the prisoners had got over the iron railing, near the south guard; whereupon he (this informant) went to an officer on the ramparts, and from him understood that a guard was going in to turn them out, and, on returning to the entrance gate, he met the guard going down; that there was also a rumor that a hole had been broken in the hospital wall;

whereupon he went and reported it to Captain Shortland, who came out of the house, and went with this informant to the entrance gate, when they understood the hole was in the barrack wall, and Captain Shortland, with Sergeant Manning and some soldiers, went to the barrack yard, and found that a hole large enough for a person to creep through had been made; that Captain Shortland cautioned some prisoners who were looking through the aperture in the wall, and recommended them to retire, but they remained there; and a guard was left at the breach, and Captain Shortland and this informant returned to the entrance gate, and had not been there long when it was reported to Captain Shortland that the prisoners had forced one of the lower iron gates: whereupon Captain Shortland ordered the alarm-bell to be rung; and as soon as the guards could be collected, he went with them into the market square; and at this time he (this informant saw) a great number of prisoners coming up the north side of the yard in a riotous and disorderly state; that after a short time had elapsed, he (this informan) heard one shot fired, which was followed by several others; that he did not go down amongst the prisoners, or see what took place there.

ROBERT HOLMDEN.

Sworn before me, JOSEPH WHITEFORD, *Coroner.*

HOMER HULL, a citizen of the United States of America, on his oath, saith: That he is in the prison No. 3; that on the 6th day of April instant, he (this informant) was walking in the lower part of the prison yard No. 7, about six o'clock in the evening, when, in consequence of a report he heard in the prison, he observed some drunken men breaking down the wall which separates the barrack yard from No. 7 yard; and one of the soldiers called from the wall at the corner of the barrack yard, and said, "Go in, men; they are going to charge upon you." That this informant went away towards the prison No. 3, and had to go out of No. 7 yard, near the market square, when he saw some drunken men, about half a dozen in number, at the gate leading into the market square, attempting to force it—one of them had a small iron bolt in his hand, and they succeeded in getting the gate open; that the man who forced the gate v ent a few yards into the square before any followed him, and then some others went in; that just at the time the gate was forced open, he saw some soldiers come into the market square at the upper gate, and Captain Shortland was with them; and at this time this informant thinks there were about sixty men in the square; that the soldiers marched about two-thirds of the way down, when Captain Shortland gave the soldiers orders to charge, and the soldiers accordingly charged, when the prisoners retreated into the prisons, and one of them shut to the gates; and the soldiers marched down a little further, when Captain Shortland ordered them to fire; that this informant went to his own prison, and tried to get in, but the crowd was so great that he could not succeed; that he tried at other prisons, but could not get in, and *there succeeded;** that the alarm-bell had not rung when the soldier first ordered them to go into their prisons; that this informant heard the alarm-bell ring just after the man ordered them to go into their prisons; that he did not see any stones thrown before the musketry began to be discharged, but afterwards he saw a stone thrown from the prison yard towards the square.

HOMER HULL.

Sworn before me, JOSEPH WHITEFORD, *Coroner.*

ROBERT MCFARLANE, assistant surgeon at the prison of war at Dartmoor, on his oath, saith: That on Thursday, the 6th day of this present month of April, about seven o'clock in the evening, or rather afterwards, he was at the outer gate of the prison, when he heard the alarm-bell ring, and immediately went to the lodge, and seeing the guard drawn up in line in front of the guard house, he observed Captain Shortland walking by himself from the barrack yard towards the guard; that this informant turned round and looked down the market yard, and saw a multitude of prisoners proceeding up the square; whereupon he went down with Dr. Magrath, who came just at this moment, and began to reason with a number of prisoners there on the unnecessary steps they were taking; that some of them seemed to pay attention to what this informant said, and turned aside towards the prison, but others said they were not prisoners of war, and that they were determined to be out—one of whom had a stick behind his back, in his hand; that this informant saw Captain Shortland reasoning with a number of them to go back into the prisons, but they used very abusive language towards him, and this was in front of the guard; that this informant had taken two by the shoulders, and was insisting upon their going back; and, on looking back, the guard had charged, and this informant with great difficulty got himself extricated from between the bayonets; that by the time this informant got to the rear of the guard a single musket was fired, and immediately after several others; that this informant heard no order given to fire; that Captain Shortland was at the south end of the guard, and this informant thinks if he had given orders to fire he must have heard it; that at the time the first musket was fired, nearly one-third of the market square was filled with the prisoners, making a great noise in a very riotous and disorderly manner, and stones were throwing by the prisoners from all quarters, and one large stone fell about a yard from this informant; that immediately after the firing commenced, and this informant had got to the rear, he went away to the hospital; that from the number and size of the stones which were thrown, if he (this informant) had been obliged to remain on the spot where the soldiers were, he should have apprehended great danger to his person.

ROB. MCFARLANE.

Sworn before me, JOS. WHITEFORD, *Coroner.*

JOHN TOZER, one of the turnkeys at the prison, on his oath, saith: That, on Thursday, the 6th day of April instant, about seven o'clock in the evening, the turnkeys were called into the market square, and he found that it was to take up some dead and wounded prisoners; that he went to the lower market gate, and just inside the gate he took up a black man dead, and assisted in carrying him to the bathing place in the hospital; that the man appeared to be about thirty; but this informant should not know him again.

JOHN TOZER.

Sworn before me, JOS. WHITEFORD, *Coroner.*

JOSEPH MANNING, sergeant in the first Somerset regiment of militia, on his oath, saith: That on Thursday, the 6th day of this present month of April, about seven o'clock in the evening, he was in the military way when he saw Captain Shortland, and reported to him that the prisoners had made a hole in the wall leading to the barracks, and he went with this informant, an officer, and some other persons, to see it; that this informant kept before Captain Shortland, and went away to the breach first, and saw the prisoners pulling the wall, and he desired them to desist, but they gave him abusive language, and he then took a musket and threatened to fire at them if they would not leave off, and they then drew back a little; that Lieutenant Evelyn then interfered, and put his head in the breach, telling them if they did not desist the consequences would be serious; Captain Shortland then inquired for Major Jolliff, and, by Captain Shortland's directions, this informant went to call Major Jolliff, and met

*So in the original.

him between the south guard and the barracks, when he ordered the troops to be formed, and put himself at the head of the grenadiers, and before Major Jolliff had gone ten yards from the south guard gate the firing commenced; that this informant, by Major Jolliff's orders, remained behind, to assist in forming the regiment; that it was impossible for Major Jolliff to give orders to fire, as he was not near the spot where the firing first began.

JOS. MANNING, *Sergeant 1st Somerset regiment.*

Sworn before me, JOS. WHITEFORD, *Coroner.*

Examinations at the Guildhall of Plymouth, on Friday, the 21st April, 1815.

Present, John Hawker, Esq., one of the magistrates of the county of Devon.

JOHN RUST, one of the committee of the American prisoners at Dartmoor, being sworn, says: The report made of the occurrence of the 6th instant, signed by me, was from the evidence of other persons. About six o'clock in the evening I came from the place where I was taking supper, and persuaded the prisoners to leave the breach; they did go away towards the square previous to the commencement of the firing. At the time I went to the breach the horn had not sounded; it sounded but a few minutes before the firing. I heard the alarm-bell ring before the firing took place; the firing continued at intervals about fifteen minutes. After the firing commenced, I went round the southeast part of prison No 7, and went in at the southeast door. I saw nothing of the firing in the market square.

JOHN T. TROWBRIDGE, one of the committee, being sworn, says: I made no part of the report from my own knowledge, but I was one of them employed in taking depositions. I was walking about the southeast part of No. 7, near the breach in the wall, which, when I saw it, was about large enough for my body to pass through; about thirty persons were round it; I did not know what it was made for; understood it was to get a ball. I remained in the prison yard, seeing the soldiers collect on the platforms. I saw nothing of what was passing in the square. I understood that the soldiers desired the prisoners to go in before the firing took place; the prisoners were not riotous. I heard the alarm-bell ring and the drum beat to arms before the firing; I heard no tumult in the market square before it began; I should have heard it, had there been any, from the place I was in. I do not believe there were many prisoners in the square; it was the alarm-bell which collected the prisoners, at least it made them go out of prisons Nos. 5 and 7. The firing lasted, in a straggling manner, from fifteen to twenty minutes; there were three or four volleys from the market square. I heard no order to fire after the firing from the square; there was firing from the platforms on the wall, from which it continued while the prisoners were endeavoring to get into their prisons; there was firing at No. 5 while they were entering.

JAMES BOGGS, one of the committee, being sworn, says: I made no part of the report from my own knowledge' I went into the northeast door of No. 3 before the firing. I understood that there was a man killed in that prison' but I do not state it from my own knowledge.

AMOS WHEELER, sergeant of the north guard, being sworn, says: I was with the guard on the evening of the 6th; another sergeant was with me; assembled the guard by order, I believe, of Captain Shortland's clerk; had orders to march to the west guard house. On arriving, was ordered by the clerk to order arms; remained about ten minutes, and was then ordered by Captain Shortland to march to the market square; the officer of the guard was not then with it; our force was thirty-eight, besides two corporals; about five or six of another guard went into the square about the same time; the west guard was employed at the breach; there were not many prisoners in the market square when our guard entered. The alarm-bell had rung before we marched. When we entered, the prisoners were endeavoring to burst the gates below; cannot say whether the alarm-bell preceded the bursting of the gates; when they had succeeded in bursting them, there was a great rush towards the soldiers; their number kept increasing, until the space between the iron railings was quite full. They threw stones at the soldiers before there was any firing; they were not armed with any thing that I saw; they appeared in the square nearly at the same time as my guard; they made the greatest push towards our left flank, where the guard was weakest; I was on the left flank; the prisoners were desired to go back, but they did not; they pressed on, and made a greater resistance against us. Then Captain Shortland ordered the soldiers to bring their muskets down to the charge, but, not advancing upon the prisoners, it appeared to have no effect upon them. I believe Captain Shortland was in front of the guard at this time, desiring the prisoners to go back. I saw none of the prisoners wresting the arms from the soldiers; I saw none of them attempt to seize the arms. The guard pressed to the left, to keep from being turned, by which I was thrown in the rear. Many more soldiers came from different parts before the firing commenced; I heard no order to fire, nor do I know how it began; did not hear any of the prisoners challenging the soldiers to fire; at this time there might be about two hundred prisoners in the square; they were much more numerous than the guard. I did not see the officer of the guard at this time. The firing was in an independent manner, three or four muskets being discharged at a time. After the firing commenced, the prisoners began to retire towards their prisons. I did not hear any cheering among them, or see them rally after the fire; think I must have heard it, had there been any cheering. I do not think that the prisoners could have been made to retire without firing; the soldiers might, by killing them with the bayonet, have dispersed them. I did not go into the prison yard. I did not hear of any firing of my guard after the prisoners had retreated.

JOHN SAUNDERS, private in the first regiment of Somerset militia, one of the north guard, being sworn, says: I was with the first party of soldiers that marched into the market square; at that time the gate was broken open; the prisoners were coming through in a crowd as fast as they possibly could; the alarm-bell rung at the time we reached the west guard house; the officer of the guard was with us, I believe; I believe it was he who ordered us into the square. The west guard was marched in nearly about the same time; fifteen file were told off on the left, whom Captain Shortland, after some time of discourse with the prisoners to make them retire, ordered to charge; with some difficulty we got the prisoners back to the gates; some of them were retiring through the gates. I do not know that any injury was done to them until after they were inside the gates; had, till this, heard no firing. The square was nearly clear of prisoners before the firing; they did not return into the square, but threw some stones through the rails. I heard the word "fire" given, but do not know by whom. There were no prisoners in the market square when the first shots were fired. The prisoners had the command of the gates, so as to open them when they thought proper. I fired my musket. The prisoners closed the gates after them, which we opened, and we received orders from the commanding officer to charge the men to their prisons. No muskets were fired in compelling them to their prisons. Just before the firing, the prisoners were throwing stones, and insulting the soldiers, calling out to them to fire. Saw no prisoners attempting to wrest the arms from the soldiers. Several shots were fired into

prison No. 3; they were fired into the doorway; they were fired by two or three soldiers. I heard no order given for this fire, and had heard none to cease firing; there was much disturbance among the prisoners going in, and a stone was thrown out, which I saw myself. The turnkey was then near the soldiers, close to the door, and was endeavoring to shut it; the prisoners were unwilling to go in, and the turnkey could not close it; they stood at the door, challenging the soldiers, and offering to fight them if they would lay down their pieces; this was before the firing into the door; it was locked up immediately after the fire; do not think I could say rightly who the soldiers were that fired into the prison.

WILLIAM SMITH, private of the first Somerset militia, being sworn, says: I was on the north guard on the evening of the 6th of April. I marched into the market square with the guard. As we were going into the square, the prisoners were coming through the gates in a violent manner; the alarm-bell rang before we entered the square, while we were at the west guard house. I was one of the fifteen file ordered to charge; the prisoners fell back when we came down to the charge, but, after a little while, advanced again. The prisoners fell back to the gates, and had partly gone through before the firing began; I heard no order to fire; do not know the soldier who fired the first musket; was not near him; the prisoners had not come back upon our left when the firing began, and after the charge, but they were throwing stones, (one of which fell about a yard from me,) and were abusing the soldiers, daring them to come on. The firing was in an independent manner, one after another, till nearly all the guard had fired, and then they loaded again; no order was given to fire; do not know of any soldier having fired into any of the prisons; do not know how long the firing lasted. After the prisoners had returned into their yards, we went into them, to see if there were any stragglers about. When I went into the yard, did not hear any firing from sentinels on the walls.

JOHN TUTT, private, being sworn, says: I was on the north guard the night of the disturbance; the alarm-bell rang when I was at the west guard house, before I entered the market square; about forty or fifty prisoners had burst into the square, through the gate next the hospital, when we marched in. I was one of the fifteen file ordered to charge; cannot say exactly who ordered us to charge, but think it was Captain Shortland's voice. The prisoners were so close to me that I had not room to come down to the charge, and drove them back to get room. We advanced upon them at the charge. While charging, a stone, of seven or eight pounds weight, knocked off my cap; I stooped to pick it up; was not knocked down, but somewhat stunned, and the plate of my cap was bruised; the firing began directly; the prisoners resisted greatly while we were charging; they resisted up to the time we fired. I think there were about one hundred prisoners in the square when the firing began; after they were driven back, there was much firing into the prisons; saw one soldier firing into prison No. 1; the prisoners were throwing out stones at the time; they were all nearly in when the firing into No. 1 took place, but some were still pushing in at the doorway; the turnkey was endeavoring to get near the door, but was not in front, in consequence of the stones thrown out; I heard no order for the firing in the square; it commenced while I was picking up my cap; saw no more than one shot fired into No. 1.

WILLIAM ROWLES, private, one of the north guard, being sworn, says: I was one of the fifteen file told off in order to charge. Captain Shortland gave the order to charge. I could come down to the charge, and did so; and those near me advanced at the charge upon the prisoners, who would not retire at first, even when the point of the bayonet touched their clothes. We advanced on them about eight or ten yards down towards the gate. A great many of them retired through the gate before there was any firing; they aggravated the soldiers by insulting and abusive language, and dared them to fire. I heard an order to fire, but do not know from whom. When the firing began, the prisoners were rushing again through the gate, into the square, and throwing stones over the platform. I suppose there were twenty times more prisoners in the market square than soldiers before the firing. I entered the prison yard, saw a soldier level his musket into prison No. 3, who was then about five or six yards from the door; many prisoners stood at the door in a resolute manner, and would not let the turnkey shut it; the doorway was as full as it could hold; they threw out great stones, as big as my head. I heard no order to the soldier to fire into No. 3; saw no officer there at this time. I was telling the prisoners to go into the prison, when one of them endeavored to wrest the bayonet from my musket, but I drew it back in time to save it; this was before the firing into the doorway. I believe that there was no more than one shot fired into No. 3; after it was fired, the prisoners went back, and allowed the turnkey to shut the door.

JOHN HAMLET, private, one of the north guard, being sworn, says: I was the right hand man of the fifteen file told off to charge; I heard the order given to charge by Captain Shortland; I immediately came down to the charge, having room enough; we advanced a small distance; we could not advance far, owing to the prisoners being so near; they did not retire very fast; cannot exactly say how many prisoners there were in the square when we began to charge, but suppose there might be a hundred; we used all possible means to make them retire, but some were so obstinate that they advanced even to the points of the bayonets; others, however, retreated; they were very abusive, and throwing stones; many dared us to fire. I was struck with a stone in advancing, on my right knee, which nearly knocked me down, and I very narrowly escaped another blow on my head. I received the blow after the firing commenced; our charge with the bayonet made some few of them retire through the gates; the greater part, indeed, retired through the gates, and remained on the other side throwing stones. Before the firing, and after the charge, some returned back through the gates, and advanced; some advanced even after the first fire; they shouted and cheered while advancing, which was intended to animate others to persevere like themselves; numbers of the first muskets fired were elevated in the air, some were elevated to the centre. I did not see any one fall on the first fire; the firing was not in volleys. I followed into the prison yards; did not see any firing into the prisons; after the firing had been kept up for some considerable time, the prisoners retreated. I heard an order to fire given before any firing took place, but do not know by whom. I do not think the prisoners could have been driven back without firing, unless great slaughter had been made of them by the bayonet. I cannot positively assert whether there was any firing on our right besides that by ourselves.

JOHN WILLIAMS, sergeant, being sworn, says: I was on the south guard the night of the disturbance; our guard entered the market square after the north guard, and formed to its right; our number was about forty; it consisted of fifty-one, but had several sentries out. The firing had not commenced when we formed upon the north guard; it began about ten minutes or a quarter of an hour after we had formed; we were formed just about the time the north guard charged; when we formed, there were about one hundred prisoners in the square. I think they were more numerous than the soldiers; the line of soldiers almost occupied the breadth of the square, but there were not enough to form it completely across; there was an opening between our guard and the north; the prisoners did not fall back for some considerable time after the charge; they were throwing stones through and

over the rails, and abusing the soldiers, when the firing began; I heard no order to fire; our officers never ordered us to fire; our guard, seeing the state the prisoners were in, and the north guard fire, began firing of their own accord, but not in volleys, and then the reports made prevented us hearing what was going on; the north guard fired first; at the first fire the prisoners ran back through the gateway, but afterwards many returned again to the gate, but did not advance through on us; heard cheering, and did not know whether they would not come out on us. I did not go into the prison yard, nor did any of our guard; our officer kept us in line till the prisoners were all locked up. I do not suppose the prisoners would have gone back without firing, because they did not appear to retire even when the bayonets were quite close to them. I heard firing for some minutes after the prisoners had retired through the gate.

John Twyfort Jolliff, major commanding, being sworn, handed in a statement, of which the following is a copy:

April 7, 1815.

Yesterday evening, between the hours of six and seven o'clock, soon after the officers' dinner, the mess waiter came into the mess room, and said that the American prisoners had broken out of the prison, and were attempting their escape. I immediately ordered the troops composing the garrison to fall in at the alarm-post. Whilst the troops were forming I heard several shots fired, upon which I immediately took the grenadiers, and proceeded to the west guard, supposing that the prisoners were actually coming down the military way (as it is called) in great bodies. Upon my arrival at the west guard, several of the troops were formed in the market place, and had fired some shots. I immediately called out to them to cease firing; and finding that the prisoners still refused to go into their prisons, I took a party of grenadiers, and went into two of the prison yards, and told the prisoners to go into their prisons, which they very reluctantly did. Several stones were thrown at the military, and two at myself, one of which came very near me. The military fired a few shots at the prisoners in the yard, in consequence of their throwing stones and refusing to go into the prison, but the firing was without my orders, and I conceive took place owing to the military being so exasperated. As soon as the prisoners were all gone into their different prisons, and properly secured, I returned to the barracks, having ordered the guards to be reinforced, and the troops to be ready to fall in at a moment's notice. It appears that they had selected the hour of the officers' dinner to begin their operations, supposing we should not be ready.

J. T. JOLLIFF,
Major 1st Somerset militia.

Understanding that evidence has been produced to prove that a bugle sounded the signal to fire, I beg leave to observe, that I was first apprized of this circumstance after my return from Dartmoor. I never gave, as commanding officer, any order, directly or indirectly, to that effect, nor did I hear previously any report that such a circumstance had taken place.

J. T. JOLLIFF,
Major 1st Somerset militia.

He further says: There was no general order that when the soldiers on sentry heard one of them fire, they should consider it an order to fire also; but I suppose they might so consider it. One man fired into one of the prisons, which arose, as I believe, from exasperation, on being struck by a stone thrown by the prisoners. I did not see any one put his musket into the door to fire. Several shots were fired in the prison yards, but entirely without any command.

George Pitt, sergeant, being sworn, says: I was with Major Jolliff among the grenadiers in the prison yard, and he used all the means in his power to prevent the firing. I heard him crying out to the men to cease firing.

Henry Burgoyne, private, being sworn, says: I was on the platform at the bottom of the market square. A prisoner came with an iron bar, who, upon hearing a shout from the prisoners at the breach, when a piece fell out of the wall, which I heard, broke the gate open immediately, by striking off the lock, and the prisoners rushed through; and when we left the platform they pressed very much upon us; they were as thick as they could be; the alarm-bell was ringing about this time; the yard where the break was, was as full of prisoners as it could be. I belonged to the west guard. I did not see any prisoners wresting the arms from the guard. I could not see the breach on account of a projection of the wall, but heard the bar at work; they were quite thick down to the prison, waiting, I suppose, till the breach was made; the horn had sounded as usual for them to go in, but, instead of going in as they usually did very quietly, they came out; they pressed on us so much that we were forced to fall back; after we came down to the charge they would not retire, and, being unwilling to stab, we were forced to give back. I heard an order to fire, but do not know who gave it. I did not observe how the first muskets were levelled.

Edward Jackson, private of the Derby militia, being sworn, says: I was on the platform 18 and 19, between prisons Nos. 5 and 6. I think there had been two volleys in the market square before the men on this platform fired; myself and another sentry were posted on the platform; we had not fired before some soldiers came up on the platform; I never fired; it was the men who came up; I cannot say whether the sentry fired; they fired into the yard up towards the gate; there were a great many prisoners at the upper part of the yard; I did not see any firing into the prisons. There were one or two officers on the platform; no order was given to fire on my platform; to the best of my recollection, I think I heard a command "to commence firing from the right." The prisoners were all in a great body, near the gates at the top of the yard, when the firing commenced, and, after the firing, they retreated to their prisons. When I was placed sentinel, several prisoners were inside the palisades clodding one another; some soldiers charged them out of it; there were about two rounds of firing from my platform; there were about twenty soldiers on it, but cannot say exactly; it was full of them; I could not see the breach; I saw no tumult in the yard before the firing in the square, except the clodding; I cannot say I heard the alarm-bell ring.

Adjourned till to-morrow.

Examinations at Dartmoor prison of war, on Saturday, the 22d April, 1815.

Present, Paul Treby Treby, Esq., one of the magistrates for the county of Devon.

Thomas Burgess Mott, one of the committee of American prisoners, sworn: (A letter had been handed in by Captain Shortland, signed in this witness's name, and addressed to Captain Shortland, requesting his release, and stating that "although he had been called on by the respectable part of the prisoners to inquire into the cause of the late unfortunate affair, neither his deposition nor conduct appeared to show that he would wish to lay the blame

to Captain Shortland, but on the contrary, for which he had since been insulted by those men that were and had been the occasion of the late unfortunate affair.") There never has been, to my knowledge, any concerted plan among the American prisoners at this prison to break out. I have never been insulted by any of the men supposed to be ringleaders in the late affair, but, on the contrary, the prisoners think I was doing every thing in my power for their benefit. The letter handed in by Captain Shortland was written for me by another prisoner, to get me clear in any way; it was not signed by me; I told him I would give him a pound if he got me released; it was written without design to injure any body, and merely to get me clear, as my turn of release was not near; I never read the letter; I was one of the committee who made the report to Mr. Beasley; some part of it was from my own knowledge, and some part of it from the testimony of others. I saw a crowd where the hole was, but did not think it was occasioned by any thing but gambling, till I was called upon by the prisoners to go and make them desist from the hole. When I was in the yard of Nos. 5 and 7, and when the firing into it from the platform took place, there was no tumult; there were then but few persons in it; I was not in the market square; I think the making of the hole was merely through mischief, but not at all to get out, for I do not think twenty would have wanted to go out if the gates had been open; I do not know particularly of any subject of complaint shortly before the affair; I do not know of any one who complained before Admiral Rowley of the American Government; I was present the whole time; I do not know of any particular uneasiness among the prisoners at present, or any cause of complaint of their treatment; they are a little impatient to be sent home; there have been frequent little vexatious interruptions to the market, &c. on slight grounds; I did not see any one shot, though some fell close by me; I did not hear the horn sound before the firing.

Walter Colton, one of the committee, being sworn, says: None of the report was made from my own knowledge, but entirely from examinations. I am confident there was no disposition on the part of the prisoners to break out; had there been, I should certainly have known it, because I was in the constant habit of going through the prisons, having much business with the prisoners as one of their committee. It is impossible but it must have been known had there been any. Had the gates been thrown open, not more than a hundred would have gone out: those that chose could have got away on the 4th. The first I heard of the disturbance was the firing; I was then in No. 3; did not hear the horn; it is not generally heard inside; there was great irritation against Captain Shortland before the disturbance; this was owing to acts of barbarity on his part. I speak from my own knowledge. Instead of doing things to make them comfortable, he did quite the contrary. He has kept two prisons, the best and most comfortable, shut, when it was in his power to have opened them; the prisoners remonstrated against this, but it produced no effect, while they were turned into prisons open at top, and floating with water two or three inches deep; this was No. 2. There was a plan formed in No. 6, one of the best and most commodious prisons, two several times, to dig out, which was both times discovered by Captain Shortland, and on the second occasion the prisoners were turned into No. 2; they were, however, only kept there two nights, and then returned to No. 6; I call this an act of barbarity. Captain Shortland never returned any answer to our application to go into the empty prisons; I knew of no statements of complaint against the American Government, previous to the late affair; there have been often complaints of neglect against Mr. Beasley, but not against the American Government. Another act of Captain Shortland's was: about the time of the attempt to dig out, there were some bars broken in one of the prisons, in consequence of which, and the digging out, I suppose, one-third of our provisions was stopped for ten days. I know not what it was for, unless for this and the digging out. Captain Shortland has frequently stopped our provisions in the same way, without giving any reason. There has been no particular uneasiness among the prisoners to get out, since the account of the ratification of the treaty, and I know of no acts of violence among them in consequence; they were only anxious to be sent home, and expressed their opinions about it.

William Hobart, one of the committee, being sworn, says: Some part of the report was made from my own knowledge, but not much; I was in the lower part of the yard Nos. 1 and 3 when the alarm-bell rang; I had not heard the horn sound to go in when the alarm-bell rang; I expect I should have heard it; it can generally be heard all over the yard; when I heard the bell I walked up to the railing next the market square to see what occasioned the alarm; when I got within a few yards of the railing, saw the soldiers coming into the market square. I think there must have been four or five hundred soldiers in the square before the firing began; there were many there, and others marching in and forming; I heard no orders to fire; the prisoners were coming up, as I was, to see what was the matter; I returned immediately to my own prison. There were two volleys fired into a prison, into No. 3; most of the prisoners were then in; the prisoners were retreating after the first volley; I had been in about five minutes before the firing; was on the second floor; did not see the soldiers who fired, but heard the report; and when I came down, saw marks of balls within; there were no stones thrown from the second floor; should have known it, as I was walking with some others. There were several lines of soldiers drawn across the square; a few prisoners were at the bottom of it then, but they were not so numerous as the soldiers; I am fully confident there was no intention to break out. I heard no shouting or threats against Captain Shortland when the firing commenced. The prisoners did not cheer in the yard I was in, nor in the market square, while I was present. Captain Shortland has behaved in a very tyrannical manner towards the prisoners; he stopped the market for ten days for a very trivial occurrence, and part of the provisions for the same length of time; do not think there was any intention among the prisoners to revenge themselves on Captain Shortland; there has been some irritation against Mr. Beasley latterly, because they thought he was somewhat dilatory in preparing cartels, but there was none whatever against the American Government; there was a report that vessels of war would come from America to take prisoners, but even when first started it did not gain much credit; the upper stories of Nos. 2 and 4 have been unfit for the men to live in, very open, and sometimes afloat with rain.

William B. Orne, one of the committee, being sworn, says: I saw a little of the affair stated in the report, but the principal part was from the examination of others. I was walking between No. 7 and the barrack wall; did not observe that many prisoners were there; they are always so numerous in the yard, that one might not observe whether there was a crowd or not; I heard no bar breaking the wall; went into my own yard, Nos. 1 and 3; the prisoners were almost all in. I heard the alarm-bell, upon which I walked up to the railings, and saw the soldiers firing on the prisoners; could not tell the number of the soldiers, but the yard appeared to be full; it appeared to me, from the number of muskets I heard, that the whole regiment must have fired several volleys. I went behind the cook house, and heard the balls flying in all directions; the prisoners ran up to the railings from curiosity; was not near enough to hear an order to fire; after firing a few volleys, they opened the gates, and charged the prisoners in the yard, and, after they were in their prisons, they fired in; I heard that shots were fired into No. 3—into the door; saw no stones thrown out of No. 3; saw only one stone thrown into the square; the firing appeared to me to last fifteen or twenty minutes. I heard a noise among the prisoners, but no particular shouting or cheering; saw the greater part of the prisoners run; after the first fire, every man secured himself as well as he could; there appeared

prison No. 3; they were fired into the doorway; they were fired by two or three soldiers. I heard no order given for this fire, and had heard none to cease firing; there was much disturbance among the prisoners going in, and a stone was thrown out, which I saw myself. The turnkey was then near the soldiers, close to the door, and was endeavoring to shut it; the prisoners were unwilling to go in, and the turnkey could not close it; they stood at the door, challenging the soldiers, and offering to fight them if they would lay down their pieces; this was before the firing into the door; it was locked up immediately after the fire; do not think I could say rightly who the soldiers were that fired into the prison.

WILLIAM SMITH, private of the first Somerset militia, being sworn, says: I was on the north guard on the evening of the 6th of April. I marched into the market square with the guard. As we were going into the square, the prisoners were coming through the gates in a violent manner; the alarm-bell rang before we entered the square, while we were at the west guard house. I was one of the fifteen file ordered to charge; the prisoners fell back when we came down to the charge, but, after a little while, advanced again. The prisoners fell back to the gates, and had partly gone through before the firing began; I heard no order to fire; do not know the soldier who fired the first musket; was not near him; the prisoners had not come back upon our left when the firing began, and after the charge, but they were throwing stones, (one of which fell about a yard from me,) and were abusing the soldiers, daring them to come on. The firing was in an independent manner, one after another, till nearly all the guard had fired, and then they loaded again; no order was given to fire; do not know of any soldier having fired into any of the prisons; do not know how long the firing lasted. After the prisoners had returned into their yards, we went into them, to see if there were any straggiers about. When I went into the yard, did not hear any firing from sentinels on the walls.

JOHN TUTT, private, being sworn, says: I was on the north guard the night of the disturbance; the alarm-bell rang when I was at the west guard house, before I entered the market square; about forty or fifty prisoners had burst into the square, through the gate next the hospital, when we marched in. I was one of the fifteen file ordered to charge; cannot say exactly who ordered us to charge, but think it was Captain Shortland's voice. The prisoners were so close to me that I had not room to come down to the charge, and drove them back to get room. We advanced upon them at the charge. While charging, a stone, of seven or eight pounds weight, knocked off my cap; I stooped to pick it up; was not knocked down, but somewhat stunned, and the plate of my cap was bruised; the firing began directly; the prisoners resisted greatly while we were charging; they resisted up to the time we fired. I think there were about one hundred prisoners in the square when the firing began; after they were driven back, there was much firing into the prisons; saw one soldier firing into prison No. 1; the prisoners were throwing out stones at the time; they were all nearly in when the firing into No. 1 took place, but some were still pushing in at the doorway; the turnkey was endeavoring to get near the door, but was not in front, in consequence of the stones thrown out; I heard no order for the firing in the square; it commenced while I was picking up my cap; saw no more than one shot fired into No. 1.

WILLIAM ROWLES, private, one of the north guard, being sworn, says: I was one of the fifteen file told off in order to charge. Captain Shortland gave the order to charge. I could come down to the charge, and did so; and those near me advanced at the charge upon the prisoners, who would not retire at first, even when the point of the bayonet touched their clothes. We advanced on them about eight or ten yards down towards the gate. A great many of them retired through the gate before there was any firing; they aggravated the soldiers by insulting and abusive language, and dared them to fire. I heard an order to fire, but do not know from whom. When the firing began, the prisoners were rushing again through the gate, into the square, and throwing stones over the platform. I suppose there were twenty times more prisoners in the market square than soldiers before the firing. I entered the prison yard, saw a soldier level his musket into prison No. 3, who was then about five or six yards from the door; many prisoners stood at the door in a resolute manner, and would not let the turnkey shut it; the doorway was as full as it could hold; they threw out great stones, as big as my head. I heard no order to the soldier to fire into No. 3; saw no officer there at this time. I was telling the prisoners to go into the prison, when one of them endeavored to wrest the bayonet from my musket, but I drew it back in time to save it; this was before the firing into the doorway. I believe that there was no more than one shot fired into No. 3; after it was fired, the prisoners went back, and allowed the turnkey to shut the door.

JOHN HAMLET, private, one of the north guard, being sworn, says: I was the right hand man of the fifteen file told off to charge; I heard the order given to charge by Captain Shortland; I immediately came down to the charge, having room enough; we advanced a small distance; we could not advance far, owing to the prisoners being so near; they did not retire very fast; cannot exactly say how many prisoners there were in the square when we began to charge, but suppose there might be a hundred; we used all possible means to make them retire, but some were so obstinate that they advanced even to the points of the bayonets; others, however, retreated; they were very abusive, and throwing stones; many dared us to fire. I was struck with a stone in advancing, on my right knee, which nearly knocked me down, and I very narrowly escaped another blow on my head. I received the blow after the firing commenced; our charge with the bayonet made some few of them retire through the gates; the greater part, indeed, retired through the gates, and remained on the other side throwing stones. Before the firing, and after the charge, some returned back through the gates, and advanced; some advanced even after the first fire; they shouted and cheered while advancing, which was intended to animate others to persevere like themselves; numbers of the first muskets fired were elevated in the air, some were elevated to the centre. I did not see any one fall on the first fire; the firing was not in volleys. I followed into the prison yards; did not see any firing into the prisons; after the firing had been kept up for some considerable time, the prisoners retreated. I heard an order to fire given before any firing took place, but do not know by whom. I do not think the prisoners could have been driven back without firing, unless great slaughter had been made of them by the bayonet. I cannot positively assert whether there was any firing on our right besides that by ourselves.

JOHN WILLIAMS, sergeant, being sworn, says: I was on the south guard the night of the disturbance; our guard entered the market square after the north guard, and formed to its right; our number was about forty; it consisted of fifty-one, but had several sentries out. The firing had not commenced when we formed upon the north guard; it began about ten minutes or a quarter of an hour after we had formed; we were formed just about the time the north guard charged; when we formed, there were about one hundred prisoners in the square. I think they were more numerous than the soldiers; the line of soldiers almost occupied the breadth of the square, but there were not enough to form it completely across; there was an opening between our guard and the north; the prisoners did not fall back for some considerable time after the charge; they were throwing stones through and

over the rails, and abusing the soldiers, when the firing began; I heard no order to fire; our officers never ordered us to fire; our guard, seeing the state the prisoners were in, and the north guard fire, began firing of their own accord, but not in volleys, and then the reports made prevented us hearing what was going on; the north guard fired first; at the first fire the prisoners ran back through the gateway, but afterwards many returned again to the gate, but did not advance through on us; heard cheering, and did not know whether they would not come out on us. I did not go into the prison yard, nor did any of our guard; our officer kept us in line till the prisoners were all locked up. I do not suppose the prisoners would have gone back without firing, because they did not appear to retire even when the bayonets were quite close to them. I heard firing for some minutes after the prisoners had retired through the gate.

John Twyfort Jolliff, major commanding, being sworn, handed in a statement, of which the following is a copy:

April 7, 1815.

Yesterday evening, between the hours of six and seven o'clock, soon after the officers' dinner, the mess waiter came into the mess room, and said that the American prisoners had broken out of the prison, and were attempting their escape. I immediately ordered the troops composing the garrison to fall in at the alarm-post. Whilst the troops were forming I heard several shots fired, upon which I immediately took the grenadiers, and proceeded to the west guard, supposing that the prisoners were actually coming down the military way (as it is called) in great bodies. Upon my arrival at the west guard, several of the troops were formed in the market place, and had fired some shots. I immediately called out to them to cease firing; and finding that the prisoners still refused to go into their prisons, I took a party of grenadiers, and went into two of the prison yards, and told the prisoners to go into their prisons, which they very reluctantly did. Several stones were thrown at the military, and two at myself, one of which came very near me. The military fired a few shots at the prisoners in the yard, in consequence of their throwing stones and refusing to go into the prison, but the firing was without my orders, and I conceive took place owing to the military being so exasperated. As soon as the prisoners were all gone into their different prisons, and properly secured, I returned to the barracks, having ordered the guards to be reinforced, and the troops to be ready to fall in at a moment's notice. It appears that they had selected the hour of the officers' dinner to begin their operations, supposing we should not be ready.

J. T. JOLLIFF,
Major 1st Somerset militia.

Understanding that evidence has been produced to prove that a bugle sounded the signal to fire, I beg leave to observe, that I was first apprized of this circumstance after my return from Dartmoor. I never gave, as commanding officer, any order, directly or indirectly, to that effect, nor did I hear previously any report that such a circumstance had taken place.

J. T. JOLLIFF,
Major 1st Somerset militia.

He further says: There was no general order that when the soldiers on sentry heard one of them fire, they should consider it an order to fire also; but I suppose they might so consider it. One man fired into one of the prisons, which arose, as I believe, from exasperation, on being struck by a stone thrown by the prisoners. I did not see any one put his musket into the door to fire. Several shots were fired in the prison yards, but entirely without any command.

George Pitt, sergeant, being sworn, says: I was with Major Jolliff among the grenadiers in the prison yard, and he used all the means in his power to prevent the firing. I heard him crying out to the men to cease firing.

Henry Burgoyne, private, being sworn, says: I was on the platform at the bottom of the market square. A prisoner came with an iron bar, who, upon hearing a shout from the prisoners at the breach, when a piece fell out of the wall, which I heard, broke the gate open immediately, by striking off the lock, and the prisoners rushed through; and when we left the platform they pressed very much upon us; they were as thick as they could be; the alarm-bell was ringing about this time; the yard where the break was, was as full of prisoners as it could be. I belonged to the west guard. I did not see any prisoners wresting the arms from the guard. I could not see the breach on account of a projection of the wall, but heard the bar at work; they were quite thick down to the prison, waiting, I suppose, till the breach was made; the horn had sounded as usual for them to go in, but, instead of going in as they usually did very quietly, they came out; they pressed on us so much that we were forced to fall back; after we came down to the charge they would not retire, and, being unwilling to stab, we were forced to give back. I heard an order to fire, but do not know who gave it. I did not observe how the first muskets were levelled.

Edward Jackson, private of the Derby militia, being sworn, says: I was on the platform 18 and 19, between prisons Nos. 5 and 6. I think there had been two volleys in the market square before the men on this platform fired; myself and another sentry were posted on the platform; we had not fired before some soldiers came up on the platform; I never fired; it was the men who came up; I cannot say whether the sentry fired; they fired into the yard up towards the gate; there were a great many prisoners at the upper part of the yard; I did not see any firing into the prisons. There were one or two officers on the platform; no order was given to fire on my platform; to the best of my recollection, I think I heard a command "to commence firing from the right." The prisoners were all in a great body, near the gates at the top of the yard, when the firing commenced, and, after the firing, they retreated to their prisons. When I was placed sentinel, several prisoners were inside the palisades clodding one another; some soldiers charged them out of it; there were about two rounds of firing from my platform; there were about twenty soldiers on it, but cannot say exactly; it was full of them; I could not see the breach; I saw no tumult in the yard before the firing in the square, except the clodding; I cannot say I heard the alarm-bell ring.

Adjourned till to-morrow.

Examinations at Dartmoor prison of war, on Saturday, the 22d April, 1815.

Present, Paul Treby Treby, Esq., one of the magistrates for the county of Devon.

Thomas Burgess Mott, one of the committee of American prisoners, sworn: (A letter had been handed in by Captain Shortland, signed in this witness's name, and addressed to Captain Shortland, requesting his release, and stating that "although he had been called on by the respectable part of the prisoners to inquire into the cause of the late unfortunate affair, neither his deposition nor conduct appeared to show that he would wish to lay the blame

to Captain Shortland, but on the contrary, for which he had since been insulted by those men that were and had been the occasion of the late unfortunate affair.") There never has been, to my knowledge, any concerted plan among the American prisoners at this prison to break out. I have never been insulted by any of the men supposed to be ringleaders in the late affair, but, on the contrary, the prisoners think I was doing every thing in my power for their benefit. The letter handed in by Captain Shortland was written for me by another prisoner, to get me clear in any way; it was not signed by me; I told him I would give him a pound if he got me released; it was written without design to injure any body, and merely to get me clear, as my turn of release was not near; I never read the letter; I was one of the committee who made the report to Mr. Beasley; some part of it was from my own knowledge, and some part of it from the testimony of others. I saw a crowd where the hole was, but did not think it was occasioned by any thing but gambling, till I was called upon by the prisoners to go and make them desist from the hole. When I was in the yard of Nos. 5 and 7, and when the firing into it from the platform took place, there was no tumult; there were then but few persons in it; I was not in the market square; I think the making of the hole was merely through mischief, but not at all to get out, for I do not think twenty would have wanted to go out if the gates had been open; I do not know particularly of any subject of complaint shortly before the affair; I do not know of any one who complained before Admiral Rowley of the American Government; I was present the whole time; I do not know of any particular uneasiness among the prisoners at present, or any cause of complaint of their treatment; they are a little impatient to be sent home; there have been frequent little vexatious interruptions to the market, &c. on slight grounds; I did not see any one shot, though some fell close by me; I did not hear the horn sound before the firing.

WALTER COLTON, one of the committee, being sworn, says: None of the report was made from my own knowledge, but entirely from examinations. I am confident there was no disposition on the part of the prisoners to break out; had there been, I should certainly have known it, because I was in the constant habit of going through the prisons, having much business with the prisoners as one of their committee. It is impossible but it must have been known had there been any. Had the gates been thrown open, not more than a hundred would have gone out: those that chose could have got away on the 4th. The first I heard of the disturbance was the firing; I was then in No. 3; did not hear the horn; it is not generally heard inside; there was great irritation against Captain Shortland before the disturbance; this was owing to acts of barbarity on his part. I speak from my own knowledge. Instead of doing things to make them comfortable, he did quite the contrary. He has kept two prisons, the best and most comfortable, shut, when it was in his power to have opened them; the prisoners remonstrated against this, but it produced no effect, while they were turned into prisons open at top, and floating with water two or three inches deep; this was No. 2. There was a plan formed in No. 6, one of the best and most commodious prisons, two several times, to dig out, which was both times discovered by Captain Shortland, and on the second occasion the prisoners were turned into No. 2; they were, however, only kept there two nights, and then returned to No. 6; I call this an act of barbarity. Captain Shortland never returned any answer to our application to go into the empty prisons; I knew of no statements of complaint against the American Government, previous to the late affair; there have been often complaints of neglect against Mr. Beasley, but not against the American Government. Another act of Captain Shortland's was: about the time of the attempt to dig out, there were some bars broken in one of the prisons, in consequence of which, and the digging out, I suppose, one-third of our provisions was stopped for ten days. I know not what it was for, unless for this and the digging out. Captain Shortland has frequently stopped our provisions in the same way, without giving any reason. There has been no particular uneasiness among the prisoners to get out, since the account of the ratification of the treaty, and I know of no acts of violence among them in consequence; they were only anxious to be sent home, and expressed their opinions about it.

WILLIAM HOBART, one of the committee, being sworn, says: Some part of the report was made from my own knowledge, but not much; I was in the lower part of the yard Nos. 1 and 3 when the alarm-bell rang; I had not heard the horn sound to go in when the alarm-bell rang; I expect I should have heard it; it can generally be heard all over the yard; when I heard the bell I walked up to the railing next the market square to see what occasioned the alarm; when I got within a few yards of the railing, saw the soldiers coming into the market square. I think there must have been four or five hundred soldiers in the square before the firing began; there were many there, and others marching in and forming; I heard no orders to fire; the prisoners were coming up, as I was, to see what was the matter; I returned immediately to my own prison. There were two volleys fired into a prison, into No. 3; most of the prisoners were then in; the prisoners were retreating after the first volley; I had been in about five minutes before the firing; was on the second floor; did not see the soldiers who fired, but heard the report; and when I came down, saw marks of balls within; there were no stones thrown from the second floor; should have known it, as I was walking with some others. There were several lines of soldiers drawn across the square; a few prisoners were at the bottom of it then, but they were not so numerous as the soldiers; I am fully confident there was no intention to break out. I heard no shouting or threats against Captain Shortland when the firing commenced. The prisoners did not cheer in the yard I was in, nor in the market square, while I was present. Captain Shortland has behaved in a very tyrannical manner towards the prisoners; he stopped the market for ten days for a very trivial occurrence, and part of the provisions for the same length of time; do not think there was any intention among the prisoners to revenge themselves on Captain Shortland; there has been some irritation against Mr. Beasley latterly, because they thought he was somewhat dilatory in preparing cartels, but there was none whatever against the American Government; there was a report that vessels of war would come from America to take prisoners, but even when first started it did not gain much credit; the upper stories of Nos. 2 and 4 have been unfit for the men to live in, very open, and sometimes afloat with rain.

WILLIAM B. ORNE, one of the committee, being sworn, says: I saw a little of the affair stated in the report, but the principal part was from the examination of others. I was walking between No. 7 and the barrack wall; did not observe that many prisoners were there; they are always so numerous in the yard, that one might not observe whether there was a crowd or not; I heard no bar breaking the wall; went into my own yard, Nos. 1 and 3; the prisoners were almost all in. I heard the alarm-bell, upon which I walked up to the railings, and saw the soldiers firing on the prisoners; could not tell the number of the soldiers, but the yard appeared to be full; it appeared to me, from the number of muskets I heard, that the whole regiment must have fired several volleys. I went behind the cook house, and heard the balls flying in all directions; the prisoners ran up to the railings from curiosity; was not near enough to hear an order to fire; after firing a few volleys, they opened the gates, and charged the prisoners in the yard, and, after they were in their prisons, they fired in; I heard that shots were fired into No. 3—into the door; saw no stones thrown out of No. 3; saw only one stone thrown into the square; the firing appeared to me to last fifteen or twenty minutes. I heard a noise among the prisoners, but no particular shouting or cheering; saw the greater part of the prisoners run; after the first fire, every man secured himself as well as he could; there appeared

no interval in the firing; it continued all the while, until the soldiers opened the gates and went into the yard. I knew of no intention whatever among the prisoners to break out; we were then daily expecting cartels.

Niel Mc Kinnon, prisoner, being sworn, says: I was in the yard No. 7 before the alarm-bell rang; I saw some men making a breach in the wall; at first there were only three or four, but afterwards they increased to about twenty or twenty-five, standing round; I can ascribe this conduct to nothing but mere wantonness; can ascribe it to no other motive; I staid till the hole was made, and they began to throw things at the sentry; I saw the sentry put his bayonet through as a warning; he desired them several times to go away; I belong to another prison; I came to the gate; I heard the alarm-bell ring before I came; I saw a turnkey looking in the direction of the breach, and, expecting that the military would be called out, I went to gate No. 4; I remained there a considerable time, until the troops were drawn up in line; they then charged; I could see into the market square; I saw the prisoners between the railings, and the soldiers in front of No. 4 gate; my attention was engrossed by what was before me, and I did not observe how many there were to my right at No. 1 gate; I heard an order given to charge and fire, but do not know by whom; at this time the prisoners were daring the military, but not expecting they really would hurt them; cannot say I saw any stones thrown. I saw the first fire, but did not observe the elevation of the muskets. The prisoners retreated after the first fire, but I heard them shouting and rallying, cheering each other, and I think I heard them again dare the soldiers to fire. I heard several say they thought they were blank cartridges; I gave it as my opinion. I went down towards my prison, and was told on the way that Haywood was killed. I went to see, and saw a black man lying within the inner gate of No. 4. I then went up to the gate to speak to Captain Shortland; the turnkey let me through, and I told Captain Shortland that a man was killed, and begged him to make the firing cease, and not to be wasting the lives of the prisoners; he told me to go to my prison. I spoke to the officer apparently commanding the guard to the same purport, who said there should be a truce if the prisoners would go to their prisons. Captain Shortland knew me personally. I was going to No. 1 gate, and saw several persons at the door of the receiving house, with two or three wounded men; one of these persons was drunk, and abused the soldiers, who did not appear to attend to him so much as they might had he been sober. I went down to No. 4 yard; while going down the yard, a volley was fired into it by the soldiers in the market square; there were many prisoners then in the yard. I did not see more than one line of military in the square; it was two deep, and extended almost across. Was going up the yard, when I met a party of military with an officer, driving along four or five prisoners. I went up to the officer, who I understood afterwards was Major Jolliff, and remonstrated with him on the harsh treatment the prisoners were receiving. He put his fist in my face, and swore "by God they would not be trifled with any longer by us," (the prisoners.) I was then driven with the rest into No. 4, the sergeant having his halbert close to one of the prisoners, and the soldiers their bayonets charged. I entered the prison with my face to the soldiers, until I was so far that I thought I was safe, when I turned my back, and, at that moment, a musket was fired close to me, which wounded a little boy, who screamed and dropped down; he died the next day. There were no stones thrown out when the shot was fired, nor any insulting language used towards the soldiers; the prisoners were crowding round the door, not being able to get in fast enough, but there was no tumult among them; heard no order to fire the shot; I heard the report near me; the doors were then locked up. I have not the least belief that there was any concert or intention among the prisoners to break out. I did not know the arms were kept in the barrack yard, nor do I believe it was generally known among the prisoners. I think the breach and the breaking of the gate were only acts of wantonness, like throwing turf at each other. There was a good understanding between the prisoners and the soldiers, particularly the Derby militia; they used to be of assistance to them when the markets were stopped; the Somerset regiment was not up to so much as the Derby. I think the sentries were removed from the yard to prevent communication with the prisoners, not through any fear of them. If there had been any concert, they would have made some preparations; but there did not appear any among them, as the gambling tables were not removed from where they usually were. I have since seen some who broke the wall, who have expressed sorrow for what they had done, from the consequences resulting from it, but declared they had no intention to escape.

Francis Joseph and Henry Allen, the two remaining of the committee, knew nothing of their own knowledge, and were therefore not examined.

John G. Gatchell, prisoner, being sworn, says: I belong to No. 7 prison. On the 6th of April, between six and seven in the afternoon, while walking in that yard, I heard a report that some boys were making a hole in the wall. Being in the yard abreast of the market square, I saw Captain Shortland coming down the market square at the head of a party of soldiers; they were formed in a line, and began to fire immediately. I did not see any prisoners then in the square; a few were between me and the railings. I could have seen any who might have been in the square. I saw no charge of the bayonet. I heard an order to fire, but do not know by whom; at the first volley one man fell about four yards from me. I went to him, and asked what was the matter; he said he was wounded in the breast, but I did not believe it, thinking it impossible, till I felt it. I called assistance, and was trying to get him to the receiving house, when Captain Shortland entered No. 7 gate with two soldiers, and said something which induced the two others to run away and leave the wounded man with me; upon which, Captain Shortland, seeing I did not run, said, "Kill the damned rascal;" the soldiers charged on me, and a bayonet pierced my clothes and skin, going in about a quarter of an inch. I was then forced to leave the wounded man and run, when a soldier followed me; and Captain Shortland, urging him on, repeated several times "Kill the damned rascal." While running on I was pricked three times, and should have been killed, but, stepping aside, the bayonet ran under my arm; and the soldier, with the force of the thrust, fell on his knees, by which means I escaped into the prison. There are four doors to No. 7 prison; all but one were shut, which one was exposed to the fire; all the prisoners were crowding to one door; the door left open was the one which was usually so; but the doors were shut, I think, sooner than usual, and the prisoners were trying to get in at the shut doors; the prisoners being pursued by the soldiers, all crowded to one door, one over the other, and, being unable to get in fast enough, were wounded by the bayonets of the soldiers pressing behind. While getting in No. 7, I saw Captain Shortland running down the yard towards No. 5 with the soldiers, and heard him order them to fire; am quite sure I heard him order them to fire; he was facing me at the time; was running towards No. 5, and ordering them to fire as they ran, which they did; cannot positively say he had arms in his hands when coming down the yard. I did not see that the soldiers hesitated to fire when ordered; they did fire. Never had any personal altercation or difficulty with Captain Shortland; never spoke to him, nor been spoken to by him. Do not think there was any intention to break out. The firing in the yard was after that in the market square; two soldiers came in the gate abreast of Captain Shortland, but many followed him—thirty or forty, perhaps. After the soldiers were in the yard, those on the ramparts did not fire. There were about forty or fifty shots fired by those in the yard. While the prisoners were running to No. 7, they were cut off by a cross-fire from the ramparts; (he pointed to the place where he was wounded in the back,) was told by others my wound was a quarter of an inch deep; it swelled up considerably, and was very sore, as was the case with all three wounds; was never under any of the surgeons or surgeons' mates.

ANDREW DAVIS, prisoner, being sworn, says: I belong to No. 3 prison; I was at the bottom of No. 3 yard on the evening of the 6th, just before, counting in time the horn had sounded; on the first report of muskets, the prisoners said they were blank cartridges. I went up to No. 1 gate; when I got there, five or six men were bringing a man who appeared to be badly wounded into the market square; they had brought him inside the inner gate next the square; I heard Captain Shortland order them to let go the wounded man; one of them remonstrated against it, and Captain Shortland struck him with his fist; the man then went outside of the gate into the passage between the two gates, and said to Captain Shortland, "You'll recollect you have struck me twice, and I'll have satisfaction for it." Captain Shortland told him to go into the prison, or he would order the men to fire on him; I then went down to No. 1 prison, and saw no more. The soldiers were drawn up in the square when the wounded man was there, and Captain Shortland in front of them. It was about ten minutes or a quarter of an hour after the firing began that the above transaction took place. One or two volleys were fired after that.

JOHN ODIORNE, prisoner, being sworn: (His evidence before the coroner being read to him, said he had no correction to make in it, other than it was possible that there might have been some few prisoners in the square, but there were no numbers of them, previously to the drawing up of the soldiers in the square.) I stood on the steps at the cook house in the market square; I could see the whole of what was passing in the square; the gate was burst about the same moment the soldiers were firing obliquely to the left, after they were drawn up in line; the prisoners rushed in immediately, but not violently; I heard an order to fire, which was from Captain Shortland, as near as I can judge of any man who had his back to me; it was in Captain Shortland's voice; he was about one hundred feet from me; I am as positive as I can be under such circumstances that the order came from him; Captain Shortland appeared to be in a great passion when entering the square; he looked very red, and spoke loud; am confident there was no disposition to break out. There was very little interval of time between the marching of the soldiers into the square and the sounding of the horn for turning in; the horn was first; the alarm-bell rang nearly at the same time that the soldiers entered the square; the prisoners generally conceived that there was a tardiness in Mr. Beasley's fitting out ships, and there was discontent among them against him, but no complaint against the American or British Governments.

GERARD SMITH, prisoner, being sworn, says: I was in the market square with Captain Odiorne, who requested me to stay, after the horn was sounded, till the wagon was unloaded; I told him my prison would be shut, as the horn had sounded, and I should be shut out, and I thought I had better go; I did stay several minutes longer; seeing the prisoners nearly all in, I said I must go; I saw Arnold coming up the square, and saw also Captain Shortland by himself close to the wagon; the captain asked Arnold whether the prisoners were all in; Arnold said, "Sir, they have got two holes in the wall;" captain said, "Damn you, why did you not let me know that before? go and ring the bell." I turned from Odiorne, bade him good night, and went down to the gates, which were all closed, and I was obliged to get over the railing; when I got over, I saw no tumult among the prisoners; one man told me that some boys had taken some stones out of the wall, and wondered what it could be for; "I do not know," said I, "but I suppose it is through mischief."

ROBERT JOHNSON, prisoner, being sworn, says: I know Gatchell; I was at the gate No. 7 when Captain Shortland spoke to him; I ran directly up to the gate from No. 5; at the first firing a wounded man lay about five or six yards from the gate, on the prison side; Gatchell and two or three others came up to take him, as I suppose, to the receiving house; when he got into the passage, between the railings, Captain Shortland came in with two or three soldiers, and told them to go back, or he would kill them; the soldiers followed; in rushing in, Captain Shortland stumbled over the wounded man; Gatchell did not go away immediately; Captain Shortland ordered the soldiers to charge on him; one did charge on him, and another on me; I then made my escape into the prison; I am quite sure Captain Shortland ordered the soldiers to charge; this was after the firing in the market square. At the first fire I was in my berth; had no idea that there would be any disturbance, or that the military were firing with ball. I heard no abusive language from Captain Shortland.

JAMES N. BUSHFIELD, prisoner, being sworn, says: I was present all the time the breach was being made, but was not one of those who did make it; I had no idea it was for the purpose of making their escape, but supposed it was through mere mischief; there were about twenty or twenty-five prisoners round it; they began in the morning; I was there when the sentinel told them to go away, or he would fire; they set up a laugh, and drew back after he put his bayonet through the hole, forming a circle of fifteen or twenty-five feet from the wall; at that time there were not more than twenty-five or thirty people, but afterwards they ran from all quarters to see the hole, hearing the others at it laughing; they knew nothing of it before; I went towards the gate when I heard the first fire, which I supposed was with blank cartridges, until I heard the balls whistle; do not suppose a man in the yard knew there was arms in the barrack yard.

Adjourned until to-morrow, 8 o'clock.

DARTMOOR, *Sunday, April* 23, 1815.

Met, pursuant to adjournment, at 8 o'clock.

Present, Paul Treby Treby, Esq., one of the magistrates for the county of Devon.

WILLIAM CLEMENTS, prisoner, being sworn, says: I was most of the evening at prison No. 1, and towards the close of the evening was going to my own prison, No. 7; I saw about twenty or thirty prisoners gathered round the wall of No. 7, and considered they were gambling; going up to it, saw dirt about a breach in the wall, and then several took up stones and threw them at it, in order to force it through. I went down the yard, and came up again, at which time they were still throwing against the breach; they made a hole; I then saw Captain Shortland come up to it with some soldiers on the other side; he spoke through the hole, asking what they did it for; a number answered they had nothing to do with it, and some said they dug it for amusement; Captain Shortland said, if they did not disperse, he would be obliged to fire upon them; he then went away; they then dispersed, and some who were digging went into their prisons; I heard no insulting language to Captain Shortland; the hole was then large enough for a man to get through; saw none attempt to get through; I considered the digging of the hole was merely through mischief; a number of small places had been dug in the wall in the course of the day; a great many prisoners were in the yard No. 7—more, perhaps, than usual, it being so fine an evening; I went towards my own prison, and found all the doors but one shut; I heard a great noise at the top of the yard, and went towards the gates; heard many cry out "keeno;" *keeno* is said among the prisoners when any thing falls, even in the prison; many cry it out when they do not know what is the matter; I suppose there were about forty or fifty soldiers then in the

market square, drawn up on one side; the prisoners were going through at No. 1 gate; the soldiers came down to the charge, and then drew back; the prisoners were not so numerous as the soldiers; I suppose there might be thirty prisoners in the square; they made no opposition; some of them appeared to be in liquor; the prisoners are not permitted to be in the market square; the gates were locked; when the prisoners were driven through the gate, the soldiers fired; they fired into No. 1 gate; I heard no order to fire; was not in a situation to hear it; the soldiers fired right into the gates; did not observe how the muskets were levelled the first fire; I considered they fired with blank cartridges at first; this was into No. 1 gate, and there were only a few shots, but afterwards a volley; I saw a man fall at No. 7 gate, when I, with others, attempted to remove him, when another volley was fired in; put him behind the wall; he said he was wounded in the breast; we put our hands there, but felt nothing; he soon died, and then we found the ball had entered his head. At the time of the first fire, I heard no abuse from the prisoners, nor saw any stones thrown during the whole time; there was some turf inside the square, which I thought had been brought in by the people who had the liberty of the square; after the first fire, the prisoners did not rally or cheer, but were eager to get into their prisons; I cannot say why so many of the prisoners were out at the time; I did not hear the alarm-bell; a number of prisoners knew nothing of it till they heard the reports of the muskets; saw an officer with the soldiers; the officer was the first man who entered No. 7 yard; it was not Captain Shortland; I saw Captain Shortland in the yard, but whether it was he or the other officer who first came in I do not know; I saw an officer have hold of a prisoner by the collar, and strike him with a sword once or twice; he made no attempt to stab him; I then went into No. 7, and saw nothing more. There was no particular uneasiness among the prisoners at not being released, only talking about it, and saying they thought it hard; but they were as obedient to the orders and regulations of the prison as before the account of the ratification.

John Hubbard, prisoner, being sworn, says: I was carrying a wounded man to the hospital; Captain Shortland came up to me, (I was then about half way up the market square;) he ordered me to drop the man; I told him I should not, for he was a dead man, and I wanted to take him to the hospital; he gave me a crack on the neck with his fist, and ordered the soldiers to charge on us; I then went back directly, as the soldiers were running towards me, and ran in; they did not follow us any distance; they halted as soon as we ran; when I got in I called to Captain Shortland, and told him, "You will recollect, sir, you struck me, if you are brought to account for this;" he said "he would strike my damned heart if he had me there;" I am sure of this; I did not threaten him that I would have satisfaction of him. I do not know any of the men who were with me, helping to take the dead man; there were about four or five; the soldiers at this time were drawn up across the square; there had been much firing before this; I saw the soldiers fire into No. 3, after the prisoners were in; I was standing close to the door; I belong to that prison, and mess close to the door; there were eighteen or twenty soldiers at the door, but do not know whether they all fired; I saw the muskets levelled; seven or eight shots struck the stairs, and some went to the other side of the prison; at this time there were five or six prisoners going in at the door; one got wounded on the step; I did not see any stones thrown out, but heard afterwards there was one thrown out.

Homer Hull. (His evidence before the coroner being read to him, he said it was correct.)
I am sure I heard Captain Shortland give orders to fire; I was then about thirty or forty feet from him, near gate No. 4, under the platform; he was then facing me; the first fire was a volley; there were no straggling guns preceded the volley; they fired immediately after they got the word; there was no hesitation. I do not think there were more than three or four prisoners in the market square in front of the soldiers at the time of the first fire; they had retreated through the gate, and shut it after them.

James Reeves, prisoner, being sworn, says: I belonged to prison No. 1. I was rather groggy that evening. I saw a mulatto man, who was groggy, break the chain which fastened the gate No. 1, with a bar like a crowbar; the bar was flat and thick, something like a chisel, about two feet long; the alarm-bell was ringing at the time he was breaking the chain, before the gate was broken open. I suppose there were as many as fifty persons around the gate; the pressure they made parted the gate sooner. As soon as the gate was open, a great many rushed through into the square; there were about twelve or thirteen; there were a great many between the two railings; they were all hallooing and making a noise. I went out into the square; I was tipsy, or I suppose I should not have done it. I saw the soldiers coming down; they charged upon us immediately, and I then went back directly. I was pricked. I lost my hat, and went to pick it up, when I was pricked again. I went back with my face to them; some turned their backs; but I stood a little more upon going back than I should have done had I been sober. I received two pricks in the breast, and two in the arm. We shut the gate as soon as we could. Captain Shortland was abreast of the gate No. 1, in front of the soldiers. I am pretty sure he was in front of them. I heard him sing out "fire" twice; heard him order both to charge and fire; can swear I heard him order to fire twice; think Captain Shortland was in front of the soldiers; cannot say how he escaped being shot more than myself. I heard no shouting among the prisoners after the firing. After we were inside No. 1 prison, I watched an opportunity, being mad at being pricked, and flung a stone myself out at the soldiers; the soldiers had fired into the prison before I did so. I saw no stones thrown, nor heard any abuse after the charge and before the firing; but, after the firing, the prisoners ran into the yard, and sung out "fire, and be damned," and dared them. I cried out "fire, and be damned," which I did because I was mad at being pricked for nothing, as I thought. Mr. Magrath, the surgeon, spoke to us, and desired us to go back; he said, if any blame was to be attributed to any body that we were not sent home, it was not owing to Captain Shortland or the English Government, but to Mr. Beasley. Some did go back in consequence, and if I had been sober I should probably have done so too. This was before any soldiers were in the square.

William Mitchell, prisoner, being sworn, says: I belonged to No. 1; was walking in the yard, as were a great many more, it being very fine; did not know any thing particular was going on. I saw Nichols, the turnkey, running down, and a great many prisoners with him singing out "keeno;" they ran out of curiosity, to see what was the matter; I did not know what was the matter. About this time I heard first a single musket, and afterwards a volley, and then more. I asked what was the matter, and was told some boys had made a hole in the wall of No. 7 yard. I said, "What do they fire here for?" I went and helped to shut the inner gate of No. 1, and said we had no business with soldiers there. There were not above thirty prisoners there at that time. The soldiers came in. I saw two officers, and spoke to one, and asked him why he fired upon people who made no resistance? He told me he had been through the hole in the wall himself. Captain Shortland told the prisoners to go to their prisons. The soldiers came in, charged them to their prisons, and wounded several. I did not hear the horn or the alarm-bell. The prisoners do not usually go in when the horn first sounds, till the turnkeys come down and tell them to turn in; they first go and lock three doors, and afterwards the fourth and last.

George Challacumb, being sworn, says: I am a carter, belonging to the prison establishment. I went to Plymouth on the 6th of April with a letter; I overtook a man named Roberts on the road, who had been released from prison that morning; he told me his name was Roberts. I entered into conversation with him; he said he was glad he was released, for he thought that in a few days an attempt would be made to break out of prison. I asked him how it would be done; he said there was talk among the ringleaders that it should be at the time the bread wagons went in, when the iron gates were open; and he feared the consequences would be very great: he said that Slater and Jack Crandall were ringleaders of the whole. I did not mention this at Plymouth. It was ten o'clock at night when I returned, and then the affair at the prison had happened. Next morning I told the chief clerk, Mr. Holmden, what I had heard, and advised him not to keep both gates open at once. (There are on the books two such names as Slater and Crandall.)

Lot Davis, prisoner, of No. 5 prison, being sworn, says: I was walking about half way between the hole and the gate. The cook house of No. 6 was, I thought, the only safe place from the firing; I tried to get into No. 5, but could not, and remained in the cook house until next morning. I heard scattering guns firing after the prisoners were all running away, as if fired at single persons crossing the yard.

Samuel Best, turnkey, being sworn, says: On opening the door from the railing towards the receiving house, on the morning of the 5th April, about half-past seven o'clock, a prisoner said to me, "Well, turnkey, how did you like the keeno yesterday?" I told him I did not know any thing of it, having been away; but, from what I heard, they had acted very improperly; he said, "Damn you, in a quarter of an hour we can have all the bloody walls down." I turned round, and the conversation ended. No other prisoners joined in these expressions; several were round, waiting to go into the receiving house. On the 6th instant, in the evening, when all was quiet after the affray, Mr. Mercer, who assisted in the dispensary, said he hoped the prisoners would not attempt any thing again; I replied, it would be quite madness, as they were unarmed, and hoped they would be reconciled. He said it might be different if they were to make another attempt, as they would not be taken by surprise again; and intimated, as I understood, that they had upwards of three hundred pistols and five hundred files, which I understood were sharp and fastened on pieces of wood, and enough gunpowder to blow up the walls. I heard the next day a prisoner say, on the other side of the wall, if they could have got one hundred muskets they would have been better pleased, or would have done better, or something to that effect.

David Spencer Warren, prisoner, being sworn. (His evidence before the coroner was read to him, and he said it was all true, and that he had nothing to correct.)

I was within seven or eight feet of Captain Shortland when I heard him give orders to fire; I was inside my own prison yard, and Captain Shortland was close to the gate; that was the first firing I heard; there had been none before. Soldiers had broken up their line when Captain Shortland led them into the prison yard. Captain Shortland was at the head of them, in front of them all, when I heard him tell the men to fire. They did not fire the first time he said "fire;" it was about a minute afterwards before they fired. He said "fire" three times; the last time he caught hold of a musket, and turned it towards a man standing opposite him, saying, "God damn you, fire." I cannot swear that that musket was fired. The firing commenced at first by one musket, then two, and afterwards a general fire. I am sure the firing did not begin by a volley. I am sure what I state is true. There had been no firing before I saw Captain Shortland take hold of the musket; I had heard none. I saw no prisoners have hold of this musket at the time. Captain Shortland, when he told them to fire, was in front; one soldier beside him. They might have fired at his side, or over him, without hurting him.

Richard Walker, private in the Derby militia, being sworn, says: I was one of the south guard on the evening of the 6th; I was in the market square when the firing began, on the right of the north guard; when it began, there was not a prisoner in the square; when the soldiers charged, there were a great many in; cannot say how many. They went back to their own yard directly; was formed nearly on a line with the north guard. After the charge the prisoners returned to the gate, and tried to force it; they made a great noise, and used very abusive language; they did not come back into the market square. I heard no order to fire; first one musket was fired; it was by a sentry posted at the bottom of the square, in consequence of the prisoners abusing him. I saw this; I cannot say I saw the prisoners take hold of his musket. I saw them throw no stones before, but after it was fired they did; one hit me on the arm. I might not have seen it had the prisoners caught hold of his musket. It might be two minutes before there was firing again. As soon as the prisoners threw stones, there was more firing. They fired several together, but not in a volley. Do not recollect I heard any order to fire. Heard several call out "fire," and supposed it might be the prisoners who were calling out. I heard the word "fire" repeated, but do not know by whom. I was close enough to hear the prisoners call out. Saw Captain Shortland come down, break through the guard, and heard him order them to cease firing; this was very soon after the firing began. He called out to the prisoners, "For God's sake, men, go in, go in." The soldiers did the same. Captain Shortland came down the square from behind the line, broke through the guard, and ordered them to cease firing. I did not know where he was before the firing.

William Ward, private in the Derby militia, being sworn, says: I was not in the market square when the firing began; I came up just after. Captain Shortland, after it had continued some time, came up, and ordered the soldiers to cease firing; they immediately ceased. He said to the prisoners, "For God's sake, all of you go in;" the whole of the soldiers said the same. The prisoners ran up to the gates after that with a stronger force than before, making a great noise, but not insulting the soldiers. Saw no stones thrown. When Captain Shortland gave orders to cease firing, they did so immediately; afterwards the prisoners came up in large bodies; there was more firing; I did not see any prisoners come into the square after that. I do not know who ordered the firing afterwards; I heard Captain Shortland order the soldiers to cease firing; he ran from behind the line to the front, and held up both his hands, saying, "For God's sake, cease firing."

William Norris, turnkey, being sworn, says: I was not in the market square before the firing ceased. I came into the front yard, and was told by a turnkey in the lodge that the prisoners had made a breach. I ran to it, and some soldiers came to relieve the sentry at the hole. The prisoners were abusing him, and daring him to fire, saying his orders were not to fire. I saw Captain Shortland at the breach; he said the prisoners must have some bad intention. He came round by the military way to the front of the gate, and ordered me to ring the alarm bell, which I did; he was then in front of the upper gate, between it and the lodge; this was previous to any knowledge of the bursting the gate. When I had rung the alarm-bell, I went to the military way; one musket was fired first, and afterwards there was a general fire; after which, Captain Shortland and some officers called for the turn-

keys; I ran through the line; he told me to take a wounded man to the hospital, which I and two others did. I returned to the market square; he ordered me to take another; he was dead. I took him to the burying house. The wounded man was brought out of No. 1; the dead man I found in the square. I was afterwards employed in carrying away the wounded.

John Rodd, turnkey, being sworn, says: I blew the horn for locking up, on the evening of the 6th; blow it always for about one quarter of an hour; I did so that evening; I went down afterwards to lock up No. 4 prison; while at the doors of it, I heard the alarm bell-ring; as soon as the prisoners hear the horn, they generally begin to go in; they did so that night; they were going into No. 4 quite fast; they rushed out again, up to the gates, to see what was the matter; they ran up the yard; I cried out that night, as I went down the yard, "Turn in, turn in; the alarm-bell is rung to assemble all the department." I came back into the market square, and when I got there, there was a firing, and a cry for the turnkeys; I came, and assisted to carry the wounded men to the hospital.

Daniel Nicholls, turnkey, being sworn, says: I was in prison yard No. 1, to lock the doors; the horn had done sounding before; before I came to the first door to lock up, the alarm-bell rang; the prisoners were going in just as usual; but, when the alarm-bell rang, they called out to know what was the matter, and thronged so much to the door that I could not shut it; I proceeded towards the gate, but, before I reached it, the firing commenced; I was about half-way up the yard when it began; hearing a ball whizzing by me, I returned to the end of the prison, and waited some time, till, seeing the lamplighter get over the wall by his ladder, I thought it a good opportunity for me to get over also, and did so; I came round to the market square; Captain Shortland was calling for turnkeys, and I went to assist in carrying the wounded to the hospital; the firing had ceased in the market square when I reached it; I heard much firing afterwards in the prison yards; when I came to lock up the second time, the prisoners threw a stone at me from No. 1, and the sentry then fired in at the door; I do not know who the sentry was; they shoved the door to, and would then open it again, and throw out stones, before I could fasten it; I cannot say whether the door was open when the sentry fired.

David Pitmore, turnkey, being sworn, says: The first I heard of the affair was a call for the guard; I went to the lodge, when Captain Shortland ordered the alarm-bell to be rung; I staid at the top of the yard till I heard a call for the turnkeys, and I then assisted in carrying away the wounded men; was at the lodge before the alarm-bell rang; I saw the soldiers charging the prisoners back; they drove them out under the platform; saw the first firing; several prisoners rushed into the square before the charge; I do not think there were any in the square before the alarm-bell rang; afterwards a gate was open, and they were coming through.

John French, turnkey of prison No. 3, being sworn, says: I was going to lock up as usual on the evening of the 6th, after the horn had sounded; I was in the yard; the prisoners were going in very quietly; had locked one door, and then heard the alarm-bell; the prisoners asked what was the matter; I said I did not know; I continued locking up, and locked three doors; this went on till the firing began; I stood at the end of the prison, and then got over the wall by the lamplighter's ladder; I did not see the prisoners come out of No. 3 after the firing began; came round to the market square; the firing was then over there; after assisting to carry the wounded to the hospital, I went to lock up No. 3; the soldiers fired in the door of that prison; I told the prisoners to go in; they were in the doorway, and I touched them slightly with my hand, telling them to go in and let me shut the door, or the soldiers would fire; one of the soldiers touched one with his bayonet, and advised them the same, or they should fire; one man told him he might fire and be damned; immediately an order was given to fire by somebody behind—whether by an officer or non-commissioned officer, I do not know, and several muskets were fired into the open door, (I cannot say how many,) upon which I saw some prisoners drop; do not know who ordered to fire; sentries said to them, "If you do not go in we must fire on you;" they said "Fire, and be damned;" I believe only one said so; there were many soldiers about the door; cannot say whether the soldiers could have driven them back by their bayonets, without firing, so as to have enabled me to shut the door; the soldiers were about eight feet from the door when they fired; I was in front, and got back as quick as I could, and bent down as they fired.

James Carley, turnkey, being sworn, says: I came to the front of the iron gate in the military walk; saw Captain Shortland coming from the barracks with soldiers; he made a halt at the blacksmith's shop; I saw prisoners rushing towards the gate No. 1, between the two railings; they sang out "keeno;" I ordered out the bread-wagon, then in the market square; I opened the gate for the purpose; as soon as the wagon was out I heard a bar knock against No. 1 gate; I called out to Captain Shortland that the prisoners were breaking out; he went down with the military with both his hands in his breeches pockets; the prisoners were rushing out, but I could not see how many there were, the military being between them and me. I staid till I heard a cry for the turnkeys; went down to assist in carrying the wounded; I saw a charge, but do not know whether it made the prisoners go back.

Samuel Morgan, turnkey of No. 7, being sworn, says: After the horn had sounded I was in Nos. 5 and 7 yards, going to lock up. No door was locked when the alarm-bell rang. When I first went into the yard there was a great crowd of prisoners round a hole in the wall; as I passed by they sang out "keeno," and they and others in the yard ran towards the railings, near the market square; about this time there were nearly seven or eight hundred prisoners in the yard; many belonged to other yards; I took no notice. When I got to the cook house the bell rang; they asked me what was the matter; I said I did not know; I passed on, and when I had shut one door I heard a firing; the prisoners seemed to retreat then. I got over the railings into the military way by the lamplighter's ladder. There were then three doors of the prison open. I saw no stones thrown by the prisoners, being at the lower part of the yard, where there was no tumult. I came round to the market square when the firing was over; only a few muskets were fired afterwards; but did not see any while I was in the military walk. I saw the sentries fire from the ramparts. I then helped to carry away the wounded, seeing others do so. After locking up prison No. 7, which I did without difficulty, I went to No. 1, to shut up, and, when putting one of the doors to, stones were thrown out; I was struck by one on the breast, and by one on the chin; I was pulling the inside door to; no muskets were fired into it then.

William Wakelin, turnkey of No. 5, being sworn, says: I had locked three doors of No. 5, when I heard a great noise, and the word "keeno" several times. On entering the prison yard there was a great body of prisoners between prison No. 7 and the barrack wall, round where the hole was; there were not more than usual round the railing. As usual, some prisoners were going in, and some kept coming out: there was nothing unusual in their manner at the bottom of the yard. I was coming up towards where the noise was, when a bullet hissed by close to me. I then ran towards the ramparts to get out of the way. I got over the wall by the lamplighter's ladder; then I came round to the market square, where I saw the soldiers drawn up in ranks. I went down, and heard Captain Shortland call out for the turnkeys. I assisted to carry the wounded. The prisoners brought a wounded

man from No. 1, and insisted on carrying him up themselves; Captain Shortland ordered them to go back, but, as they refused, he put out his hand, and pushed one of them, without using violence; they would not go, and the soldiers were obliged to charge on them; one man pulled open his clothes, and challenged them to fire; Captain Shortland pushed him, but it was not with violence. This man was very turbulent; his name is James Reeves. Afterwards I went to lock up No. 5; then all was quiet, and the prisoners were all away from the door.

Richard Arnold, turnkey, being sworn: (His evidence before the coroner was read to him, and he said it was all perfectly correct.) Captain Shortland, at the time of the first fire, was in front of the line of soldiers, and it was almost impossible for him, had they fired a volley, to escape death himself. He was persuading the prisoners to go back when I told Captain Shortland they were making a hole in the wall; he told me to call the guard, but did not use any oath, nor did he blame me for not telling him of it before.

John Arnold, steward at the contractor's store for the prisoners in health, being sworn. (His evidence before the coroner was read to him, and he said it was correct, and that he had nothing material to add to it.)

Stephen Hall, turnkey, being sworn: (His evidence before the coroner was read to him, and he said it was correct.) One of the iron bars mentioned therein was bent; the bars appeared to him to be some of those from the railings.

John Tozer, being sworn. (His evidence before the coroner was read to him, and he said it was correct, and that he had nothing to add to it.)

Henry Wroe, plumber and glazier at the prison establishment, being sworn, says: I saw the sentry at the breach charge down his musket, and several stones thrown at him, while he kept telling the prisoners he must fire. I was then on the south guard platform. I went to the platform, at the foot of the market square, and saw about six or seven hundred prisoners at the hole; and presently they sung out "keeno," and ran towards the railings; they rushed in under the platform. Seeing this, I left the platform, and was going up to the market square; before I was half-way up I heard them knocking the chain of No. 1 gate, which soon burst open, and a great number (I cannot say how many, but suppose about five or six hundred) rushed into the square. I did not see Captain Shortland or the soldiers come into the square. The prisoners had broken the lock before they came in; it was done before I left the square; the alarm-bell rang after I left it. Being called again, he said: he does remember to have told Captain Shortland that the gate was burst; Captain Shortland was then in the military walk, near the turnkeys' lodge, standing alone, without the guard; he did not hear him give any order in consequence. It might be a minute or so before Captain Shortland went into the square.

John Mitchell, clerk to Captain Shortland, being sworn: (His evidence before the coroner was read to him, and he said that it was correct, and he had only to add as follows:)

While I was on the platform observing the prisoners throwing peat at each other, as I stated in the deposition, between the wall and the iron railings, I observed a great body of prisoners round the place where the breach was, but they were so numerous that I could not see what was doing. When I went with the turnkeys to remove the wounded, I observed Captain Shortland exerting himself as much as a man could do for them, and in having them conveyed to the hospital; he desired me to procure turnkeys to remove a wounded man who was sitting in a sentry box, and desired me to exert myself as much as possible in having the wounded removed; the cry of the military for the keys of Nos. 5 and 7 was from those who had not been active, and appeared to me to proceed from anxiety to secure the prisoners, not from any vindictiveness; this party did not fire while I was in the yard with them; they called for the keys for the purpose of shutting up the prisoners.

Robert Holmden, first clerk to Captain Shortland, being sworn: (His evidence before the coroner was read to him, and he said it was correct.) I saw a great body of prisoners at the breach; the prisoners had broken the gate of No. 1, next the market square, before the alarm-bell rang; I was with Captain Shortland when the report of it was made to him; it was made by Henry Rowe; whereupon Captain Shortland, who was a great deal agitated, said, "Where are the guards? where shall we get help?" and I advised ringing the alarm-bell, which was done.

Robert McFarlane, assistant surgeon, being sworn. (His evidence before the coroner being read to him, he said it was all correct.)

John Bennett, store clerk, being sworn, says: I was at the breach; the prisoners were using very abusive language. I saw no stones thrown. I proceeded down the military walk; I was very near Captain Shortland, near the blacksmith's shop in the military way; several people reported to Captain Shortland that the prisoners were forcing the gate, and he then ordered the alarm-bell to be rung; he went into the square with the guard; I heard Captain Shortland tell the prisoners in the market square to go back to their different prisons, and say how sorry he should be to use force; he remonstrated with them; this seemed to have no other effect than to produce the most infamous language from them; some minutes after a musket went off, and soon after many others; I was then so near Captain Shortland that I am sure I should have heard it had he given orders to fire, but I did not, nor did I hear an order from any body. I did not see the charge. I heard Captain Shortland order the soldiers to advance. Captain Shortland said, in my hearing: "My good fellows, go to your different prisons, or the military must do their duty." I suppose the prisoners in the square must have exceeded some hundreds when Captain Shortland went in with the guards.

George Magrath, surgeon of the hospital, being sworn: (His evidence before the coroner was read to him, and he said he had nothing to add to it, but felt it his duty to say:)

As some imputation of inebriety has been made against Captain Shortland, I think it justice to say, that, having observed him on the evening of the 6th, no man could be more free from it; and from my acquaintance with him, and with his general habits in his family, I do not think any man can be more abstemious. I should consider it equally incumbent on me, as imputations of barbarity have been made against him, to say, that, whenever I had occasion, as often happened, to make representations to him of any arrangement calculated for the health and comfort of the prisoners, he has always adopted it with great alacrity, and shown every disposition to do every thing for their welfare.

George Holland, bugler of the Derby militia, being sworn, says: I recollect sounding the bugle on the evening of the 6th, in consequence of the prisoners breaking the wall; several officers of the Somerset passing backwards and forwards in the military way said the prisoners were breaking down the wall, and were breaking out of the gates, and were getting out, and every person would be killed, and told me on that account to sound a fire on the bugle, which I did; before this, a considerable time, there had been firing, and I am sure not four men would have known any thing about the sounds of the bugle if they were asked now.

Adjourned until to-morrow at 8 o'clock.

DARTMOOR PRISON OF WAR, MONDAY, *April* 24, 1815.

Met, pursuant to adjournment, at 8 o'clock: Present, Paul Treby Treby, Esq.

JOHN COLLARD, sergeant in the first Somerset militia, being sworn, says: I was on the north guard, commanded, on the evening of the 6th, by Lieutenant Avelyn. Some one belonging to the department came and told me to call out my guard, saying, "Fall in your guard as soon as possible, and march it up to the west yard," and that that guard was going to the barrack yard where the breach was. I fell in the guard, and marched them up opposite the west guard, where I halted them; was not there long before Captain Shortland came up; he ordered me to take the guard to the market square and form it across; had seen nothing before this of what had passed. On entering the market square I heard a chain rattle at gate No. 1, on the left hand side. I formed the guard across the square; the guard was at the west guard house before the alarm-bell rang; it rang a little at first, stopped, and then I heard Captain Shortland order it to be rung again. This was before we went into the square; it was not rung again till we were going in. I observed two or three prisoners come out of gate No. 1, from the prison yard, just as I entered the market-gate; a greater number had entered before the guard formed; whilst it was forming I ordered the two sentries in front of the railings at the bottom, and the two on the platform above, to leave their posts and join the guard; they were all that were at those situations. As soon as they heard me thus order, the prisoners began to cry out "keeno," and rushed into the square in as great numbers as they possibly could, through the gate which had been broken. By the time I had formed my guard they came up in great numbers, close to us, on our left flank; the guard gave way on the left, where it was weakest, and where the prisoners made the greatest efforts to pass; the soldiers were then at the shoulder, when the guard gave way. Captain Shortland ordered it to charge; he told off about fifteen file himself, whom he ordered to charge; repeated it two or three times before they did; they endeavored to drive them back, but did not charge the same as they would an enemy; if they had they must have killed scores of them, as every bayonet would have told; they tried to drive them back without committing murder; the right of the guard did not charge; we drove them back about half the ground they had gained in the square. I was in the rear of the charging party; only the fifteen file told off charged in this way at first; the prisoners then began to throw stones at us in great numbers from within the railings and from the market square; there were some scores still in the market square; they were hurraing at the same time. An order was then given to fire on them; I heard the word given to fire by some one; I think the word given was in my rear; we were in great confusion; I was then in the rear of the soldiers; the prisoners were crying out "fire;" I could not then see Captain Shortland; I did not look out for him; I had something else to think of when the order to fire was given; two or three men fired; immediately they obeyed the order; one musket was discharged first, and one or two very soon after. When these were discharged I did not see any man killed, or any one hurt among the prisoners; I think the soldiers fired over their heads; then some prisoner or prisoners said, "You buggers, why do you not fire? you have nothing but blank cartridges." Afterwards the firing became general, and the prisoners were driven into the yard. I heard no word of command for the second firing; the firing was not in a volley, but in small numbers at a time. There was no general return of the prisoners from the yard after the firing had taken place; they could not stand the firing; they could not come without being murdered, the whole of them; they did not rally after the firing became general. I do not know how long the firing continued; but after it had gone on some time the prisoners dispersed into their yards; then Captain Shortland ordered the firing to cease. I am sure he did. He put up his hands, and said "cease firing," giving it as a word of command; it then ceased generally in the market place. As soon as possible a party of soldiers was ordered into the prison yards to turn the prisoners into their different prisons. I know nothing of what happened afterwards in the prison yard, as I remained in the square with the rest of the guard. I afterwards heard some firing in the yard, but paid no attention to it. I think the firing must have ceased from the ramparts soon after, otherwise some of our soldiers in the yard must have been shot. The general tenor of the prisoners' conduct was riotous. Many of our men were much hurt by the stones thrown, but not so as to be disabled from doing duty. I am satisfied, in my own mind, that, without the firing, the prisoners could not have been driven back. Had we charged on them like an enemy, we must have killed a great number; every bayonet must have killed one or more prisoners, they being so thick. The number of soldiers in the square, at the first firing, was about fifty-four, exclusive of sergeants; our guard was about thirty-eight, and there were about fourteen of the west guard. I cannot say how many came in afterwards. The whole regiment assembled as soon as possible after the alarm; no officer gave orders to cease firing before Captain Shortland; had there been such an order, it would have been obeyed.

STEPHEN LAPTHORN, private in the first Somerset militia, being sworn, says: I was on the north guard on the evening of the 6th; went into the market square with it; when I first went in I saw two or three prisoners in the square near No. 1 gate; about one hundred and fifty came in afterwards, while we were forming; they pressed up very near the military; some of the military were ordered to charge, which was done; some prisoners went back in consequence, but others were coming through the gate upon us. Before the firing began they had never been entirely driven out of the square. I heard an order given to fire, but do not know who gave it; it came from the right, in front; I was on the left. I did not see Captain Shortland at this time; I cannot say whose voice it was; am not sure whether it was from the prisoners or the military. The firing began immediately from about the centre; it did not begin by one musket, but by several together. When the firing began, I was at the charge; two prisoners seized my bayonet, and tried to twist it off; I do not know who they were. I told them to let go; they said they would not, adding, "fire, and be damned." I got myself in danger, and was obliged to fire to get my musket released; I did so; but there were upwards of twenty fired before mine; saw a great quantity of stones thrown before my firing; while we were at the charge the prisoners threw them till the last; one man stooped to pick up his cap, which, I believe, had been knocked off by a stone; this was before any firing. I do not think the prisoners would have been driven back without firing; as they continued pressing on, Captain Shortland was persuading them to retire, but they would not, saying they were not prisoners of war. I heard Major Jolliff give orders to cease firing before they were driven into the prison yard, and before the firing ceased in the market square. I think he did so as soon as he came down; he was not there at first. Stones were thrown, and the firing continued in consequence after this order. I also heard several voices say "cease firing," but cannot say whether they came from the military or from the prisoners.

WILLIAM GIFFORD, private in the first Somerset militia, being sworn: (His evidence before the coroner was read to him, and he said it was all correct.)

I heard Captain Shortland say "cease firing," about a few minutes after it began; he put his hand up by way of signal, and said so; I do not know who gave the word to fire; I did not see where Captain Shortland was when the order was given to fire; I think he had just gone towards the left, and the word appeared to me to come from the right, therefore I think it could not have been he who gave it; I did not hear first one musket discharged; the firing at first must have been in the air, otherwise there must have been more prisoners hurt. Captain Shortland

was running up and down when the word was given to fire; I heard no order given by any body else than Captain Shortland to cease firing; I do not know that it would have ceased had orders been given; the prisoners were throwing stones and bricks continually; the firing ceased for a few minutes, after Captain Shortland had ordered it to cease; the conduct of the prisoners was such that it made us afraid, from the stones thrown; and I do not think they could have been driven back without the firing. Had orders been given by any body else to cease firing, it might not have been heard, from the noise.

JOHN SOATHERN, private in the Derby militia, being sworn, says: I was one of the south guard on the evening of the 6th; was one of those formed across the square on the right of the north guard; I saw the prisoners charged down nearly to the railings; our guard charged down to the railings after the north guard. We went close to the railings; my bayonet touched them; when we got there, the prisoners began throwing stones; we stepped back a few paces, being so near the railings; one stone struck me on the right side; it almost knocked me down; I should have fallen had not a man kept me up; just then the firing commenced; after some time of firing Captain Shortland came in front, and said, holding his hands up, "For God's sake, men, cease firing—cease firing." He went near to the railings; I and several others called to him, "Come back, it is almost dusk;" he said "You know me, men; do cease firing;" but several muskets were discharged after this. Captain Shortland was not near me when it commenced; I did not see him; the order to fire was given at the left, and it passed through the ranks one after another, saying, "fire, fire," but there was so much noise and shouting by the prisoners, that it is impossible for me to say who gave the word; I believe I was the sixth or seventh file from the right; I remained in the market square; I do not know what passed in the prison yard; I heard no officer before Captain Shortland say "cease firing;" but a few seconds afterwards some officers did. I did not see any prisoners in the market square when the firing began, but they were behind the railings under the platform, throwing stones; I could not see about gate No. 1, there being sentry boxes between.

LIEUTENANT AVELYN, of the first Somerset militia, being sworn, says: I commanded the north guard on the evening of the 6th; I came into the market square with Captain Shortland; the prisoners had burst No. 1 gate, and were rushing through in a great crowd when we went in, so that I thought the whole of them were coming out; Captain Shortland went forward to speak to them. I heard him saying "My good fellows, do go back;" I did hear him say that, but the prisoners were making so much noise that I could not distinguish much of what he said; he also called to me not to suffer the prisoners to come too near my guard; they were then pressing forward in a very threatening manner; the guard was formed across the square, about the middle; my guard was then about thirty-eight men, and there were some others; the prisoners were so pressing on my guard, that many on the left fell back several paces, in order that they might not come too near them; they were then not close up to the wall, but I made them form close up afterwards; the left of my guard charged, and I was with them, driving the prisoners back; they did not charge by my order, nor did I hear Captain Shortland order it; I considered myself under Captain Shortland's orders; had I been alone, I certainly would have charged the prisoners long before, or rather have fired, conceiving it to be necessary from the threatening manner of the prisoners, and the great body of them which was coming up, and could soon have surrounded my guard. They were not quite driven out of the square by the charge; it was during this charge that I heard the first musket fired; I could not see where it was fired from, not being near enough, and being so much engaged in driving the prisoners back; it was, I think, to my right; at the first there was a single shot, and almost instantly after several others were fired; I heard no distinct order to fire; many of the prisoners were crying out to fire, and defying the soldiers; I was very near Captain Shortland at the time, and think I should have heard him had he given the order; I heard no distinct order at first, or at any time, to fire; Captain Shortland was then near gate No. 1, to the left, in front of the soldiers, and it would have been madness in him to have given the order in that situation. I was in front when the firing commenced, and retired into the rear for my own safety; the prisoners retreated on the firing taking place; I gave orders to cease firing after some time; my guard then ceased, and I went to the front of the men; I did not hear any body else give orders to cease firing before myself, neither Major Jolliff nor Captain Shortland; the noise was so great that I could not hear; I am certain, had any one man by chance fired, the irritation of the soldiers, from the stones thrown at them previously, was then so great that almost the whole of them would have followed; the prisoners did not appear to care for the bayonet, and I do not think, from the state they were in, they could have been driven back without firing. The charge was not made with violence, as against an enemy; the prisoners were struggling with the soldiers; many defied them; but others said they could not go back, as the press was so great; I remained in the market square; did not go into the prison yard; I kept my guard with me; one prisoner, after the firing was over, came up, opened his clothes, and dared the soldiers to fire; I do not think the prisoners generally were intoxicated, but resolute. I do not think any man could have behaved like Captain Shortland who was intoxicated, and I think he behaved with courage and humanity.

ENSIGN SAMUEL WHITE, of the first Somerset militia, being sworn: (His evidence before the coroner was read to him, and he said he had nothing to add or alter.) I do not know of any order to the soldiers on the ramparts to fire, but suppose they took it up from the others; I suppose there might have been about half a dozen of my guard in the market square; there was no firing through the breach.

LIEUTENANT FORTYE, of the first Somerset militia, being sworn, says: I had the command of the south guard on the evening of the 6th; I went into the square with my guard after the north was in, and formed on their right; they were already formed and in the act of firing when I arrived; that guard was then about fifteen or twenty feet from the iron railings; there were no prisoners in the square between my guard and the railings; could not see to the left, on account of the north guard; my guard took up the firing from others without any orders, immediately after they had formed in support of the north guard; as soon as we formed I ordered the firing to cease; as soon as it could possibly be restrained, I stopped it; it ceased almost immediately; I saw nobody else endeavor to stop the firing before; as soon as the prisoners had retired to their yards, my guard ordered their arms, remained where they were, and I remained with them; I cannot, therefore, speak to any thing that took place afterwards.

JAMES GREENLAW, late second officer of the Prince de Neufchatel, American prisoner, being sworn: (His evidence before the coroner was read to him, and he said it was all correct.) I was between the two railings under the platform when I heard Captain Shortland give the order to fire; I saw him then at the head of the troops, about the centre of the yard, close in front of them; when I heard the word to fire, I retreated into yard No. 4; had just got inside the gate when it began; it began immediately by a volley, not by a single musket; I am sure it began by a volley; I do not know how Captain Shortland escaped; I suppose he knew how to take care of himself, and that his own men would not fire on him; he appeared to me to be standing close to the soldiers; I saw no stones thrown before the firing began; I do not know that I could have seen them; the prisoners were trying to get into No.

3 quietly, when the soldiers fired into it; I did not see any resistance among them. (This prisoner has a midshipman's warrant in the United States navy, and a furlough.)

JOHN SLATER, citizen of the United States, being sworn, says: I do not know an American prisoner named Roberts; I have been confined here above six months; I know of no concert among the prisoners to break out by force, only attempts of individuals to escape at different times; I was at the gate No. 7; I was passing between Nos. 6 and 7 with two more men, when a party of five soldiers, I think, crossed at the further end of the prison from us; one man named Washington fell, but whether from the firing of this party, or from the ramparts, I do not know; he fell against me and knocked me down; I got up and ran away to my own prison, No. 5; there were only three prisoners on the spot where he was shot; the shot went through his temple.

ENOCH BURNHAM, citizen of the United States, being sworn. (His evidence before the coroner was read to him, and he said it was all correct, and that he had nothing to add to it.)

ALEXANDER MARSHALL, citizen of the United States, being sworn, says: I belong to prison No. 1; there were not more than fifty prisoners in the square when the soldiers charged; they charged as upon an enemy; they began firing, and I ran to No. 1 gate to get to my prison, but was nearly ten minutes before I could, on account of the press of the prisoners; there were about four hundred soldiers in the market square.

CORNELIUS ROWE, citizen of the United States, being sworn, says: I belong to No. 1 prison; I went to the breach; those about it told me it was made to get back a ball; they afterwards ran towards the gate No. 7, saying it was to shut it against the military; I saw the military come down the square, and heard Captain Shortland order them to charge; at which time there were about forty or fifty prisoners in the square; I made towards my prison, and just as I got into the yard there was a firing, and the prisoners were rushing as fast as possible to their own prisons; they shut the gate behind them; there were about one hundred and fifty soldiers in the square.

WILLIAM DEWETTER, citizen of the United States, being sworn, says: I ran towards the gate to see what was the matter; on arriving, I saw the soldiers charge; I turned round, and just as I got inside the inner gate shots were fired; one grazed the side of my head, which made me giddy, and turned me round two or three times; I saw a prisoner named Mann fall; went to him and took him up; the balls flew about so thick that if there was one I suppose there were one thousand.

THOMAS TINDALE, citizen of the United States, being sworn, says: I was under the platform; saw the soldiers coming down the market square, and heard Captain Shortland give orders to fire; he was then about the centre, and in front of the soldiers; he had on a blue coat, but without epaulettes; he had a drawn sword in his hand; he gave orders twice to fire; I was not ten steps from him when I heard him; I heard every word he said; I saw him plainly; the firing commenced by one musket first, then two, and afterwards a whole volley; the firing began when Captain Shortland gave the word the second time; I heard Captain Shortland tell the soldiers to fire low; he was then still in front of the soldiers; I believe he was standing before the muzzles of the foremost muskets; the soldiers were formed two deep; when the balls began to fly thick, I escaped into No. 3, and saw no more of what passed afterwards; when I heard the order to fire, I was about the middle of gate No. 4; the soldiers charged up to the railings, and then fell back four or five paces, when Captain Shortland gave the order to fire.

JOHN C. ROWLES, citizen of the United States, being sworn, says: I saw forty or fifty prisoners in the market square when the soldiers were drawn up.

THOMAS GEORGE SHORTLAND, captain royal navy, commanding at the depot, being sworn, says: On the evening of the 6th, a little before seven o'clock, Mr. Holmden, first clerk, came to my house and informed me there was a disposition of the prisoners to be riotous, as they had got between the railings and wall of No. 7 yard, and there were a number of people collected in No. 7 yard; in consequence, I walked down to the upper gates; on coming there, I was informed the prison barrack wall had been breached. I went to that yard and saw a large hole, and the military guarding it under an officer whom I since knew to be Lieutenant Avelyn; on getting to the breach I observed the prisoners using an iron bar to enlarge it. I remonstrated, and told them it was the prison barrack yard, and that it would be dangerous for them to attempt to force it; the prisoners shouted, and threw stones through the breach, and still continued at times to enlarge it. I then heard some one say "They are breaching the wall above the cook house in the prison barrack yard," and nearly at the same time there was a call out that they were forcing the lower gates, while I was still in the lower barrack yard. I immediately left the yard, and Lieutenant Avelyn followed me, leaving the breach with a party and a sergeant; when I arrived at the blacksmith's shop, I saw a rush of prisoners between the iron rails under the platform; the gate was at this time forced, and the prisoners were without the gates, in the market square, where they were not allowed to be; seeing this, and having in my mind the breach in the barrack wall, and the reported breach above the cook house; bearing this in mind, with the reported threats that had been constantly told me that the prisoners would liberate themselves on or before the 10th April, I ordered the alarm-bell to be rung: at this time part of the west guard, which is called the piquet, had gone round to turn the prisoners out of the railway in No. 7 yard, and another part of the same piquet was in the prison barrack yard; so that the force was reduced to the north guard only. Lieutenant Avelyn formed that guard and marched down into the market square. I preceded them, and about half-way down the guard formed in a line, keeping their left close to the hospital wall. At this time I should suppose there were from four to five hundred prisoners in the market square. I was perfectly unarmed, and went down to remonstrate with them, using all the persuasions in my power to make them return to their prisons, stating that the military guard was formed above them, and it was dangerous to attempt to use force. I was, at this time, about six paces in front of the guard; the prisoners kept still pressing up, and pressing me on the military; they appeared to want to get round the left of the military, keeping close to the hospital wall. At this time I looked back, and said, "For God's sake, soldiers, keep your ground;" bearing in mind that there was not a single soldier above these to prevent escape through the outer gates; almost immediately, about twelve or fifteen soldiers charged down towards No. 1, towards the hospital gates, about five or six paces, and they returned into line again. I was still at this time in front, and had gone forward again, urging the prisoners, who had retreated, when a discharge of musketry took place; while I was in that position, being to the right of the centre of the guard, and not near the hospital wall, a musket ball grazed my temple in that discharge, when I retreated into line with the soldiers; the prisoners retreated and advanced again, and about this time Major Jolliff came down. There was a call of "wounded men" from the prisoners, upon which I called to the turnkeys to assist in passing the wounded through the line of military, as they would not allow the prisoners to pass with them. While this was doing, there was another discharge both to my right and left. Those near me did not fire at this time, as, whenever I could, I had requested them to desist; the turnkeys came down, (this was after the second discharge,) and I was busily employed with Mr. Mitchell in direct-

ing the removal of the wounded up to the hospital. I can say nothing more of discharges of muskets in the market square. I only observed two discharges there. I heard some from the prison yards and from the ramparts. I was in the market square the whole time till the firing ceased, when Major Jolliff came down to the market square. I gave, myself, no further thoughts to the military, my whole mind being occupied in directing assistance to the wounded. I repeatedly said to the prisoners, "For God's sake, go to your prisons," previously to the firing, and between the discharges; for, being between the soldiers and them, I was warned by some of the former to keep clear of their fire, otherwise I should be shot. After the firing had ceased, and I got the receiving house door open to receive the wounded, I went into the north prison yard to see the prisoners shut up; the turnkey (Nicholls) of No. 1 had got them all in, but the door was not secured, but which was soon effected by the military without firing. All the troops were marched out before I saw any thing more: I was in my undress uniform, and was perfectly unarmed. I never did give an order to fire; and in support of this I can say, I stated in my official letter to General Brown, that Major Jolliff gave the orders to fire, conceiving he had done so, from seeing the major appear at that moment. Indeed, in a former conversation with General Brown, in the presence of Major Gladding, being asked whether if an attempt were made to resist the authority of the depot I should order the military to fire, I told General Brown, as well as the major, that I did not think myself authorized to command the military to fire, because it was their duty to do it when they thought it necessary. I do not recollect a suspension of the ringing of the bell and then commencing again; it was a continual ringing. I ordered it in consequence of seeing that the prisoners had broken through the breach in the wall and the other reported breach. I did not hear any order to fire; it must be understood that I was with the prisoners, who were making a great noise, hurraing and rioting at the time.

The two best prisons (as the prisoners call them) are the two smallest, and I do not conceive them to be the best, as the others are the most roomy, and have been put in a state of repair since the release of the French prisoners; those two (which are Nos. 2 and 6) have not. Being smaller, we keep one of them for a receiving prison for any draughts of prisoners who may come in of a sudden wet and fatigued; the other, when Doctor Baird, inspector of hospitals, was down, he requested might be reserved for particular cases of contagion, as a sort of quarantine receiving house for newly arrived prisoners, to prevent contagion spreading; the prisoners have been distributed nearly according to the directions of Doctor Baird, (he having power to alter the distribution on his visits.) The provisions of all the prisoners were stopped, by the transport board's direction, for undermining the prisons. I remonstrated with them that the innocent would suffer with the guilty; but they replied that it must be so, as in all general transactions of the kind. I was not out of the market square until all the firing had ceased; I was not in No. 7 yard until an hour after the whole was over. Gatchell's statement, about my running down that yard, is not true. I recollect a man coming up the market square with a wounded man, and after being told to go away he would not, and I gave him a push; he said that I must recollect I had struck him, but I made him no answer. Taking into consideration the apparent temper and resolution of the prisoners, and my remonstrances having no effect, I do not think they could have been driven back without firing; without the firing, I think they might have forced the guard, which they were in the attempt to do; if that guard had been forced, the depot would have been lost. On all occasions when the market was stopped, or any measure of the kind was taken, it was reported to the transport board, along with the reasons for it, and they sometimes directed the stoppage to be continued. I am in the habit of reporting it after it is done. (Captain Shortland read the copy of a letter to the transport board, dated 14th February, 1815: it states, that, in consequence of the escape of Simon Hayes, who had been directed by the board to be kept in close confinement in the Cachot, and his taking refuge among the prisoners, and the disorderly conduct of the prisoners in not allowing the lamplighters to do their duty, he had stopped the market; and he read their answer, dated 16th February, approving of the measure in consequence of the reasons he stated.) The market has not been stopped more than twice. The first time was on the 24th October, 1814, on account of the prisoners not permitting themselves to be counted out of their prisons in the morning, which was necessary to ascertain if there was any escape. In a letter of the 27th, the board approved of the measure. In consequence of this, and the riotous conduct of the prisoners, Captain Shortland stated several arrangements he had made since he came to the depot for the welfare of the prisoners; among others, the following: On one occasion, when orders had been sent to remove the stoves from the prison, on account of the health of the prisoners, he wrote a very strong letter to the board, urging that they might be retained, as they were very instrumental to the comfort of the prisoners. All the letters from prisoners to himself he opened and answered, and he keeps a clerk for the mere purpose of keeping accounts of moneys received for the prisoners.

He dates the commencement of the antipathy of the prisoners to him from the time when he got the transport board to prosecute some men for tattooing others; and states, that till that he was on good terms with them, going down at all times among them, as he used among the French prisoners.

Deposition of John C. Clement.

I sailed from New York the 9th January, 1813, on board the brig Star, Captain Reed, for Bordeaux, and was captured on the 9th February following, in the Bay of Biscay, by His Britannic Majesty's ship Superb, (74,) Honorable Sir Charles Paget, commander. Went into Basque Roads, where, with other prisoners, I was put on board the Warspite, (74,) Captain Sir Henry Blackwood; proceeded in her to Plymouth, (England,) and on 19th March was sent on board the Hector, prison ship. On the 2d April two hundred and fifty of us, American seamen, were marched to Dartmoor prison, where we were stowed in among nine or ten thousand French prisoners, who were in a filthy, dirty condition. During our confinement, Shortland, the keeper, repeatedly stopped our markets for several days at a time, without any provocation, or giving any reasons for this conduct, and our provisions were repeatedly short, not having our full allowance issued us. Shortland attempted several times to give us bad bread and provisions, and was guilty of many acts tending to irritate us, and render our situation very uncomfortable. On the 5th of April last, particularly, he gave orders to the contractors to serve us bad bread, which the prisoners would not receive, and, at the usual hour of closing the prisons, the turnkeys came to shut us in for the night; but we proceeded in a body to the market square, where an officer of the guard, on our representations to him, (Shortland then being absent to Plymouth,) advised us to return to our prisons, and he would have the bread sent us; which was done, and we retired to rest about twelve at night.

On the 6th of April, (the following day,) at 6 P. M., while a number of American prisoners were playing ball in yard No. 7, where a small hole, the size of a large pane of glass, sufficiently large to admit a boy or small man to pass through, had been made by some person or persons for the purpose of obtaining the ball when it flew over the wall into a large yard enclosed by high walls, (wherein the soldiers were stationed in the barracks:) at 6 P. M., as before mentioned, Captain Shortland, the keeper, entered the gate of No. 1, with 250 or 300 soldiers, armed with muskets and bayonets, the alarm-bell ringing at the same time, when he (Shortland) ordered one of the soldiers to fire at the prisoners in yard No. 1: the soldier not willingly obeying, he snatched a musket from one of them,

and shot a prisoner. The soldiers then commenced firing on the prisoners, who were then sallying out of their prisons to learn the cause of the firing; the soldiers continuing at the same time to re-load and fire on them. Four or five soldiers proceeded at this time also to the extremity of the yard in pursuit of the flying prisoners, and, as they cried for quarters, they replied, "No quarter shall be given you, you damned Yankee rascals," or similar words, and instantly shot the flying prisoners. Shortland and the soldiers then proceeded to prison No. 3, (No. 2 being empty and closed,) where they fired through the windows and doors on the prisoners inside, and shot through the heart one man while in the act of drinking a can of beer, and wounded another as he was endeavoring to escape up stairs: they then proceeded to yard No. 4, where the second lieutenant, snatching a musket out of a soldier's hand, shot a boy; soldiers firing at the same time into the prison, through the doors and windows. After having received a reinforcement of soldiers, they proceeded to yard No. 7, where they commenced an indiscriminate fire on the prisoners, while they were flying to escape into their prisons.

On this day there were seven prisoners killed on the spot, and thirty-eight wounded, three of whom died two days after.

On the 7th of April a coroner's inquest was held, composed of American prisoners, (the officers of the prison being present, all save Captain Shortland,) when a verdict of "wilful murder" was brought in. On the 8th a coroner's inquest was held, composed of a number of neighboring farmers, who returned a verdict of "justifiable homicide." On the 9th, Admiral Rowley and a British post captain arrived at the prison from Plymouth, by direction of the transport board, to inquire of the prisoners into the transaction. During our confinement the American agent (Beasley) did not give us, say from 2d April, 1813, to March, 1814, the 6*s*. 8*d*. sterling per month, as well as the suit of clothes allowed us annually by our Government, which money and clothes the prisoners have never received; and when I, with two hundred and fifty others, was released from prison, there were likewise a shirt, pair of shoes, and 6*s*. 8*d*. due us, which we never received. The prisoners had applied to Beasley repeatedly for what was due them, but received no satisfaction.

He never visited the prisons but once during the two years and upwards I was there. The two hundred and fifty prisoners (and, among them, myself) were released from prison on the 20th of April last, and proceeded to Plymouth, and were put on board the cartel Maria Christiana, and arrived at New York on 5th June, 1815. I did not know, nor did I hear of a plot or scheme to escape out of prison, as alleged by Shortland, in justification of his attack on us on the 6th April; on the contrary, it is my firm belief, if the gates had been thrown open to us at this time, none of us would have sallied forth to escape, because, being most of us destitute of money, (the agent having withheld our pay;) numbers of us miserably clothed, and without shoes, (also withheld from us;) numbers having walked, when released from prison, barefoot to Plymouth; through fear also of being arrested and closely confined, or, what was more probable, impressed into the British service, at a time when there was a very hot impressment going on in England; because having also heard, some weeks previous, of peace having taken place between Great Britain and America, which would release us from prison.

I know of no cause or reason that can justify the unprovoked attack upon us by Shortland and the soldiery, but do verily believe that the thing was wantonly, wickedly, and maliciously premeditated by Shortland and his officers, to spill the blood and destroy a number of unarmed, defenceless American seamen.

Every thing I have stated, I do, to the best of my recollection, believe to be, without the least exaggeration, strictly true.

JOHN C. CLEMENT.

Affirmed before JOHN GEYER,
An alderman of the city of Philadelphia.

JUNE 19, 1815.

List of papers in packet marked C.

Extracts of a letter from the commissary general of prisoners to R. G. Beasley, Esq., American agent for prisoners of war in England, dated March 6, 1815.

Letter of the commissary general of prisoners to George Barton, Esq., dated March 6, 1815.

Table of provisions to be allowed to prisoners of war, whether American or British, on board of vessels transporting them.

Letter of R. G. Beasley to the commissary general of prisoners, dated April 13, 1815.

Letter of Alexander McLeay to R. G. Beasley, dated Transport Office, April 10, 1815.

Letter of J. P. Morier to R. G. Beasley, dated Foreign Office, April 11, 1815.

Letter of J. W. Croker to J. P. Morier, dated Admiralty Office, April 10, 1815.

Letter of R. G. Beasley to the commissary general of prisoners, dated April 15, 1815.

Report of the committee of the American prisoners confined at Dartmoor, dated April 7, 1815.

Letter of R. G. Beasley to the commissary general of prisoners, dated April 18, 1815.

List of prisoners wounded on the evening of the 6th April, 1815, signed by George Magrath, surgeon.

A return of American prisoners of war who were killed and wounded in an attempt to force the military guard at Dartmoor prison on the evening of the 6th April, 1815, signed "Thomas George Shortland, agent; George Magrath, surgeon."

Letter of Alexander McLeay to R. G. Beasley, dated Transport Office, April 19, 1815.

Letter of R. G. Beasley to the commissary general of prisoners, dated April 30, 1815.

Extracts of a letter from R. G. Beasley to the commissary general of prisoners, dated October 10, 1815.

Letter of R. G. Beasley to Alexander McLeay, dated January 1, 1815.

Letter of Alexander McLeay to R. G. Beasley, dated Transport Office, January 21, 1815.

Letter of R. G. Beasley to Alexander McLeay, dated March 15, 1815.

Letter of Alexander McLeay to R. G. Beasley, dated Transport Office, March 15, 1815.

Extract of a letter from R. G. Beasley to the committee of American prisoners of war at Dartmoor, dated March 22, 1815.

Letter of R. G. Beasley to the American prisoners of war at Ashburton, dated March 23, 1815.

Letter of R. G. Beasley to Captain Shortland, dated March 25, 1815.

Letter of R. G. Beasley to Dr. George Magrath, surgeon of Dartmoor prison, dated March 31, 1815.

Letter of R. G. Beasley to the committee of American prisoners of war at Dartmoor, dated March 31, 1815.

C.

Extracts of a letter from the Commissary General of Prisoners to Reuben G. Beasley, Esq., American Agent for Prisoners in England, dated

March 6, 1815.

I have received your letters of November 17th, December 21st and 31st last, by the British sloop of war Favorite. I could write you nothing definitive by the return of that vessel, in relation to the arrangements to be made in England for the restoration of our prisoners held there, as I could not, until after the time her despatches left the seat of Government of the United States, come to an understanding with Mr. Baker, chargé des affaires for His Britannic Majesty, as to the terms and manner of restoring the prisoners on both sides under the treaty.

I now enclose you a correspondence begun on the 22d February, and concluded on the 28th, on that subject; by this you will perceive the construction which is given here in relation to this point, and that Mr. Baker has declined in any way to commit his Government; and that, in order to produce as little expense and delay as possible to either Government in the operation, I have given him the election of several propositions, (after he declined to proceed on the principle which I had presumed to exist, and which in his letter of the 23d February he appears to admit:) that each party should restore to the country from which taken the prisoners held by it; and that the proposition he has accepted embraced the transportation of all the prisoners, British and American, at English or American stations in this quarter, at the expense, in the first instance, of this Government; the accounts to be adjusted hereafter, according to justice and the terms of the treaty between the two Governments. Preparations are now actually going on for the immediate removal and transportation of all the British prisoners we now hold in this country; in numbers probably about 3,590, military and maritime.

The question, you will remark, as to the restoration of American prisoners in England, is left open. You are requested, immediately on the reception of this letter, to communicate the correspondence with Mr. Baker to the proper authority of the British Government, to show what is doing here in relation to the delivery and receipt of prisoners of both countries, and to state that the liberal proposition, of taking upon ourselves the transportation both of British and American prisoners, and to make the requisite advances for this purpose, was offered in that spirit of amity which it was deemed, on the happy return of peace between the two nations, to belong to the case; to insure the most speedy relief to the unfortunate men held in durance by either; and to lessen the expense as much as possible to both Governments; and with an express reservation of the construction of the treaty, as given here without commitment of the principle contended for by us, that is, that each party should pay the expense of the transportation and delivery of the prisoners held by it; that the operation will be performed in the most economical manner practicable; and accurate lists of prisoners and accounts kept for the final adjustment of an account between the two Governments. And you will require of the British Government to transport and deliver all the American prisoners now in England, or elsewhere, not embraced in the arrangement with Mr. Baker, in the most speedy and convenient manner. If this be consented to, (as I trust it will,) you will ask to be permitted to make the same kind of interference which has been afforded here to the British agents, as by the enclosed copy of a letter to Mr. Barton (delegated by Mr. Baker) of the 6th instant.

You will request that the same rations be allowed to our prisoners which are supplied on board ships to the British prisoners about to be transported from this country, and that a sufficiency of sound stores be laid in to supply them for ninety days; and you will apply for permission to place on board each transport an agent on whom you can rely, who shall have power to inspect the stores and accommodations, and see that the prisoners are regularly and properly supplied. Persons proper for these agencies may, no doubt, be found among the American masters and mates, now prisoners in England, to whom it will be right to make some reasonable compensation for their trouble—say 30 or 40 dollars per month; and you will instruct each in writing, and direct them to make report, on their arrival, to this office. You will require, also, that the British Government put a surgeon on board each vessel, supplied with a proper quantity of medicine and medical stores, as has been done here.

In the embarcation and distribution, as to the ports of delivery here, you will have examined carefully all the lists; endeavor, as much as possible, so to assort the prisoners as that each may be placed, as far as is conveniently practicable, nearest his home, or, more properly speaking, to the port from which he sailed; and, for this purpose, you will designate for the destination of the transports four of our principal ports along the coast; that is to say, Boston, New York, Norfolk, and Charleston. I have named those near the ocean as being most easy of access, and least liable, on that account, to objection. To prevent complaint, it will be proper, with as few exceptions as possible, to send those prisoners first who have been longest in captivity. There is no other rule that carries so much justice with it; and it is naturally to be expected that, after such long and severe confinement, the anxiety of our unfortunate citizens, so held, to be released, will be very great; and preferences out of turn will be viewed with great jealousy and discontent.

It remains to point out to you what is to be done, should the British Government, under all the circumstances stated, refuse to restore to us our prisoners in England at its expense. After making all proper efforts on this point, and with as little delay as possible, should you fail, there will be nothing left (having first protested in a respectful but firm manner against such refusal, should it happen, and giving notice that an accurate account will be kept of all expenditures made by us, in this part of the transaction, for future adjustment under the terms of the treaty) but to take the most speedy and effectual measures of transporting them, at the expense of this Government, in the first instance at least, to the United States.

I have been particular in my instructions in this letter in endeavoring to anticipate alternatives, and to put you fully in possession of my ideas on all the points that occur to me at present, in order that you may be prepared to proceed, immediately on its reception, in some one course, without a moment's delay. The operation you will have to perform, whatever course be taken, is one of much consequence in every view; important to the Government, in affording the most speedy relief possible to our countrymen placed in the hands of its late enemy by the fate of war; highly interesting to these unfortunate men, whose anxiety to return to their country and friends must increase with the knowledge of the end of the war, and the expectation that nothing but forms and want of opportunity now retard their departure; and of great consideration to the commercial interest of the United States, to have restored to it so many valuable seamen with as little delay as possible.

Your zeal and activity are, therefore, fully counted on, to do all that may depend on you to conduct this business to the best advantage, in all its bearings, and with the requisite economy.

I particularly recommend that you do not permit the interchange of sentiments, in negotiation with the British Government, as to the mode and expense of transportation, to be spun out.. It will be expected that it will be prompt in deciding on the course it may determine to take in that matter. You will be readily able to show the necessity of an immediate decision.

From the Commissary General of Prisoners to George Barton, Esq.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,

WASHINGTON, *March* 6, 1815.

SIR:

Having been referred to you by Anthony St. John Baker, Esq., chargé des affaires of His Britannic Majesty in the United States, in relation to the steps necessary to be taken to carry into execution the restoration of the prisoners of war, American and British, held in the United States, Canada, Nova Scotia, and the West Indies, according to the understanding which has taken place between him and myself, (of the nature of which you are apprized,) I have the honor to inform you that orders, some days ago, have been given for the immediate march of all the British prisoners captured on the land or the lakes to the frontiers of Canada, to be delivered at or near Odletown, and for the immediate embarcation, in commodious vessels, of all the maritime prisoners held at New York, Providence, Rhode Island, Salem, and at any port east of Salem, (comprising all the prisoners, indeed, held at or east of New York,) for Halifax. These will be transported in the public cartel ships Perseverance and Analostan, and an additional private transport ordered to be taken up at Salem. All the prisoners held at New York or Providence will be sent from Providence in the Perseverance or Analostan, whichever is first ready; and those at Salem, or east of it, or at any intermediate port, will be sent in the other public ship, and in the private ship from Salem. The British prisoners at Philadelphia have been ordered this day to be removed to New York, where they will be embarked in the frigate John Adams, armed *en flute*, for Bermuda. Those who were held in the waters of the Chesapeake have been ordered to be delivered on board the British public ships now in those waters, by an understanding had with the senior officer, (Captain Clavell, of the frigate Orlando,) and, it is presumed, have been by this time received by him. All those in North or South Carolina, or Georgia, will be, as soon as practicable, embarked from Wilmington, Charleston, and Savannah, for Bermuda, in public ships or private transports. As soon as the vessels are designated, which will be in a few days, you will be informed. Orders have been sent to the marshal of Orleans to collect and deliver, forthwith, all the British prisoners in that State, and the adjoining Territories, to the British officer commanding in those waters; and it is presumed they will reach him time enough to dispose of them before your public ships withdraw from that quarter. All these arrangements have been made, or are now in train, as I believe, according to the detail settled in different conversations between you and myself. If there is any thing in what I have stated different from your understanding of it, I shall be glad, as far as is in my power, to conform to it.

I have given particular orders that the British prisoners be not put in such numbers on board the vessels transporting them as to crowd them improperly, and am willing, if you think proper, that this shall be regulated by a certain number of men per ton. I have directed that sound and wholesome provisions, and plenty of water, be laid in for them, and served out on the passage in rations, as by the enclosed table; that a surgeon be allotted to each ship, provided with a proper quantity of medical and hospital stores; and I have directed the agents of this office, at the ports from which the prisoners are to be embarked, to make provision on board each ship for the accommodation of an agent, to be put on board by you, if you think proper to do so, to superintend the treatment and accommodation of the prisoners, and to inspect the quantity and quality of the provisions issued to them on the passage; and the masters of the respective ships will be instructed to respect such agents on your part in the performance of the duties assigned them.

In conformity with the request made in your letter of the 25th February, I have directed the marshal of North Carolina, and all the other marshals of the different States having charge of British prisoners, to release all the British prisoners, officers in their districts, respectively, whether of public or private service, who may not choose to wait the sailing of the cartels, and to permit them to leave the country at their option and expense.

I have ordered that all the British maritime prisoners be held and subsisted, as heretofore, at the several depots, until they are regularly embarked. If it be your wish, however, that any portion of these, other than those you have already designated for that purpose, should be discharged in the United States, it shall be done.

I have the honor to be, &c.

GEO. BARTON, Esq. J. MASON.

Table of provisions to be allowed to prisoners, whether American or British, on board of vessels transporting them.

Days.	Allowance for each person.		
Sunday,	1 lb. beef,	1 lb. bread,	½ lb. potatoes.
Monday,	1 lb. beef,	1 lb. bread,	½ lb. potatoes.
Tuesday,	1 lb. pork,	1 lb. bread,	½ pint peas.
Wednesday,	1 lb. beef,	1 lb. bread,	½ lb. potatoes.
Thursday,	1 lb. beef,	1 lb. bread,	½ lb. potatoes.
Friday,	1 lb. pork,	1 lb. bread,	½ pint peas.
Saturday,	1 lb. beef,	1 lb. bread,	½ lb. potatoes.
	1 gill of vinegar per week.		
	3 quarts of water per day.		

Recapitulation.

Beef,	5 pounds per man per week.		
Pork,	2 do.	do.	do.
Bread,	7 do.	do.	do.
Potatoes,	2½ do.	do.	do.
Peas,	1 pint	do.	do.
Vinegar,	1 gill	do.	do.
Water,	21 quarts	do.	do.

OFFICE OF COMMISSARY GENERAL OF PRISONERS.

J. MASON.

From R. G. Beasley to the Commissary General of Prisoners.

SIR: LONDON, *April* 13, 1815.

I had the honor to receive yesterday your letters of the 15th January, 6th, (two,) and 8th of March. I shall avail myself of the earliest occasion to notice their contents. In the mean time, I have to inform you that I have

communicated to the transport board the correspondence between yourself and Mr. Baker on the subject of the restoration of prisoners, and have called on them to undertake the transportation to the United States of our prisoners in this country. Prior, however, to the receipt of your letter on this subject, I had engaged in this port nine ships for the conveyance of our prisoners, several of which have sailed for Plymouth to take them on board. I, in the first instance, endeavored to engage vessels at Portsmouth and Plymouth; but the turn of affairs in France having induced this Government to take up transports for the conveyance of troops, I could obtain none in those ports.

It is with extreme regret I have to state, that on the 6th instant the guard of the depot at Dartmoor, by order of the agent, fired on the American prisoners, killed five, and wounded thirty-four. I transmit, herewith, two reports of this unfortunate affair, (one from the transport board, and one from the admiralty office, through the foreign office.)

By the latter you will perceive that the prisoners are accused of having attempted to liberate themselves by force, and are stated to have been urged to this by the impression they were under that their own Government had neglected to provide means for their early conveyance home.

As the prisoners have been constantly informed of the exertions made by me for their release, and as on this occasion I had written twice to let them know the number of vessels taken up for their conveyance home, and the time they might be expected at Plymouth, it is difficult to believe, under such circumstances, that this is really the cause of this melancholy occurrence. I shall therefore inquire most minutely into all the circumstances attending it, and shall communicate the result to you, as also the names of those who have been killed and wounded.

I am, sir, your obedient servant,

The Hon. JOHN MASON, &c. R. G. BEASLEY.

From Alexander McLeay to R. G. Beasley.

SIR: TRANSPORT OFFICE, *April* 10, 1815.

I am directed by the commissioners for the transport service, &c. to acquaint you, that, by a letter this day received from Captain Shortland, the agent for prisoners of war at Dartmoor prison, it appears that on the 6th instant the American prisoners confined at that depot made a breach in the prison wall, and attempted to liberate themselves, by making a violent attack on the guard; and that it became indispensably necessary, in order to quell the revolt, for the guard to fire upon them; in consequence of which five of the prisoners were killed and thirty-three were wounded.

I am further directed to observe, that it is much to be lamented that the extreme impatience of these unfortunate men to be discharged, at a time that measures were in a train for their liberation, should have produced such melancholy consequences.

I am, sir, your most obedient humble servant,

R. G. BEASLEY, Esq. ALEX. McLEAY, *Secretary.*

From J. P. Morier to R. G. Beasley.

SIR: FOREIGN OFFICE, *April* 11, 1815.

I lose no time in transmitting to you the copy of a letter which I have received from Mr. Croker, of the admiralty, giving a circumstantial account of the alarming riot which broke out on the 6th instant amongst the American prisoners of war confined at Dartmoor, and of the measures which it became necessary to pursue for the purpose of restoring order; and I am directed by Lord Castlereagh to request that you will take an early opportunity of forwarding this statement of the unfortunate event to your Government.

I have the honor to be, sir, your most obedient humble servant,

R. G. BEASLEY, Esq. J. P. MORIER.

From J. W. Croker to J. P. Morier.

SIR: ADMIRALTY OFFICE, *April* 10, 1815.

My lords commissioners of the admiralty think it right to acquaint Lord Castlereagh that, on the evening of the 6th instant, a very alarming riot broke out among the American prisoners of war confined at Dartmoor. The rioters, it appears, endeavored to overpower the guard, to force the prison, and had actually seized the arms of some of the soldiers, and made a breach in the walls of the depot, when the guard found itself obliged to have recourse to their fire-arms, and five of the rioters were killed and thirty-three wounded; after which the tumult subsided, and the depot was placed in a state of tranquillity and security.

Admiral Sir J. T. Duckworth, commander-in-chief at Plymouth, having received information of this unfortunate event, lost no time in directing Rear-admiral Sir Josias Rowley, Bart. and K. B., and Captain Schornberg, the two senior officers at that port, to proceed to Dartmoor, and to inquire into the circumstances. Those officers accordingly repaired to the depot, where they found, on examination of the officers of the depot, and all the American prisoners who were called before them, that the circumstances of the riot were as before stated, and that no excuse could be assigned for the conduct of the prisoners but their impatience to be released; and the Americans unanimously declared that their complaint of delay was not against the British Government, but against their own, which ought to have sent means for their early conveyance home; and, in replies to distinct questions to that effect, they declared they had no ground of complaint whatsoever.

Their lordships think it right to add, that, on the 15th of last month, they directed the transport board to take measures for carrying the article of the treaty for the release of American prisoners into effect; and again, on the 30th ultimo, I was directed to write to know what steps had been taken under these directions; and the transport board answered, in their letter of the next day, that they had communicated with Mr. Beasley, the American agent, on the subject, who had acquainted them that he had already provided some transports, and was employed in procuring others, for the conveyance of the prisoners to America.

It will be for Lord Castlereagh to judge whether it may not be proper to make a communication on this subject to the American Government.

I am, &c.

J. P. MORIER, Esq. J. W. CROKER.

From R. G. Beasley to the Commissary General of Prisoners.

SIR: LONDON, *April* 15, 1815.

I enclose a copy of the report of the committee of our prisoners on the lamentable transaction of the 6th instant, which I communicated to you on the 13th, with a statement from the admiralty office on that subject.

I have transmitted a copy of the report of the committee to Lord Castlereagh, as also affidavits of three prisoners, who were in the prison at the time, and have since arrived in town.

As soon as I can obtain a list of the names of the unfortunate sufferers, it shall be transmitted to you.

I have the honor to be, &c.

The Hon. JOHN MASON, &c. R. G. BEASLEY.

From the committee appointed to investigate the circumstances attending the massacre at Dartmoor.

We, the undersigned, being each severally sworn on the Holy Evangelists of Almighty God, for the investigation of the circumstances attending the late massacre, and having heard the depositions of a great number of witnesses, from our own personal knowledge and from the depositions given in as aforesaid, report as follows:

That on the 6th of April, about six o'clock in the evening, when the prisoners were all quiet in their respective yards, (it being about the usual time for turning in for the night,) and the greater part of the prisoners being then in the prisons, the alarm-bell was rung. Many of the prisoners ran up to the market square to learn the occasion of the alarm. There were then drawn up in the square several hundred soldiers, with Captain Shortland (the agent) at their head; it was likewise observed, at the same time, that additional numbers of soldiers were posting themselves round the walls of the prison yard. One of them observed to the prisoners that they had better go into the prisons, for they would be charged upon directly. This, of course, occasioned considerable alarm among them; in this moment of uncertainty they were running in different directions, inquiring of each other what was the cause of the alarm—some towards their respective prisons, and some towards the market square; when about one hundred were collected in the market square, Captain Shortland ordered the soldiers to charge upon them, which orders the soldiers were reluctant in obeying, as the prisoners were using no violence; but, on the orders being repeated, they made a charge, and the prisoners retreated out of the square into their respective prison yards, and shut the gates after them. Captain Shortland himself opened the gates, and ordered the soldiers to fire in among the prisoners, who were all retreating in different directions towards their respective prisons. It appears there was some hesitation in the minds of the officers whether or not it was proper to fire upon the prisoners in that situation; on which Shortland seized a musket out of the hands of a soldier, which he fired. Immediately after the firing became general, and many of the prisoners were either killed or wounded; the remainder were endeavoring to get into the prisons, when, going towards the lower doors, the soldiers on the walls commenced firing on them from that quarter, which killed some, and wounded others; after much difficulty, (all the doors being closed in the interim but one in each prison,) the survivors succeeded in gaining the prisons. Immediately after which, parties of soldiers came to the doors of Nos. 3 and 4 prisons, and fired several volleys into them through the windows and doors, which killed one man in each prison, and wounded severely several others.

It likewise appears that the preceding butchery was followed up with a disposition of peculiar inveteracy and barbarity. One man, who had been severely wounded in No. 7 yard, and, being unable to make his way to the prison, was come up with by the soldiers, whom he implored for mercy, but in vain; *five* of the hardened wretches immediately levelled their pieces at him, and shot him dead! The soldiers who were posted on the walls manifested equal cruelty, by keeping up a constant fire on every prisoner they could see in the yard endeavoring to get into the prisons, when the numbers were very few, and when not the least shadow of resistance could be made or expected. Several of them had got into No. 6 prison cook house, which was pointed out by the soldiers on the walls to those who were marching in from the square; they immediately went up and fired into the same, which wounded several. One of the prisoners ran out, with the intention of gaining his prison, but was killed before he reached the door.

On an impartial consideration of all the circumstances of the case, we are induced to believe it was a premeditated scheme in the mind of Captain Shortland, for reasons which we will now proceed to give. As an elucidation of its origin, we will recur back to an event which happened some days previous. Captain Shortland was at the time absent at Plymouth, but, before going, he ordered the contractor or his clerk to serve out one pound of indifferent hard bread, instead of one pound and a half of soft bread, their usual allowance. This the prisoners refused to receive. They waited all day, in expectation of their usual allowance being served out; but at sunset, finding this would not be the case, they burst open the lower gates, and went up to the store, demanding to have their bread. The officers of the garrison, on being alarmed, and informed of the reasons of this proceeding, observed that it was no more than right the prisoners should have their usual allowance, and strongly reprobated the conduct of Captain Shortland in withholding it from them. They were accordingly served with their bread, and quietly returned to their prisons. This circumstance, with the censures that were thrown on his conduct, reached the ears of Shortland on his return home, and he must then have determined on the diabolical plan of seizing the first slight pretext to turn in the military to butcher the prisoners for the gratification of his malice and revenge. It unfortunately happened that in the afternoon of the 6th of April some boys, who were playing ball in No. 7 yard, knocked their ball over into the barrack yard, and, on the sentry in that yard refusing to throw it back to them, they picked a hole through the wall to get in after it. This afforded Shortland his wished-for pretext, and he took his measures accordingly. He had all the garrison drawn up in the military walk, additional numbers posted on the walls, and every thing ready prepared, before the alarm-bell was rung. This he naturally concluded would draw the attention of a great number of prisoners towards the gate, to learn the cause of the alarm; while the turnkeys were despatched into the yards to lock all the doors but one of each prison, to prevent the prisoners retreating out of the way before he had sufficiently wreaked his vengeance.

What adds peculiar weight to the belief of its being a premeditated massacre, are:

Firstly, The sanguinary disposition manifested on every occasion by Shortland; he having, prior to this time, ordered the soldiers to fire into the prisons, through the windows, upon unarmed prisoners asleep in their hammocks, on account of a light having been seen in the prisons; which barbarous act was repeated several nights successively; that murder was not committed, was owing to an overruling Providence alone, for the balls were picked up in the prisons, where they passed through the hammocks of men then asleep in them: he having ordered the soldiers to fire upon the prisoners in the yard of No. 7 prison, because they would not deliver up to him a man who had made his escape from the Cachot, which order the commanding officer of the soldiers refused to obey: and, generally, he having seized on every slight pretext to injure the prisoners, by his stopping the marketing for ten days repeatedly, and once a third part of their provisions for the same length of time.

Secondly, He having been heard to say, when the boys had picked the hole in the wall, and some time before the alarm-bell rung, and while all the prisoners were quiet in their respective yards, as usual, "I'll fix the damned rascals directly."

Thirdly, His having all the soldiers on their posts, and the garrison fully prepared, before the alarm-bell was rung. It could not, of course, then be done to assemble the soldiers, but to alarm the prisoners and create confusion among them.

Fourthly, The soldiers on the wall, previous to the alarm-bell being rung, informing the prisoners that they would be charged upon directly.

Fifthly, The turnkeys going into the yard and closing all the doors but one in each prison, whilst the attention of the prisoners was attracted by the alarm-bell. This was done about fifteen minutes sooner than usual, and without informing the prisoners it was time to shut up. It was ever the invariable practice of the turnkeys, (from which they never deviated before that night,) when coming into the yards to shut up, to halloo to the prisoners so loud as to be heard all over the yards, "turn in, turn in;" while on that night it was done so secretly, that not one man in a hundred knew they were shut; and in particular their shutting the door of No. 7, which the prisoners usually go in and out at, (and which was formerly always the last one closed,) and leaving one open in the other end of the prison, which was exposed to a cross-fire from the soldiers on the walls, and which the prisoners had to pass in gaining the prison.

It appears to us that the foregoing reasons sufficiently warrant the conclusions we have drawn therefrom. We likewise believe, from the depositions of men who were eye-witnesses of a part of Shortland's conduct on the evening of the 6th April, that he was intoxicated with liquor at the time, from his brutality in beating a prisoner who was then supporting another severely wounded; from the blackguard and abusive language he made use of; and from his having frequently been seen in the same state. His being drunk was, of course, the means of inflaming his bitter enmity against the prisoners, and no doubt was the principal cause of the indiscriminate butchery, and of no quarter being shown.

We here solemnly aver there was no preconcerted plan to attempt breaking out. There cannot be produced the least shadow of a reason or inducement for that intention, the prisoners daily expecting to be released, and to embark on board cartels for their own native country; and we solemnly assert, likewise, that there was no intention of resisting, in any manner, the authority of the government of this depot.

[Signed by the committee.]

N. B. 7 were killed, 30 dangerously and 30 slightly wounded, making a total of 67 killed and wounded.

DARTMOOR PRISON, *April* 7, 1815.

We hereby certify this to be a true copy of the original report:

William B. Bond,	William Hobart,
James Boggs,	James Adams,
Francis Joseph,	John T. Trowbridge,
John Rust,	Henry Allen,
Walter Colton,	Thomas B. Mott,

Committee.

R. G. Beasley to the Commissary General of Prisoners.

SIR: LONDON, *April* 18, 1815.

I had the honor to transmit, on the 13th and 15th instant, two reports on the unfortunate transaction of the 6th instant at Dartmoor prison—the one by the British authorities, and the other by a committee of our prisoners. The latter I lost no time in laying before this Government, and, on the receipt of it, Lord Castlereagh sought an interview with Mr. Clay and Mr. Gallatin, at which it was agreed that each party should appoint a commissioner to investigate the circumstances. If it had suited the convenience of Mr. Clay or Mr. Gallatin to have undertaken it, one of the British commissioners who signed the treaty of Ghent would have been appointed to act with him; but as neither of these gentlemen could go, and as my presence here could not be dispensed with at present, they advised me to apply to Mr. Charles King, of New York, who has readily undertaken to act, although it interferes in some degree with his private affairs.

Mr. King left town last evening for Dartmoor, with a Mr. Larpent, who is to act with him.

The result of the investigation shall be transmitted to you as soon as received; in the mean time, I am happy to have it in my power to state that every disposition has been manifested to do what is due to the occasion.

I transmit, herewith, a list of the unfortunate sufferers in this affair.

I also enclose a copy of a letter which I have just received from the transport board, relative to the proposals I made, on the receipt of your letter of the 6th ultimo, for sending home our prisoners.

It is proper that I should here remark, that, at the interview which took place between Lord Castlereagh and Messrs. Gallatin and Clay, his lordship proposed this arrangement, and that these gentlemen advised me to agree to it.

I have the honor to be, &c.

R. G. BEASLEY.

The Hon. JOHN MASON, &c.

List of prisoners wounded on the evening of the 6th April, 1815.

Thomas Smith, amputated thigh.
Philip Ford, punctured wound of the back, and punctured wound of the belly.
John Gray, amputated arm.
Robert Willet, (tawney,) amputated thigh.
James Bell, bayonet wound of the thigh.
Thomas Findlay, gun-shot wound through the thigh and testicle; the ball entered the hip, and passed out at the fore part of the thigh, and through the testicle.
William Leverage, lacerated hand and amputated thumb.
Joseph Bezeck, (alias Masick,) gun-shot wound of the thigh, through which the ball passed.
John Willett, (black,) fractured jar-lacerated hip, complicated with a shattered state of the upper jaw.
James Esdaile, gun-shot wound of the hip.

Henry Montcalm, gun-shot wound of the left knee.
Frederick (or John) Howard, gun-shot wound of the leg, through which the ball passed.
William Penn, (black,) gun-shot wound of the thigh.
Robert Fittez, gun-shot wound of the penis.
Cornelius Garrison, gun-shot wound of the thigh. The ball passed through the limb.
Edward Whittlebanks, bayonet wound of the back, producing paralysis of the sphincturæ ani et urini, with paralysis of the lower extremities.
James Turnbull, amputated arm.
Stephen Phipps, bayonet wounds of the abdomen and thigh.
James Wells, gun-shot fracture sacrum and crista iliæ, and gun-shot fracture of both bones of the left arm.
Caleb Codding, gun-shot wound of the leg.
Edward Gardner, gun-shot fracture of the left arm.
Jacob Davis, gun-shot wound of the thigh. The ball passed through the thigh.
John Hagabets, gun-shot wound of the hip.
Peter Wilson, gun-shot fracture of the hand. The ball passed through the palm of the hand.
John Perry, gun-shot wound of the shoulder.
John Peach, gun-shot wound of the thigh. The ball passed through the thigh.
John Roberts, (black,) gun-shot wound of the thigh.
John Guie, amputated thigh.
Ephraim Lincoln, gun-shot wound of the knee. Discharged cured 23d April, 1815.
John Wilson, bayonet wound. Discharged cured 12th April, 1815.
William Blake, bayonet wound. Discharged cured 12th April, 1815.
* Thomas Jackson, (black,) gun-shot wound of the abdomen. He died early in the morning of the 7th.
* James Campbell, gun-shot fracture, with depression of the whole of the frontal bone, orbital ridge, and nasal bones. He died on the morning of the 8th.

GEORGE MAGRATH.

Description of death wounds inflicted on the evening of April 6, 1815.

John Haywood, (black.) The ball entered a little posterior to the acromien of the left shoulder, and, passing obliquely upwards, made its egress about the middle of the right side of the neck.

Thomas Jackson. The ball entered the left side of the belly, nearly in a line with the naval, and made its egress a little below the false ribs in the opposite side; a large portion of the intestinal canal protruded through the wound made by the ingress of the ball. He languished until 8 o'clock on the morning of the 7th, when he died.

John Washington. The ball entered at the squamose process of the left temporal bone, and, passing through the head, made its exit a little below the crucial ridge of the occipital bone.

James Mann. The ball entered at the inferior angle of the left scapula, and lodged under the integument of the right pectoral muscle. In its course, it passed through the inferior margin of the right and left lobes of the lungs.

Joseph Toker Johnson. The ball entered at the inferior angle of the left scapula, penetrated the heart, and, passing through both lobes of the lungs, made its egress at the right axilla.

William Leveridge. The ball entered about the middle of the left arm, through which it passed, and, penetrating the corresponding side, betwixt the second and third ribs, passing through the left lobe of the lungs, the mediastinum, and over the right lobe, lodged betwixt the fifth and sixth ribs.

James Campbell. The ball entered at the outer angle of the right eye, and in its course it fractured and depressed the greater part of the frontal bone, fractured the nasal bones, and made its egress above the orbital ridge of the left eye. He languished until the morning of the 8th, when he died.

GEO. MAGRATH.

A return of American prisoners of war who were killed and wounded in an attempt to force the military guard on the evening of the 6th April, 1815.

Current No.	No. on general entry book.	Names.	Quality.	Ship.	Whether man of war, merchant vessel, or privateer.	Remarks.
		KILLED.				
1	4,884	Wm. Leveridge,	Seaman,	Enterprise, prize to Saratoga, -	Privateer.	
	970	James Mann,	Do.	Siroc, - - - -	Letter of marque.	
	3,134	John Haywood,	Do.	Gave himself up from H. M. ship Scipion.		
	1,347	Jos. T. Johnson,	Do.	Paul Jones, - - -	Privateer.	
5	3,936	John Washington,	Do.	Rolla, - - - -	Merchant vessel.	
		WOUNDED.				
1	6,520	Thomas Jackson,	Boy,	Gave himself up from H. M. ship Prontes, - - -	- -	Dangerously; died April 7th '15.
	2,647	James Campbell,	Seaman,	Volontaire, - - -	- -	Do. April 8, '15.
	5,769	John Guier,	Do.	Rambler, - - -	Merchant vessel.	
	1,722	William Penn,	Do.	Despatch; impressed at London,	Merchant vessel.	
5	5,003	Cornel's Garrison,	Do.	Invincible, - - -	Letter of marque.	
	3,614	H. Montcalm,	Do.	Hornby, prize to Gov'r Tompkins,	Privateer.	
	1,965	Robert Willet,	Do.	H. M. ship Andromache.		
	5,326	John Peach,	Do.	Enterprise, - - -	Privateer.	
	2,148	Ed. Whittlebanks,	Do.	H. M. ship Royal William.		
10	1,881	James Turnbull,	Boy,	Elbridge Gerry, - -	Privateer.	
	3,652	James Wells,	Seaman,	Thorn, - - -	Privateer.	

* These names are included in the list of deaths.

RETURN—Continued.

Current No.	No. on general entry book.	Names.	Quality.	Ship.	Whether man of war, merchant vessel, or privateer.	Remarks.
		WOUNDED.				
	1,236	Philip Ford,	Seaman,	H. M. ship Sultan.		
	685	James Bell,	Do.	Joel Barlow, - - -	Merchant vessel.	
	94	John Gray,	Do.	St. Martin's Planter, - -	Merchant vessel.	
15	436	Wm. Leverage,	Do.	Magdelene, - - -	Merchant vessel.	
	1,024	Edward Gardner,	Do.	Joseph, - - -	Merchant vessel.	
	1,546	Stephen Phipps,	Do.	Zebra, - - -	Letter of marque.	
	486	John Roberts,	Do.	Two Brothers; impressed at Cork,	Letter of marque.	
	1,640	Thomas Smith,	Do.	Paul Jones, - - -	Privateer.	
20	1,819	Caleb Codding,	Do.	H. M. ship Swiftsure.		
	3,015	Jacob Davis,	Do.	Charlotte, prize to Mammoth, -	Privateer.	
	2,013	James Esdaile,	Do.	Governor Tompkins, - -	Privateer.	
	380	Peter Wilson,	Do.	Virginia Planter, - -	Merchant vessel.	
	2,884	William Blake,	Do.	H. M. ship Repulse, - -	- -	Discharged cured Apr. 12, '15.
25	338	John Hagabets,	2d mate,	Good Friends, - - -	Merchant vessel.	
	4,153	Ephraim Lincoln,	Seaman,	Argus, - - -	Merchant vessel.	
	4,493	Thomas Findlay,	Do.	Enterprise, - - -	Privateer.	
	4,109	John Howard,	Do.	Flash, - - -	Privateer.	
	1,228	Joseph Masick,	Do.	H. M. ship Furieux.		
30	6,123	Robert Fittez,	Do.	Grand Turk, - - -	Privateer.	
	1,812	John Willett,	Do.	H. M. ship Rosario.		
	3,080	John Perry,	Do.	H. M. ship Tiger.		
33	2,662	John Wilson,	Do.	H. M. ship Fortune, - -	- -	Discharged cured Apr. 12, '15.

TH. GEO. SHORTLAND, *Agent.*
GEO. MAGRATH, *Surgeon.*

From Alexander McLeay to R. G. Beasley.

SIR: TRANSPORT OFFICE, *April* 19, 1815.

I am directed by the commissioners for the transport service, &c. to acquaint you that the lords commissioners of the admiralty have, by their order of yesterday's date, been pleased to signify the consent of His Majesty's Government that the expense of conveying the American prisoners of war from this country to America should be shared by the two Governments, leaving the interpretation of the article in the late treaty of peace upon this subject for future explanation; and that the board are accordingly about to take measures for providing vessels for the conveyance of the remainder of the prisoners, understanding that the vessels already engaged by you are calculated to convey about three thousand men.

I am, sir, &c.

ALEXANDER McLEAY.

R. G. BEASLEY, Esq.

From R. G. Beasley to the Commissary General of Prisoners.

SIR: LONDON, *April* 30, 1815.

In my letter of the 19th instant I informed you of the measures which had been adopted here in consequence of the late unfortunate event at Dartmoor prison.

I have now the honor to transmit the copy of a letter addressed to me by Mr. Clay and Mr. Gallatin, relative to that occurrence, and to the transportation of the American prisoners in this country to the United States.

In the absence of Mr. Adams, it becomes my duty to communicate, for the information of our Government, the result of the investigation at Dartmoor. I enclose a copy of the joint report* of the commissioners appointed for that purpose; also of a letter from Mr. King to Mr. Adams, and of a list of the killed and wounded on that melancholy occasion.†

I shall leave to Mr. Adams any further steps which he may deem it proper to take in this business. I cannot, however, forbear to notice here the erroneous impression of the prisoners, that their detention so long has been owing to me. You are aware, sir, of my constant exertions during the war to effect their liberation. Immediately on the signing of the treaty of peace at Ghent, I received my instructions on that subject, propbsing, as a condition, that all the prisoners who might be delivered over to me by the British Government should be considered as prisoners of war, and not at liberty to serve until regularly exchanged, in the event of the treaty not being ratified by the President. This proposition was declined, and in a peremptory manner. On the receipt of the intelligence of the ratification from America, I lost not a moment in requesting the release of the prisoners, according to the terms of the treaty; and the number of vessels which I had hired, as mentioned in my letter of the 13th instant, and which are now on their voyage to the United States, will show that the necessary steps were taken to provide for their immediate transportation to their country. The prisoners, also, were informed of these measures, and of the exertions which had been made from the commencement to return them to their homes with the least possible delay. Therefore, whatever may have been their uneasiness under confinement, and whatever hostile feelings they may have had towards me, as noticed in the report and in Mr. King's letter, I may say, with confidence, that I could not prevent the one, nor have I deserved the other.

I have the honor to be, &c.

The Hon. JOHN MASON, &c. R. G. BEASLEY.

* See papers marked A. † See page 52.

Extracts of a letter from R. G. Beasley, Esq., Agent for American Prisoners of War in England, to the Commissary General of Prisoners, dated

OCTOBER 10, 1815.

"In compliance with the request contained in that of the 5th August, [the commissary general's letter,] I transmit, herewith, copies of my correspondence with the transport board on the subject of the general release of American prisoners in this country on the conclusion of the treaty at Ghent, and on the receipt of the President's ratification; also, copies and extracts of letters informing the prisoners of the measures taken for their release, preceding the occurrence at Dartmoor of the 6th April.

"It was always my practice before requesting, by written communication, the release of prisoners, to urge the measure in person; and this repeatedly, until either it was granted, or there appeared not any hope of success; and then my letter followed, for the purpose of reducing the negotiation to a more official form. This practice I pursued upon the conclusion of the treaty at Ghent, when my request was refused; and again on the receipt of the ratification of the President, when the release was agreed upon. Upon these occasions I, of course, availed myself of every circumstance which I conceived calculated to accomplish the object I had in view; and I frequently found the board concurring with me upon points which, when submitted to the admiralty, were rejected." "One of my letters, informing the prisoners of the measures taken for their release, was addressed to those on parole at Ashburton, which is about sixteen miles distant from Dartmoor, and with whom the prisoners at this latter place were in constant correspondence. I have to observe, further, that when inquiry as to the probable time of release was made at my office by friends of prisoners, which at that time was very frequently the case, they were always requested, when writing to them, to desire the information to be made as public in the prison as possible."

From R. G. Beasley to Alexander McLeay.

SIR: HARLEY STREET, *January* 18, 1815.

A treaty of peace having been concluded at Ghent between Great Britain and the United States, I am induced, by a desire to shorten the sufferings of the American prisoners in this country, to address the board relative to them. I do this with the more confidence of its being favorably received, as I am persuaded that this wish is equally entertained by the British Government.

I have, therefore, to request that a certain number of prisoners may be released, as soon as I may be able to procure proper conveyances for them to the United States, under the condition that they shall be subject to exchange should the treaty not be ratified by the President of the United States.

I am, &c. R. G. BEASLEY.

ALEXANDER McLEAY, Esq., *Transport Office.*

From Alexander McLeay to R. G. Beasley.

SIR: TRANSPORT OFFICE, *January* 21, 1815.

Having received, and laid before the commissioners for the transport service, &c., your letter of the 18th instant, proposing, under the circumstances therein stated, that a certain number of American prisoners of war may be permitted to return to the United States, I have it in command to acquaint you that the same has been referred to the consideration of the lords commissioners of the admiralty, and that their lordships have, in reply, been pleased to signify that they do not think proper to accede to your proposition.

I am, &c. ALEXANDER McLEAY, *Secretary.*

R. G. BEASLEY, Esq.

From R. G. Beasley to Alexander McLeay.

SIR: HARLEY STREET, *March* 15, 1815.

The treaty of Ghent having been ratified by the Governments of the United States and this country, and peace being thus happily restored between the two nations, I beg to inquire whether there is any objection to deliver over to me the prisoners detained in this country, as soon as I can provide for their conveyance?

I am, &c. R. G. BEASLEY.

ALEXANDER McLEAY, Esq., *Transport Office.*

From Alexander McLeay to R. G. Beasley.

SIR: TRANSPORT OFFICE, *March* 16, 1815.

I have received, and laid before the commissioners of the transport service, &c., your letter of the 15th instant, requesting to be informed, under the circumstances therein stated, whether there be any objection to deliver over to you the Americans now detained as prisoners of war in this country, upon your providing vessels for their conveyance to the United States.

In reply, I am directed to acquaint you that the board are ready to embark all the prisoners in question, upon your providing vessels at Plymouth for their conveyance; it being understood that all the debts contracted by them in this country must previously be paid. I am, &c.

ALEXANDER McLEAY, *Secretary.*

R. G. BEASLEY, Esq.

Extract of a letter from R. G. Beasley, addressed to the Committee of American Prisoners of War at Dartmoor.

LONDON, *March* 22, 1815.

"Three cartels are now preparing here, with all expedition, for the conveyance of the prisoners to the United States."

R. G. Beasley to American Prisoners of War, at Ashburton.

AGENCY FOR AMERICAN PRISONERS OF WAR,

GENTLEMEN: LONDON, *March* 23, 1815.

I have to inform you, that the treaty of peace having been ratified by the President, the release of the prisoners of war will commence without delay.

Although I have not as yet received any instructions from our Government, I have engaged, and am fitting out, four vessels for their conveyance, to proceed to Plymouth to receive them, and shall use every despatch in sending them to the United States.

I am, &c. R. G. BEASLEY.

To the American Prisoners of War on parole at Ashburton.

Extract of a letter from R. G. Beasley to Captain T. G. Shortland, Agent for Prisoners of War at Dartmoor.

LONDON, *March* 25, 1815.

"I have engaged four vessels for cartels, which are fitting out with all despatch. They will sail, I hope, in five or six days for Plymouth, to receive prisoners. Their tonnage, together, is about 1,600 tons."

From R. G. Beasley to Dr. Magrath.

SIR: LONDON, *March* 31, 1815.

I have received your letter of the 29th instant, acquainting me with your opinion of the complaints of Mr. Proctor and Mr. Robinson, now in Dartmoor hospital. In return, I beg to inform you that these two prisoners shall be sent home in the first cartel, which will, I expect, sail from this place to-morrow for Plymouth.

I am, &c.

R. G. BEASLEY.

GEORGE MAGRATH, Esq., *Surgeon Dartmoor Prison Hospital, Devon.*

From R. G. Beasley to the Committee of American Prisoners of War.

AGENCY FOR AMERICAN PRISONERS OF WAR,

GENTLEMEN: LONDON, *March* 31, 1815.

It appearing, by several letters which I have received from Dartmoor, that the prisoners have taken up an idea that any who may have the means of proceeding to the United States would, on application, receive a free discharge, I request that you will make it known throughout the prison that such is not the fact.

There must be other and better reasons to induce me to consent to their release in this manner, at this time. The situation of Europe, under the prospect of another war, multiplies the risk of impressment. I have taken measures to have them all released and sent home by cartels with as little delay as possible, where they are much wanted, and where wages are very high.

I am, &c. R. G. BEASLEY.

To the Committee of American Prisoners of War, Dartmoor.

14th CONGRESS.] No. 282. [1st SESSION.

GREAT BRITAIN—IMPRESSED AMERICAN SEAMEN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 29, 1816.

To the House of Representatives of the United States: APRIL 29, 1816.

I transmit to the House of Representatives a report from the Secretary of State, on the subject of their resolution of February 28, 1816.

JAMES MADISON.

DEPARTMENT OF STATE, *April* 27, 1816.

The Secretary of State, to whom was referred the resolution of the House of Representatives, requesting the President to cause to be laid before the House a statement of the number of impressed American seamen confined in Dartmoor prison; the number surrendered, given up, or taken from on board British vessels captured during the late war; together with their places of residence, respectively, has the honor to submit to the President, in the papers marked A, B, and C, all the information which he has, as yet, been able to obtain relative to the object stated in the resolution.

The paper A contains a list of such impressed seamen as were transferred from British ships of war to Dartmoor and other prisons in England.

B, contains the names of those who were transferred, in like manner, to prisons in the West Indies and Nova Scotia.

C, the names of those who were discharged in England from British ships of war since the peace.

JAMES MONROE.

A.

List of American seamen impressed on board of British public ships, and transferred to and confined in English prisons as prisoners of war, taken from official lists furnished by the British authorities to the American agent for prisoners in London.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	Joseph Beale, seaman & passenger,	Impressed at sea out of a Liverpool ship, October, 1812,	Great Britain,	March 29, 1813,	Cartel Robinson Potter,	Newport, R. I., May 2, 1813.
	Obed Hussey,	Impressed at sea out of a Liverpool ship, October, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	William P. Smith, seaman,	Surrendered to prison from British navy,	Chatham,	June 30, 1813,	Cartel Moses Brown,	New York, September, 1813.
	Charles Hall, merchant,	Impressed at Gravesend,	Great Britain,	Do. do.	Cartel Robinson Potter,	Newport, R. I., May 2, 1813.
5	Jeremy Tolson, seaman,	Impressed at Greenock, from the Elk, September 27, 1812,	Chatham,	Do. do.	Cartel Moses Brown,	New York, September, 1813.
	John Murray, seaman,	Impressed at Dublin, from the Experiment, Nov. 2, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	John Campbell, carpenter,	Impressed from the Julius Cæsar, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	George Lee, cook,	Impressed from the Frederick, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Wilson Hand, seaman,	Impressed from the Hebe, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
10	I. Wm. Michel, seaman,	Impressed from the Liberty, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Sullivan Nowell, seaman,	Impressed from the Liberty, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Enos Dicksain, seaman,	Impressed from the Liberty, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Philip Hog, seaman,	Impressed from the Dominick, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	John Calwell, seaman,	Impressed from the Eliza Ann, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
15	Oliver Brooks, seaman,	Impressed from the Phœnix, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Callup Richmond, seaman,	Impressed from the Phœnix, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Johnson Roe, seaman,	Impressed from the Phœnix, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Benjamin Pickens, seaman,	Impressed from the Urbano, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Thomas Lacock, seaman,	Impressed from the Urbano, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
20	David Parsons, seaman,	Impressed from the Urbano, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	I. L. Snowden, seaman,	Impressed from the Ann, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	I. McDermot, seaman,	Impressed from the Forrester, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Richard Wood, seaman,	Impressed from the Edward, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	John Jackson, seaman,	Impressed from the Brutus, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
25	Charles Baleys, seaman,	Impressed in London from the Brutus, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Henry Potter, seaman,	Impressed in London from the Leanderdus, Oct. 24, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Henry Fitch, mate,	Impressed in London from the George Canning, Oct. 27, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	S. Alexander, seaman,	Impressed in London from the Urbano, October 28, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	James Gibbs, seaman,	Impressed in Belfast, November, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
30	William Cooper, mate,	Impressed from the Thomas, October 27, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Daniel Jones, seaman,	Impressed from the Wasp, October 27, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Thomas Adams, seaman,	Impressed from the Wasp, October 29, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	George Erskine, seaman,	Impressed from the Wasp, October 28, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Joseph Tippett, seaman,	Impressed from the Wasp, October 27, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
35	James Mead, carpenter,	Impressed from the Echo, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	A. Richardson, seaman,	Impressed from the Echo, October 23, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	William Read, seaman,	Impressed from the Elizabeth, November 3, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Charles Willis, seaman,	Impressed in London from the Llan Romney, Oct. 25, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	John Rogers, seaman,	Impressed from the Eliza, October 24, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
40	John Young, seaman,	Impressed from the Bee, October 26, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	William Withman, seaman,	Impressed in Greenock from the Hazard, Sept. 20, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	S. Wicks, seaman,	Impressed in Liverpool from the Calcutta, October 18, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	William Bechel, seaman,	Impressed in Liverpool from the Hibernia, October 18, 1812,	Ditto,	Do. do.	Do. do.	Ditto.
	Peter Osborne, seaman,	Impressed in Liverpool from the Rising Sun, Oct. 18, 1812,	Ditto,	Do. do.	Do. do.	Ditto.

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
45	Henry Johnstone, seaman,	Impressed in Liverpool from the Hannah, October 18, 1812,	Chatham,	June 30, 1813,	Cartel Moses Brown,	New York, September, 1813.
	Cornelius Scand, seaman,	Impressed in Liverpool from the John, October 18, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	John West, seaman,	Impressed in Liverpool from the Martin, October 18, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	William Higgins, seaman,	Impressed in Liverpool from the Charles, October 18, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Frederick Watkins, seaman,	Impressed in Liverpool from the Washington, Oct. 18, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
50	Alexander Williams, seaman,	Impressed in Liverpool from the Industry, October 18, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Timothy Swanton, seaman,	Impressed in Liverpool from the Philipsburg, Nov. 9, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	E. Pettingall, seaman,	Impressed in Liverpool from the Philipsburg, Nov. 9, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	David Jefferies, seaman,	Impressed in London from the Moses Brown, Nov. 10, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Noble James, seaman,	Discharged, as an invalid, from His Britannic Majesty's ship Warspite, April 21, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
55	Samuel Avas, seaman,	Discharged from His Britannic Majesty's ship Thisbe, by habeas corpus, April 27, 1812,	Great Britain,	January 23, 1813,	Cartel United States,	New York, April, 1813.
	James Davis, seaman,	Discharged, as an invalid, from His Britannic Majesty's ship Castor, October 4, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Thomas Bull, seaman,	Discharged, as an invalid, from His Britannic Majesty's ship Thisbe, September, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Bani Pannele, seaman,	Discharged, as an invalid, from His Britannic Majesty's ship Royal William, January 1, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Isaac Keyes, seaman,	Discharged, as an invalid, from His Britannic Majesty's ship Ville de Paris, December 2, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
60	William Mullikan, seaman,	Discharged, as an invalid, from H. B. M. ship Spitfire,	Ditto,	Ditto,	Ditto,	Ditto.
	John Irwin, seaman,	Impressed in London from the Union, January 19, 1813,	Chatham,	July 24, 1813,	Cartel Hoffnung,	New Bedford, Mass., Sep. 29, 1813.
	Isaac Lawson, seaman,	Impressed in London from the Messenger, Dec. 14, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Henry Moore, seaman,	Impressed in London from the Messenger, Dec. 14, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	John Courtney, seaman,	Impressed in London from the Isabella, November 15, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
65	Levi Lorand, seaman,	Impressed in London from the Mountaineer, Jan. 3, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Isaac Hunter, seaman,	Impressed in London from the Mountaineer, Jan. 5, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Charles Sikes,	Impressed at Gravesend from the Charlotte, Dec. 22, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	J. Birchman, shipwright,	Impressed at Gravesend from the Isabella, Dec. 22, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	G. Eccleston, seaman,	Impressed at Gravesend from the Henry, American merchant vessel, December 24, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
70	John Smith, seaman,	Impressed at Gravesend from the Henry, American merchant vessel, December 28, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	William Carpenter, seaman,	Impressed at Gravesend from the Henry, American merchant vessel, January 3, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Jesse Barry, seaman,	Impressed at Yarmouth from the Union, December 28, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Pedro Minor, seaman,	Impressed off the Texel, January 17, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	George Bray, carpenter,	Impressed in London from the Union, January 25, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
75	Thomas Ramy, carpenter,	Impressed at Sunderland from the Argo, January 1, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	G. Williamson, seaman,	Impressed at Farham rendezvous, December 1, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	F. Brandy, seaman,	Impressed from the Eunice, American merchant vessel, November 17, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	James Alexander, seaman,	Impressed in London from the Union, January 23, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	John Dobins, seaman,	Impressed out of the William, English transport,	Great Britain,	Ditto,	Cartel Jenny,	New York.
80	John Ross, seaman,	Impressed at Belfast, November, 1812,	Chatham,	June 30, 1813,	Cartel Moses Brown,	New York, September, 1813.
	Samuel Parish, seaman,	Impressed out of the English transport Simpson, October,	Ditto,	Ditto,	Ditto,	Ditto.
	John Maines, seaman,	Impressed at Falmouth, January 17, 1813,	Ditto,	July 24, 1813,	Cartel Hoffnung,	New Bedford, Mass., Sep. 29, 1813.

	Wm. Hudson, second lieutenant,	Impressed at Greenock, December 2, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	E. Scott, seaman,	Impressed at Greenock, December 2, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
85	U. Crowell, seaman,	Impressed at Greenock, December 2, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Joseph Reid, seaman,	Impressed at Greenock, November 27, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Thomas Jackson, seaman,	Impressed at Greenock, November 27, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Philip Waters, seaman,	Impressed at Greenock, November 27, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Benjamin Burnham, seaman,	Impressed at Gravesend, December 3, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
90	Milly Townsend, seaman,	Impressed at Dover, August 19, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Samuel Turner, seaman,	Impressed at Ryde, December 9, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	G. Fenice, seaman,	Impressed at Ryde, December 28, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Michael Baptist, seaman,	Impressed at Gravesend, October,	Ditto,	Ditto,	Ditto,	Ditto.
	Thomas Carban, seaman,	Impressed at Belfast, September 15, 1812,	Ditto,	June 30, 1813,	Cartel Moses Brown,	New York, September, 1813.
95	John Osten, seaman,	Delivered himself up as a prisoner of war from His Britannic Majesty's ship Foxhound,	Dartmoor,	April 23, 1815,	Cartel Maria Christina,	New York, June 5, 1815.
	William Fawcett, seaman,	Do. do. do. Lavinia,	Ditto,	Ditto,	Ditto,	Ditto.
	William McLelland, seaman,	Do. do. do. do.	Ditto.			
	James Stateman, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	Joseph Mathews, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
100	Cato Foster, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	Amos Pierce, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	William Johnson, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	David Flood, seaman,	Impressed at Liverpool, February 10, 1813,	Ditto.			
	Samuel Rosett, seaman,	Impressed at Liverpool, February 23, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
105	Alexander Patterson, seaman,	Impressed at Liverpool, February 23, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Charles Smith, seaman,	Delivered himself up from H. B. M. ship Mackerel,	Ditto,	Ditto,	Ditto,	Ditto.
	John Smith, seaman,	Impressed at Exeter, March 12, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Robert Gifford, seaman,	Impressed at Liverpool, April 4, 1813,	Ditto.			
	John Wilson, seaman,	Impressed at Liverpool, March 29, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
110	Elijah Ewins, carpenter,	Impressed at Liverpool, March 29, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	John Roberts, seaman,	Delivered himself up as a prisoner of war, March 10, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Peter Jamison, seaman,	Impressed at Belfast, January 16, 1813, and delivered himself up as a prisoner of war,	Ditto,	Ditto,	Ditto,	Ditto.
	Epice Gandell, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	Thomas Taylor, seaman,	Impressed at Liverpool, May 4, 1813, from the Generis, merchant vessel,	Ditto.			
115	Henry Carpenter, seaman,	Impressed at Dublin, June 10, 1813,	Ditto,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.
	Benjamin Weeks, seaman,	Impressed at Liverpool, April 25, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	William Walleman, seaman,	Impressed at Belfast, June 29, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Manuel D. Olivera, alias Jerry Jarvis, seaman,	Impressed at Liverpool, July 6, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Allen Grace, seaman,	Impressed at Liverpool, July 6, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
120	Cornelius Denham, seaman,	Impressed at Greenock, June 13, 1813,	Ditto.			
	William Gilbs, seaman,	Impressed at Cork, July 21, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	John G. Sutter, seaman,	Delivered himself up from His Britannic Majesty's ship Scipion, as a prisoner of war, November 4, 1812,	Ditto,	[Still in England, Oct. 26, 1815; born in Philadelphia.]		
	James Hartfield, seaman,	Do. do. do. do.	Ditto,	April 27, 1815,	Cartel Brunswick,	Ditto.
	Samuel Johnson, seaman,	Do. do. do. December 1, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
125	John Hubbard, seaman,	Do. do. Bombay, November 30, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	John Young, seaman,	Do. do. Tremendous, February 1, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Thomas Marshall, seaman,	Do. do. Pompey, October 31, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	William Young, seaman,	Delivered himself up as a prisoner of war, July 12, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Charles Jones, seaman,	Impressed at Dublin, June,	Ditto,	Ditto,	Ditto,	Ditto.
130	James Garner, seaman,	Impressed at Dublin, July 25,	Ditto,	Ditto,	Ditto,	Ditto.
	Thomas Martin, seaman,	Impressed at Belfast, June 29, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	William Williams, seaman,	Impressed at Liverpool, September 10, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	William Trout, seaman,	Impressed at Liverpool, July 17, 1813,	Ditto,	Ditto,	Ditto,	Ditto.

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	William McFall, seaman,	Impressed at Liverpool, September 10, 1813,	Dartmoor,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.
135	William Brown 1st, seaman,	Impressed at Liverpool, September 8, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Lamb. Newby, seaman,	Impressed at Liverpool, August 28, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	William Brown 2d, seaman,	Impressed at Liverpool, August 27, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Jacob Oakley, seaman,	Delivered himself up as a prisoner of war from His Britannic Majesty's ship Armide,	Ditto,	Ditto,	Ditto,	Ditto.
	James Ogden, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
140	James Thompson, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	Beverly March, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	George Davis, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	John Montgomery, seaman,	Impressed at Liverpool,	Ditto,	-	-	Died at Dartmoor, Feb. 24, 1814, aged 21, born at New York.
	Daniel Shipley, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	New York, June 10, 1815.
145	Jona. Blandall, seaman	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	James W. Carter, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	Peter Peters, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	Alexander Webb, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	Richard H. Wade, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
150	Canute Jansen, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	James Nicholson, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	Joshua Bannister, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	I. Rogers Penio, seaman,	Impressed at Liverpool,	Ditto,	Ditto,	Ditto,	Ditto.
	Abner Horn, seaman,	Taken by the Fortune, October 25, 1813, and impressed at Cork,	Ditto,	Ditto,	Ditto,	Ditto.
155	John Wilson, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	George Bymer, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	John Marshall, mate,	Impressed at Liverpool, September 10, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Richard Brown, cook,	Impressed at Liverpool, September 14, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	William Kennisen, seaman,	Impressed at Falmouth, November 30, 1813, from the Fortune, merchant vessel,	Ditto.			
160	George Cartwright, seaman,	Impressed at Liverpool, November 1, 1813, from the Princess, merchant vessel,	Ditto.			
	James Smith, seaman,	Do. do. do. do.	Ditto.			
	James Taylor, seaman,	Do. do. do. do.	Ditto,	April 29, 1815,	Neptunus,	New Haven, Conn, June 17, 1815.
	William Redman, seaman,	Do. do. do. do.	Ditto,	May 1, 1816,	Ariel,	New York, June 10, 1815.
	William Thomson, seaman,	Sent into custody from His Britannic Majesty's ship Lyra,	Ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
165	Charles G. Barker, seaman,	Impressed at Cork, December 26, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Jacob Clark, seaman,	Came into prison at his own request from His Britannic Majesty's ship Basilisk,	Ditto,	Ditto,	Ditto,	Ditto.
	James Taylor, seaman,	Sent into prison by Admiral Douret's order, from His Britannic Majesty's ship Sparrow,	Ditto,	Ditto,	Ditto,	Ditto.
	John Charles, seaman,	Impressed at Dublin, October 1, 1813,	Ditto.			
	Thomas Poland, seaman,	Impressed at Bristol, October 13, 1813,	Ditto.			
170	Samuel Robinet, seaman,	Discharged from His Britannic Majesty's ship Sarpedo, October 22, 1812,	Chatham,	April 29, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	Abram Bugs, seaman,	Do. do. do. do.	Ditto,	[Still remaining in England, October, 1815, born in New York State.]		
	William Wessels, seaman,	Delivered himself up from the Prince William, armed British ship, October 13, 1812,	Ditto,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.

	Joseph Johnson, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	Joseph Carr, seaman,	Delivered himself up from His Britannic Majesty's ship Alceste, at Deptford, September 14, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
175	Peter Thimonier, seaman,	Do. do. Adamant, at Leith, Oct. 11, 1812,	Ditto.			
	Duncan Darran, seaman,	Do. do. Namur, at Nore, Nov. 1, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	William Canada, seaman,	Do. do. Rolla, Downs, Nov. 10, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	James Smith, carpenter,	Do. do. Dublin, Downs, Nov. 1, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Jacob Hoffman, seaman,	Do. do. Monmouth, Downs, Sep. 18, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
180	Henry White, shipwright,	Do. do. Mulgrave, Nore, Nov. 23, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Benjamin Pearson, seaman,	Do. do. Mulgrave, Downs, Nov. 17, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Jeffrey Prince, seaman,	Do. do. Dublin, Downs, Oct. 24, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	W. McCormack, carpenter,	Do. do. Dublin, Downs, Nov. 1, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Elijah Fargo, seaman,	Do. do. Rolla, Downs, Nov. 10, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
185	Charles Wilson, seaman,	Do. do. Rolla, Deal, Nov. 23, 1812,	Ditto.			
	John Taggart, seaman,	Do. do. Inconstant, Downs, Dec. 5, 1812,	Ditto.			
	Samuel Twycross, mate,	Impressed January 13, 1813, London, Three Brothers, merchant vessel,	Ditto,	April 23, 1815,	Mary Ann,	New London, Conn. June 9, 1815.
	Samuel Calentine, seaman,	Delivered himself up from His Britannic Majesty's ship Namur, Nore, December 12, 1812,	Ditto,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.
	Francis Edmunds, seaman,	Do. do. do. January 2, 1813,	Ditto.			
190	Francis Saul, seaman,	Do. do. Mercurius, December 5, 1812,	Ditto,	[Died at Dartmoor,	October 20, 1814; aged 32;	born at West Caped.]
	Joseph Williams, seaman,	Do. do. Fredericksward, October 14, 1812,	Ditto,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.
	Joseph Freeborn, seaman,	Do. do. Alfred, Downs, January 26, 1813,	Ditto.			
	John Ballard, seaman,	Do. do. Zenobia, Lisbon, August 25, 1812,	Ditto.			
	William Wallace, caulker,	Do. do. Alexander, Downs, Feb. 11, 1813,	Ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.
195	Angelo Macure, seaman,	Do. do. do. do.	Ditto.			
	Thomas Smith, seaman,	Do. do. Persian, Nore, December 13, 1812,	Ditto,	April 29, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	Jotham Williams, seaman,	Do. do. Raleigh, N. fleet, January 7, 1813,	Ditto,	[Still remaining in	England October, 1815; born	in Boston.]
	Durivus Williams, seaman,	Do. do. Ruby, August 15, 1812,	Ditto,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.
	Edward Cummings, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
200	Moses Young, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	Charles Purdett, seaman,	Do. do. Ocean, do.	Ditto.			
	Edward Robinson, seaman,	Do. do. Royal William, Nov. 18, 1812,	Ditto.			
	John Barnett, seaman,	Do. do. do. do.	Ditto.			
	John D. Clark, seaman,	Do. do. do. do.	Ditto.			
205	William Prince, seaman,	Do. do. Cherub, December 5, 1812,	Ditto.			
	George Nellim, seaman,	Do. do. do. do.	Ditto.			
	James Magrath, seaman,	Do. do. Minerva, December 5, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Elijah Armstrong, seaman,	Do. do. Victory, December 18, 1812,	Ditto,	Ditto,	Ditto,	Ditto.
	Zachariah Knight, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
210	Timothy Stanwood, seaman,	Do. do. Aboukir, October 28, 1812,	Ditto.			
	Daniel Davis, seaman,	Do. do. do. do.	Ditto.			
	Esau Pendleton, seaman,	Do. do. do. do.	Ditto.			
	John Nichols, seaman,	Do. do. do. December 26, 1812,	Ditto,	[Still remaining in	England October, 1815; born	in Durham, Massachusetts.]
	Samuel Johnson, seaman,	Do. do. Vigo, December 31, 1812,	Ditto,	April 18, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
215	William Golever, seaman,	Do. do. do. do.	Ditto,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.
	Edward Whittlebanks, seaman,	Sent to prison by order of Admiral Bickerton, Aug. 1, 1812,	Ditto,	[Wounded in the affair	at Dartmoor, April 6, 1815.]	
	John Gcline, seaman,	Delivered himself up from His Britannic Majesty's ship Trent, January 4, 1813,	Ditto,	May 1, 1815,	Ariel,	Ditto.
	John Mills, seaman,	Do. do. Belle Poule, September 5, 1815,	Ditto.			
	William Packard, seaman,	Do. do. do. do.	Ditto.			
220	Tobias Caroline, seaman,	Do. do. Orion, September 5, 1815,	Ditto.			
	Jonathan Coleman, seaman,	Do. do. do. September 28, 1812,	Ditto.			
	Joseph Williams, seaman,	Do. do. Comet, November 25, 1812,	Ditto.			
	Leonard Holden, seaman,	Do. do. do. do.	Ditto.			
	William Gunnell, seaman,	Do. do. Romulus, January 1, 1813,	Ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
225	John Nald, seaman,	Delivered himself up from His Britannic Majesty's ship Pomone, January 9, 1813,	Chatham,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	George Raymond, seaman,	Do. do. Arrow, January 4, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	John Bocatt, seaman,	Do. do. Salvador del Mundo, do.	Ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	David Chult, seaman,	Do. do. do. do.	Ditto.			
	John Dawson, seaman,	Do. do. Trinculo, December 14, 1812,	Ditto,	[Still remaining in	England, October 26, 1815;	born in Philadelphia]
230	Joseph Wickwall, seaman,	Do. do. Ceres, December 20, 1812,	Ditto.			
	Henry Perkins, seaman,	Do. do. do. do.	Ditto.			
	William Tellebrown, seaman,	Do. do. do. do.	Ditto,	[Still remaining in	England, October 26, 1815;	born in Hull, Massachusetts.]
	George Butler, seaman,	Do. do. do. do.	Ditto.			
	I. Brightman, seaman,	Do. do. do. November 5, 1812,	Ditto,	[Still remaining in	England, October 26, 1815;	born in North Yarmouth, Mass.]
235	William Riley, seaman,	Do. do. Circe, November 13, 1812,	Ditto.			
	Edward Pierce, seaman,	Do. do. do. do.	Ditto.			
	William Carney, seaman,	Do. do. Royal William, February 5, 1813,	Ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	John Hedley, seaman,	Do. do. do. do.	Ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	Thomas Sprat, seaman,	Do. do. Ethalion, do.	Ditto,	Ditto,	Ditto,	Ditto.
240	David Osgood, seaman,	Impressed at Cowes, February 5, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Richard Church, seaman,	Delivered himself up from H. B. M. ship Ulysses, Jan. 13, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	Lewis Lister, seaman,	Do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	William Brown, seaman,	Do. do. do.	Ditto.			
	Francis Marshall, seaman,	Do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
245	Charles Shipley, seaman,	Do. do. Gladiator, Feb. 7, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	William Rennell, seaman,	Do. do. Freya, Aug. 2, 1812,	Ditto,	April 29, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	Andrew Conway, seaman,	Do. do. Electra, Sept. 20, 1812,	Ditto.			
	Peter Syeway, seaman,	Do. do. do. do.	Ditto.			
	John Johnson, seaman,	Do. do. do. do.	Ditto.			
250	John Williamson, seaman,	Do. do. do. do.	Ditto.			
	Bartholomew Philbrook, seaman,	Do. do. Forrester, Dec. 29, 1812,	Ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	John Mason, seaman,	Do. do. Ariel, Oct. 21, 1812,	Ditto.			
	James Richardson,	Do. do. Denmark, Oct. 21, 1812,	Ditto.			
	John Burnham, seaman,	Do. do. Bold, Feb. 15, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
255	Enoch Cain, seaman,	Do. do. Tiger, Feb. 15, 1813,	Ditto,	Ditto,	Ditto,	Ditto.
	James Ramady, seaman,	Do. do. Hamadryad, Feb. 15, 1813,	Ditto.			
	William Pierce, seaman,	Do. do. Muros, Sept. 12, 1813,	Ditto.			
	William Welsh, seaman,	Do. do. Impetueux, Dec. 2, 1813,	Ditto.			
	George Hanshaw, seaman,	Do. do. do. do.	Ditto.			
260	James Cooper, seaman,	Do. do. do. do.	Ditto.			
	David Roberts, seaman,	Do. do. do. do.	Ditto.			
	Elizas Lyntch, seaman,	Do. do. do. do.	Ditto.			
	Marquis Hart, seaman,	Impressed, May 1, 1813,	Ditto.			
	John Stevens, seaman,	Delivered himself up from H. B. M. ship Decoy, Nov. 12, 1812,	Ditto.			
265	William Goswick, seaman,	Do. do. Cordelia, do.	Ditto.			
	Abraham Williams, seaman,	Impressed by H. B. M. ship Acteon, June 12, 1813,	Ditto.			
	Levin Benson, seaman,	Delivered himself up from His Britannic Majesty's ship Stirling Castle, June 5, 1813,	Ditto.			
	John Perry, alias T. Wilson, seaman,	Do. do. Freya, May 19, 1813,	Ditto,	[Wounded in the affair	at Dartmoor, April 6, 1815.]	
	E. Runlet, seaman,	Do. do. Jupiter, May 22, 1813,	Ditto.			

270	William Clark, seaman,	Do. do. North Star, May 26, 1813,	Ditto.		
	Jonas Benson, seaman,	Do. do. do. do.	Ditto.		
	Riel Rowe, seaman,	Do. do. do. do.	Ditto.		
	George Parker, seaman,	Do. do. Menelaus, June 6, 1813,	Ditto,	May 20, 1815,	Robert Taylor, — Boston, July 13, 1815.
	Samuel McElroy, seaman,	Do. do. do. do.	Ditto.		
275	Thomas Pierce, seaman,	Do. do. Emilia, June 1, 1813,	Ditto.		
	James Reed, seaman,	Do. do. Arethusa, June 5, 1813,	Ditto.		
	William Dews, seaman,	Do. do. Pomona, Jan. 8, 1813,	Ditto.		
	John Hughes, seaman,	Impressed by the Lady Castlereagh, East Indies, May, 1813,	Ditto.		
	John Gardner, seaman,	Impressed at Gravesend, April 27, 1813,	Ditto,	Ditto,	Ditto, Ditto.
280	Clark Babcock, seaman,	Do. do. do.	Ditto.		
	Edward Chapel, seaman,	Do. do. do.	Ditto.		
	Erept Tompkins, seaman,	Do. London, June 1, 1813,	Ditto.		
	E. Richards, seaman,	Given up from H. B. M. ship Strombolo, June 24, 1813,	Ditto.		
	Charles Avory, seaman,	Do. do. do. do.	Ditto.		
285	Nathaniel M. Warren, seaman,	Deliv'd himself up from H.B. M. ship Leonidas, June 24, 1813,	Ditto.		
	James Kemp, seaman,	Do. do. do. do.	Ditto.		
	John Frazer, seaman,	Do. do. do. do.	Ditto.		
	John Welch, seaman,	Do. do. do. do.	Ditto.		
	James Coely, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto, Ditto.
290	James Anderson, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto, Ditto.
	L. Tyler, seaman,	Do. do. Puissant, do.	Ditto,	Ditto,	Ditto, Ditto.
	J. Ploughman, seaman,	Do. do. Vigo, do.	Ditto,	Ditto,	Ditto, Boston, July 13, 1815; born in Philad.
	Francis Hussey, seaman,	Impressed at London, July 6, 1813,	Ditto,	Ditto,	Ditto, Boston, July 13, 1815.
	Thomas Dennis, seaman,	Do. June 10, 1813,	Ditto,	Ditto,	Ditto, Ditto.
295	John Smith, master,	Do. June 28, 1813,	Ditto,	July 11, 1815,	Woodrop Syms, New York, August 22, 1815.
	John Holmes, seaman,	Gave himself up from H. B. M. ship York, June 1, 1813,	Ditto,	May 20, 1815,	Robert Taylor, Boston, July 13, 1815.
	Isaac Hunter, seaman,	Do. do. do. do.	Ditto,	— — —	Ditto, Ditto.
	Frederick Bliss, seaman,	Impressed in London, July 7, 1813,	Ditto,	June 14, 1815,	Christina, New York, July 31, 1815.
	J. D. Allen, seaman,	Do. do. do.	Ditto.		
300	John Hawkin, seaman,	Deliv'd himself up from H. B. M. ship Leyden, May 14, 1813,	Ditto,	May 1, 1815,	Ariel, New York, June 10, 1815.
	O. Sims, seaman,	Impressed at Dublin, February 12, 1813,	Ditto,	Ditto,	Ditto, Ditto.
	D. Hunt, seaman,	Delivered himself up from His Britannic Majesty's ship Bustard, March 23, 1813,	Ditto.		
	N. Eldridge, seaman,	Do. do. Malta, do.	Ditto.		
	William Rich, seaman,	Do. do. do. do.	Ditto.		
305	James Mareb, seaman,	Do. do. do. do.	Ditto.		
	S. James, seaman,	Do. do. Dublin, do.	Ditto,	May 20, 1815,	Robert Taylor, Boston, July 13, 1815.
	John Wright, seaman,	Do. do. Ajax, do.	Ditto,	June 16, 1815,	Redleighten, Boston, July 30, 1815.
	Daniel Jackson, seaman,	Do. do. do. do.	Ditto,	May 1, 1815,	Ariel, New York, June 10, 1815,
	John Scott, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto, Ditto.
310	William Kenedy, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto, New York, June 10, 1815; born in South Carolina.
	Thomas Warner, seaman,	Do. do. Cordelia, do.	Ditto.		
	R. Lawrence, seaman,	Do. do. Decoy, do.	Ditto.		
	I. Willet, seaman,	Do. do. Roserio, do.	Ditto,	[Wounded in the affair at Dartmoor, April 6, 1815.]	
	E. Rich, seaman,	Do. do. do. do.	Ditto.		
315	I. B. Ingersen, seaman,	Impressed at London, July 9, 1813,	Ditto,	May 20, 1815,	Robert Taylor, Boston, July 13, 1815.
	James Moses, seaman,	Do. do. do.	Ditto,	Ditto,	Ditto, Ditto.
	W. N. Carlton, seaman,	Do. do. July 12, 1813,	Ditto,	Ditto,	Ditto, Ditto.
	I. Quenichet, seaman,	Do. do. July 23, 1813,	Ditto,	Ditto,	Ditto, Ditto.
	John Moore, seaman,	Do. do. do.	Ditto,	Ditto,	Ditto, Ditto.
320	I. Fanner, seaman,	Do. do. do.	Ditto,	Ditto,	Ditto, Ditto.
	I. Smith, seaman,	Do. do. do.	Ditto,	Ditto,	Ditto, Ditto.
	Thos. Stibens, steward,	Do. Dover, July 20, 1813,	Ditto,	Ditto,	Ditto, Ditto.
	I. Ray, seaman,	Do. Gravesend, July 4, 1813,	Ditto,	June 10, 1815,	Angerona, Boston, July 23, 1815.
	Samuel Brown, seaman,	Delivered himself up from H. B. M. ship Malta, Mar. 18, 1813,	Ditto,	May 20, 1815,	Robert Taylor, Boston, July 13, 1815.

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed or detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
325	Charles Huntley, seaman,	Delivered himself up from H. B. M ship Philomel, Dec. 28, 1812,	Chatham.			
	M. Johnson, seaman,	Do. do. do. do.	Ditto.			
	I. Butler, seaman,	Do. do. Fame, May 4, 1813,	Ditto.			
	I. Kelly, seaman,	Do. do. do. do.	Ditto.			
	Wm. Summons, seaman,	Do. do. do. do.	Ditto.			
330	James Burd, seaman,	Do. do. do. do.	Ditto.			
	Henry Harrison, seaman,	Do. do. do. do.	Ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.
	I. Jeannesen, seaman,	Do. do. do. do.	Ditto.			
	I. Chase, seaman,	Do. do. do. do.	Ditto.			
	I. Brown, seaman,	Do. do. Onyx, May 23, 1813,	Ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
335	Sam. Blomblown, seaman,	Do. do. Monarch, July 15, 1813,	Ditto.			
	John Williams, seaman,	Do. do. do. July 28, 1813,	Ditto.			
	I. Vale, seaman,	Do. do. Dwarf, do.	Ditto,	Ditto,	Ditto,	Ditto.
	G. McEnnay, seaman,	Do. do. Berwick, Oct. 29, 1812,	Ditto,	[Still in England, Oct. 26, 1815; born in Georgetown, D. C.]		
	S. Kellam, seaman,	Do. do. Barfleur, May 27, 1813,	Ditto,	May 20, 1815,	Robert Taylor,	Ditto.
340	Thomas Young, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	George Bordley, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	J. McKenzey, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	William Schank, seaman,	Do. do. Bombay, do.	Ditto,	Ditto,	Ditto,	Ditto.
	Samuel Lindsay, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
345	D. Holbrook, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	Henry Pevirly, seaman,	Do. do. do. do.	Ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	Thomas Brown, seaman,	Do. do. do. do.	Ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	William Blake, seaman,	Do. do. Repulse, do.	Ditto,	Ditto,	Ditto,	Boston, July 13, 1815, [Wounded in the affair at Dartmoor, April 6, 1815.]
	J. Randel, seaman,	Do. do. Undaunted, do.	Ditto.			
350	Samuel Jesson, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Boston, July 13, 1815.
	I. Much, seaman,	Do. do. Sheerwater, do.	Ditto,	Ditto,	Ditto,	Ditto.
	I. Thomson, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	I. Latham, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	W. Scott, carpenter's mate,	Do. do. Tremendous, Dec. 15, 1812,	Ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
355	John Porter, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	I. Austin, seaman,	Do. do. Union, May 27, 1813,	Ditto.			
	John Smith, seaman,	Do. do. do. do.	Ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	William Smith, seaman,	Do. do. do. do.	Ditto,	May 1, 1815,	Ariel,	New York, June 10, 1815.
	Daniel Baker, seaman,	Do. do. do. do.	Ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
360	I. Hudson, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	John Warner, seaman,	Do. do. Prince of Wales, May 28, 1813,	Ditto,	April 27, 1815,	Brunswick,	New York, June 10, 1815.
	Levi Stevenson, seaman,	Do. do. do. do.	Ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	H. Prichard, seaman,	Do. do. Ocean, do.	Ditto,	Ditto,	Ditto,	Ditto.
	J. Price, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
365	Pr. Murray, seaman,	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	S. Bond, seaman	Do. do. do. do.	Ditto,	Ditto,	Ditto,	Ditto.
	Mark Brown, seaman,	Do. do. Leviathan, Oct. 28, 1812,	Ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	An. Gwier, seaman,	Do. do. do. do.	Ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815. [Born in Pennsylvania.]

	Charles White, seaman,	Do.	do.	do.	do.	Ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
370	W. Gourlay, seaman,	Do.	do.	do.	do.	Ditto.			
	Samuel Porter, seaman,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
	Robert Forbes, seaman,	Do.	do.	do.	do.	Ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	John Peters, seaman,	Do.	do.	do.	do.	Ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	Thomas Williams, seaman,	Do.	do.	do.	do.	Ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
375	S. Richardson, seaman,	Impressed at Shields, August 3, 1813,				Ditto.			
	Gideon Williams, seaman,	Delivered himself up from His Britannic Majesty's ship Caledonia, December 5, 1812,				Ditto.			
	John Steward, seaman,	Do.	do.	do.		Ditto.			
	I. Brown, seaman,	Do.	do.	do.		Ditto.			
	P. Henry, seaman,	Do.	do.	do.		Ditto.			
380	William Thomas, seaman,	Do.	do.	Malta, October 20, 1812,		Ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	John McIver, seaman,	Do.	do.	Kent, October 26, 1812,		Ditto.			
	James Campbell, seaman,	Do.	do.	Volunteer, Oct'r 25, 1812,		Ditto,	- - -	- - -	[Killed at Dartmoor, April 6, 1815.]
	Joseph Taylor, seaman,	Do.	do.	Fame, Dec. 31, 1812,		Ditto.			
	John Simpson, seaman,	Do.	do.	Swallow, March 25, 1813,		Ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
385	E. Wickham, seaman,	Do.	do.	Goliath, August 8, 1812,		Ditto,	Ditto,	Ditto,	Ditto.
	H. Wilson, seaman,	Apprehended in H. B. M ship Fortunée, January 16, 1813,				Ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815. [Wounded in the affair at Dartmoor, April 6, 1815.]
	Michael Gannet, seaman,	Impressed in London, August 13, 1813,				Ditto,	Ditto,	Ditto,	Boston, July 13, 1815.
	Thomas Dunn, seaman,	Do. August 1, 1813,				Ditto.			
	William Burke, seaman,	Do. August 13, 1813,				Ditto.			
390	Richard Norton, seaman,	Do. August 31, 1813,				Ditto,	Ditto,	Ditto,	Ditto.
	W. Clements, seaman,	Do. September 9, 1813,				Ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.
	John Boillet, seaman,	Delivered himself up from His Britannic Majesty's ship Raven, August 15, 1813,				Ditto.			
	P. Lewis, seaman,	Impressed in London, September 3, 1813,				Ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	I. Shomodice, seaman,	Do. September 8, 1813,				Ditto,	Ditto,	Ditto,	Ditto.
395	Ganet Toole, seaman,	Delivered himself up from His Britannic Majesty's ship America, June 25, 1813,				Ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	I. Robinson, seaman,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
	I. Andrews 1st, seaman,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
	Robert Wilson, seaman,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
	George Green, seaman,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
400	I. Valentine, seaman.,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
	I. Andrews 2d, seaman,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
	Samuel Perry, seaman,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
	James Meyers, seaman,	Do.	do.	Ganymede,	do.	Ditto,	Ditto,	Ditto,	Ditto.
	Edward Wright, seaman,	Do.	do.	Achille,	do.	Ditto,	Ditto,	Ditto,	Ditto.
405	Thomas Fry, seaman,	Do.	do.	do.	do.	Ditto.			
	G. Gardner, seaman,	Do.	do.	do.	do.	Ditto,	Ditto,	Ditto,	Ditto.
	F. Copland, seaman,	Do.	do.	do.	do.	Ditto,	[Died at Chatham,	March 15, 1814, aged 27.	Born in Massachusetts.]
	John Prince, seaman,	Do.	do.	do.	do.	Ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
410	James Stanton, seaman,	Do.	do.	do.	do.	Ditto,	May 30, 1815,	Atlas,	Ditto, July 24, 1815.
	B. S. McGinnis, seaman,	Do.	do.	Cerberus,	do.	Ditto,	July 11, 1815,	Woodrop Syms,	Ditto, August 22, 1815.
	James Yatton, seaman,	Do.	do.	do.	do.	Ditto,	May 30, 1815,	Atlas,	Ditto, July 24, 1815.
	Benjamin Phillips, seaman,	Do.	do.	Castor,	do.	Ditto,	April 29, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	William Rankins, caulker,	Do.	do.	do.	do.	Ditto,	April 18, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	John Ross, seaman,	Do.	do.	Majestic,	do.	Ditto.			
415	H. Cotterrell, seaman,	Do.	do.	do.	do.	Ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	David Redman, seaman,	Do.	do.	Sceptre,	do.	Ditto,	Ditto,	Ditto,	Ditto.
	Thomas Lynch, seaman,	Do.	do.	Orpheus,	do.	Ditto.			
	Job McCumber, seaman,	Do.	do.	do.	do.	Ditto.			
	I. Ranlot, seaman,	Do.	do.	do.	do.	Ditto,	April 18, 1815,	Mary Ann,	New London, Conn., June 9, 1815.

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
420	Thomas Brown, seaman, -	Delivered himself up from His Britann'c Majesty's ship Orpheus, June 25, 1813, -	Chatham, - -	April 18, 1815, -	Mary Ann, - -	New London, Conn., June 9, 1815.
	Benjamin Walker, seaman, -	Do. do. Woolwich, do. -	ditto, - -	May 30, 1815, -	Atlas, - - -	New York, July 24, 1815.
	G. W. Tomlinson, marine, -	Do. do. Plantagenet, do. -	ditto, - -	May 20, 1815, -	Robert Taylor, - -	Boston, July 13, 1815.
	Peter Barry, seaman, - -	Do. do. Jalouse, do. -	ditto, - -	[Died at Dartmoor,	November 27, 1814, aged 39.	Born at Salem.]
	James Cæsar, seaman, - -	Do. do. Trent, do. -	ditto.			
425	William Perry, seaman, - -	Do. do. do. do. -	ditto, - -	May 30, 1815, -	Atlas, - - -	New York, July 24, 1815.
	Abel Hind, seaman, - -	Do. do. do. do. -	ditto.			
	John Haskins, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	A. Darrow, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	Corn. McAlphin, seaman, -	Do. do. Hope, do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
430	Charles Price, seaman, - -	Do. do. Laurel, do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	Paul Newell, seaman, - -	Do. do. Astrea, do. -	ditto, - -	June 4, 1815, -	Zephyr, - - -	Boston, July 20, 1815.
	Anthony Jones, seaman, -	Do. do. do. do. -	ditto.			
	Valentine Gibbs, seaman, -	Do. do. Curaçoa, do. -	ditto, - -	May 30, 1815, -	Atlas, - - -	New York, July 24, 1815.
	James Walling, seaman, -	Do. do. Bold, July 12, 1813, -	ditto, - -	June 16, 1815, -	Redleighten, - -	Boston, July 30, 1815.
435	John Dunnaham, seaman, -	Do. do. Scipion, Dec. 2, 1812, -	ditto, - -	April 23, 1815, -	Mary Ann, - -	New London, Conn., June 9, 1815.
	Abraham Cadwell, seaman, -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	Charles Nool, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	John James, seaman, - -	Do. do. Pr. of Wales, May 18, 1813,	ditto.			
	John Williams, seaman, - -	Do. do. do. do. -	ditto, - -	May 20, 1815, -	Robert Taylor, - -	Boston, July 13, 1815
440	Isaac Cock, seaman, - -	Do. do. do. do. -	ditto, - -	[Still remaining in	England, October, 1815. Born	in Queen's county, New York.
	Burden Owen, seaman, - -	Do. do. Ocean, October 29, 1812,	ditto, - -	April 23, 1815, -	Mary Ann, - -	New London, Conn., June 9, 1815. [Born in Orange county, New York.]
	John Boyd, seaman, - -	Do. do. Bombay, do. -	ditto, - -	ditto, -	ditto, - - -	New London, Conn., June 9, 1815.
	N. Campbell, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	D. Windgate, seaman, - -	Do. do. Gorgon, Nov. 1, 1812, -	ditto, - -	ditto, -	ditto, - - -	ditto.
445	H. Stone, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	Thomas Lowe, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	I. Thayer, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	A. Jordon, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	I. Matthews, seaman, - -	Do. do. Undaunted, Oct. 29, 1812,	ditto.			
450	James Stanford, seaman, -	Do. do. Berwick, do. -	ditto, - -	May 30, 1815, -	Atlas, - - -	New York, July 24, 1815.
	I. Hall, seaman, - - -	Do. do. do. May 27, 1813,	ditto, - -	May 20, 1815, -	Robert Taylor, - -	Boston, July 13, 1815.
	Henry Roberson, seaman, -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	John Graves, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	William Simms, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
455	James Willson, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	Thomas Adams, seaman, - -	Do. do. Tremendous, do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	C. Bakman, seaman, - -	Do. do. Pr. of Wales, do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	T. Thomas, seaman, - -	Do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
	B. Johnston, seaman, - -	Do. do. Ocean, do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
460	R. Thompson, seaman, - -	Do. do. Aboukir, do. -	d tto.			
	G. B. Hall, seaman, - -	Impressed at London, October 21, 1813, - - -	ditto.			
	Peter Ward, seaman, - -	Do. do. - - - -	ditto, - -	May 30, 1815, -	Atlas, - - -	New York, July 24, 1815.
	George Berry, seaman, - -	Delivered himself up from His Britannic Majesty's ship Christian VII. Oct. 4, 1813,	ditto.			
	Charles Bone, seaman, - -	Do. do. Vixen, Sept. 12, 1813, -	ditto, - -	ditto, -	ditto, - - -	ditto.

465	Osmond Trask, seaman,	Impressed at Hull, October 18, 1813,	ditto,	ditto,	ditto,	ditto.	
	S. Brown, seaman,	Do. London, November 11, 1813,	ditto,	June 2, 1815,	Sovereign,	Boston, July 25, 1815.	
	I. Reid, seaman,	Do. do. do.	ditto.				
	Cyrus Hulls, seaman,	Do. do do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.	
	William Cullett, seaman,	Do. do. November 10, 1813,	ditto.				
470	H. Dole, mate,	Do. Leith, December 4, 1813,	ditto,	ditto,	ditto,	ditto.	
	Andrew Shaw, seaman,	Do. do. do.	diito.				
	William Scotts, seaman,	Do. Hull, November 20, 1813,	ditto.				
	I. Thompson, seaman,	Do. London, October 31, 1813,	ditto,	ditto,	ditto,	ditto.	
	H. Palmer, seaman,	Do. Hull, October 31, 1813,	ditto,	ditto,	ditto,	ditto.	
475	B. Moaton, seaman,	Do. London, December 26, 1813,	ditto,	ditto,	ditto,	ditto.	
	Joseph Coffin, seaman,	Delivered himself up from His Britannic Majesty's ship Invincible, Jan. 14, 1813,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.	
	S. Brown, seaman,	Do. do. do. Jan. 7, 1813,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.	
	William Pitt, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.	
	S. Angel, seaman,	Do. do. Illustrious, Dec. 1, 1813,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.	
480	F. Malbrough, seaman,	Do. do. Denmark, Dec. 12, 1813,	ditto,	ditto,	ditto,	ditto.	
	William Reid, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.	
	I. McInley, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.	
	I. Antoine, seaman,	Do. do. Bruiser, Feb. 3, 1814,	ditto,	[Died at Chatham,	April 24, 1814, aged 28.	Born at Porto Rico.]	
	S. Gibson, seaman,	Do. do. do. do.	ditto.				
485	W. Powsland, seaman,	Do. do. do. do.	ditto,	[Died at Chatham,	April 2, 1814, aged 27.	Born at Marblehead.]	
	I. Kerry, seaman,	Do. do. do. do.	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.	
	Samuel Gibson, seaman,	Do. do. do. do.	ditto,	[Died at Chatham,	April 26, 1814, aged 28.	Born at New Haven.]	
	I. Brown, seaman,	Do. do. Serapis, Dec. 8, 1813,	ditto.				
	M. Brown, seaman,	Do. do. Cumberland, Feb. 16, 1814,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.	
490	Ch. Harbert, carpenter,	Impressed at London, Sept. 14, 1813, in H.B.M. ship Prince,	ditto,	[Died at Chatham,	May 2, 1814, aged 41,	Born in Virginia.]	
	I. Rosell, seaman,	Do. Dublin, August 14, 1813, do.	ditto.				
	E. Grindy, seaman,	Do. London, Jan. 19, 1814,	ditto,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.	
	A. Forseyth, seaman,	Do. do. Jan. 22, 1814,	ditto,	[Died at Chatham,	April 16, 1814, aged 27,	Born in Charleston.]	
	I. Mallison, seaman,	Do. Sunderland, December 5, 1814,	ditto,				
495	T. Travers, seaman,	Do Gravesend, December 26, 1813,	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.	
	R. Robinson, seaman,	Gave himself up from H. B. M. ship Centurion, July 17, 1814,	ditto.				
	Charles McKay, seaman,	Do. do. do. do.	ditto,	June 29, 1815,	Santa Maria,	Boston, August 9, 1815.	
	Wm. Nicholson, seaman,	Do. do. do. do.	ditto.				
	H. Gyer, seaman,	Do. do. Invincible, Dec. 26, 1813,	ditto.				
500	P. Molly, seaman,	Do. do. Muros, do.	ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.	
	W. Willson, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.	
	I. James, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.	
	E. Curtis, seaman,	Do. do. Dauntless, Dec. 28, 1813,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.	
	L. Middleton, seaman,	Do. do. Rosamond, do.	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815	
505	Thomas Cannon, seaman,	Do. do. Bulwark, do.	ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.	
	I. Jones, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.	
	Thomas M. Self, seaman,	Impressed at London, March 2, 1814,	ditto,	June 15, 1815,	Fairles,	Boston, August 5, 1815.	
	Samuel Jardine, seaman,	Gave himself up from H. B. M. ship Ceylon,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.	
	Thomas Smith, seaman,	Do. do. Rota,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.	
510	Thomas Cutler, seaman,	Do. do. Eagle,	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.	
	Thomas Edwards, seaman,	Do. do. do.	ditto,	July 1, 1815,	Mary,	Boston, August 6, 1815.	
	Isaac Hammond, seaman,	Do. do. do.	ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.	
	John Bennet, seaman,	Do. do. do.	ditto.				
	Alexander Spice, seaman,	Do. do. do.	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.	
515	George Johnson, seaman,	Do. do. Acteon, May 9, 1814,	ditto,	July 1, 1815,	Mary,	Boston, August 6, 1815.	
	William Black, seaman,	Impressed at Hull, February 26, 1814,	ditto.				
	R. N. Williams, seaman,	Do. Liverpool, in the Princess, Nov. 13, 1813,	Dartmoor.				
	Richard Garrison, seaman,	Do. Falmouth, Nov. 1, 1813,	ditto.				

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	John McNeil, seaman,	Impressed at Cork, from General Kempt, prize to Grand Turk, privateer, December 15, 1813,	Dartmoor.			
520	John Edwards, seaman,	Delivered from His Britannic Majesty's ship Crescent, at St. John's, in America,	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	John Nichol, seaman,	Impressed at Liverpool, Feb. 2, 1814,	ditto,	ditto,	ditto,	ditto.
	David Freeman, seaman,	Do. do. do.	ditto,	ditto,	ditto,	ditto.
	Comford Bird, seaman,	Do. do. Feb. 1, 1814,	ditto,	ditto,	ditto,	ditto.
	Charles Carrot, seaman,	Do. do. do.	ditto,	ditto,	ditto,	ditto.
525	Michael Capam, seaman,	Do. do. do.	ditto,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.
	Charles Davy, seaman,	Do. do. do.	ditto.			
	William Simons, seaman,	Do. Falmouth, out of the Shorbrook, March 20, 1814,	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	John Williams, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	John Lewis, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
530	Thomas Brooks, seaman,	Do. Cork, Feb. 14, 1814,	ditto,	ditto,	ditto,	ditto.
	Robert Andfield, seaman,	Do. out of a merchant vessel, March 2, 1814,	ditto,	ditto,	ditto,	ditto.
	John McConnell, seaman,	Do. out of the Friend, March 5, 1814,	ditto,	ditto,	ditto,	ditto.
	William Briggs, seaman,	Do. at Cork, on shore, March 9, 1814,	ditto.			
	James Moore, seaman,	Do. out of the Francis, January 26, 1814,	ditto,	ditto,	ditto,	ditto.
535	John McCarthy, seaman,	Sent into custody from H. B. M. ship Nautilus, Dec. 20, 1812,	ditto,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.
	Solomon Green, seaman,	Do. do. Thames, Nov. 15, 1812,	ditto,	ditto,	ditto,	ditto.
	Benjamin Hartwell, seaman,	Do. do. do. Dec. 28, 1812,	ditto,	ditto,	ditto,	ditto.
	Philip Ford, seaman,	Do. do. Sultan, Oct. 16, 1812,	ditto,	May 30, 1815,	Atlas,	N. York, July 24, 1815. [Wounded in the affair at Dartmoor, April 6, 1815.]
	Andrew Johnson, seaman,	Do. do. Ajax, Jan. 22, 1813,	ditto,	April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.
540	John Eyers, seaman,	Do. do. Alcmene, Jan. 25, 1813,	ditto,	ditto,	ditto,	ditto.
	William Crig, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Abadiah Stephens, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	John Day, seaman,	Do. do. Guadaloupe, Dec. 19, 1812,	ditto,	ditto,	ditto,	ditto.
	W. Merchant, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
545	William Hooper, seaman,	Do. do. Elizabeth, August 7, 1812,	ditto,	ditto,	ditto,	ditto.
	John Cox, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Em. Holburg, seaman,	Do. do. Edinburgh, Oct. 28, 1812,	ditto,	ditto,	ditto,	ditto.
	John Driver, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Joseph Chase, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
550	Thomas Wilson, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Charles Ford, seaman,	Do. do. do. do.	ditto.			
	William Jackson, seaman,	Do. do. Pyramus,	ditto,	April 29, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	William Wood, seaman,	Do. do. Scylla,	ditto,	ditto,	ditto,	ditto.
	William Younger, seaman,	Do. do. do.	ditto,	ditto,	ditto,	ditto.
555	George Gaugler, seaman,	Do. do. Cygnet,	ditto,	ditto,	ditto,	ditto.
	William Gilpin, seaman,	Delivered up from His Britannic Majesty's ship Bittern,	ditto,	ditto,	ditto,	ditto.
	Peter Altonhead, marine,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	J. Armstrong, seaman,	Do. do. do. Egmont,	ditto,	ditto,	ditto,	ditto.
	John Knox, seaman,	Do. do. do. Nereus,	ditto,	ditto,	ditto,	ditto.
560	William Burford, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	James Hoyt, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Daniel Cham, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.

	Samuel Curry, seaman,	Impressed in the Downs, from the Betsey, of New Bedford,	ditto,	May 1, 1815,	Ariel,	New York, June 10, 1815.
	William Penn, seaman,	Impressed at London, November, 1812,	ditto,	ditto,	ditto,	ditto.
565	Peter Bond, seaman,	Impressed out of the Earl Moira, August 3, 1814,	ditto,	ditto,	ditto,	ditto.
	John Jackson, seaman,	Gave himself up from His Britannic Majesty's ship Hebrus,	ditto,	ditto,	ditto,	ditto.
	James Wright 2d, seaman,	Do. do. Union, July 12, 1814,	ditto.			
	John Lauder, seaman,	Do. do. Royalist, June 16, 1814,	ditto.			
	William Turner, alias T. Trunk, seaman,	Do. do. Arbor, June 20, 1814,	ditto,	April 27, 1815,	Brunswick,	ditto.
570	Elisha Henman, seaman,	Do. do. Cornwallis, July 26, 1814,	ditto.			
	Andrew Irvine, seaman,	Do. do. President, May 1, 1813,	ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	James Gayler, seaman,	Do. do. America, May 1, 1813,	ditto,	[Died at Dartmoor, December 3, 1814, aged 32.		Born in North Carolina.]
	Samuel Jenkins, seaman,	Do. do. Salvador,	ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	Reuben Jones, boy,	Do. do. Bittern, August 6, 1814,	ditto,	ditto,	ditto,	ditto.
575	John Williams, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Charles Brown, seaman,	Do. do. Bacchus, August 12, 1814,	ditto,	ditto,	ditto,	ditto.
	John Ellis, seaman,	Do. do. Prince Frederick,	ditto,	ditto,	ditto,	ditto.
	Charles Ray, seaman,	Do. do. Chatham, May 1, 1814,	ditto,	ditto,	ditto,	ditto.
	David Burke, seaman,	Do. do. La Hogue, Feb. 8, 1813,	ditto,	ditto,	ditto,	ditto.
580	John Van Horn, seaman,	Do. do. Galatea,	ditto.			
	John Smith, seaman,	Do. do. Portia, August 23, 1814,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	John Downing, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Enoch Merrel, seaman,	Impressed at Shields, March 20, 1814,	Chatham,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	James Williams, seaman,	Gave himself up from His Britannic Majesty's ship Leda, July 6, 1813,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
585	Aug. Contleton, seaman,	Do. do. do. do.	ditto.			
	Franklin Baxter, seaman,	Do. do. Phœnix, July 6, 1813,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	John Barnard, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Thomas Cooper, seaman,	Do. do. do. (Impressed 1811,)	ditto,	[Still remaining in England, October, 1815. Born		in Baltimore.]
	John Philips, seaman,	Do. do. Hussar, July 6, 1813,	ditto.			
590	John Bradie, seaman	Do. do. do. do.	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	William Austin, seaman,	Do. do. Clorinde, Dec. 18, 1813,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	James Williams, seaman,	Do. do. do. do.	ditto.			
	Henry Newman, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	William Stephens, seaman,	Do. do. Hussar, E. I., July 6, 1813,	ditto.			
595	James Jones, seaman,	Do. do. do. do.	ditto.			
	Charles Bussey, seaman,	Do. do. Phœnix, July 17, 1813,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	Henry Johnson, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Peter Paris, seaman,	Do. do. Hussar, do.	ditto,	ditto,	ditto,	ditto.
	Jos. Northey, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
600	Isaac Jones, seaman,	Do. do. do. do.	ditto.			
	Benjamin Marshall, seaman,	Do. do. Minden, do.	ditto.			
	John Allen, seaman,	Do. do. Astrea, Cape G. H., Ap. 13, 1813,	ditto,	ditto,	ditto,	ditto. [Born in Barnstable, Ms.]
	James Starkweather, seaman,	Do. do. Phœnix, E. I., April 17, 1813,	ditto,	ditto,	ditto,	ditto.
	Hezekiah Evans, seaman,	Do. do. Progress, August 15, 1813,	ditto,	ditto,	ditto,	ditto. [Born in Newport, R. I.]
605	John Kellam, seaman,	Do. do. Leda, July 6, 1813,	ditto,	ditto,	ditto,	ditto.
	David Marvell, seaman,	Do. do. Hackett, July 14, 1813,	ditto,	ditto,	ditto,	ditto.
	Alfred Ward, seaman,	Do. do. O. Glendower, E. I., June 28, '13,	ditto,	ditto,	ditto,	ditto.
	George Willson, seaman,	Do. do. Blenheim, London, Aug. 28, 1814,	ditto,	ditto,	ditto,	ditto.
	Cornells Ellis, seaman,	Do. do. do. do. do.	ditto,	ditto,	ditto,	ditto.
610	Colyer Snow, seaman,	Do. do. Shannon, do. do.	ditto,	ditto,	ditto,	ditto.
	Jasper Jewett, seaman,	Do. do. John, do. do.	dttto,	ditto,	ditto,	ditto.
	Benjamin Glover, seaman,	Do. do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	John Robinson, seaman,	Do. do. Clorinde, do. Dec. 18, 1814,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815. [Born in Bristol, Penn.]
	John Campbell, seaman,	Do. do. Galatea, August 24, 1813,	Dartmoor,	ditto,	ditto,	New York, July 24, 1815.
615	Isaac Fowler, seaman,	Do. do. do. do.	ditto.			

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	John Carroll 2d, seaman,	Deliv'd himself up from H. B. M. ship Galatea, Aug. 24, 1813,	Dartmoor.			
	John Smith, seaman,	Do. do. do. do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	Daniel Babcock, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	John Maynes, seaman,	Do. do. Whiting, February 4, 1814,	Chatham.			
620	Thomas Anderson, seaman,	Do. do. Prince, September 12, 1814,	Dartmoor,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.
	Saul Jones, seaman,	Do. do. Boyne, do.	ditto,	ditto,	ditto,	ditto.
	Henry Smith, seaman,	Do. do. Prince, do.	ditto,	ditto,	ditto,	ditto.
	James Forster, seaman,	Do. do. Trident, July 20, 1814,	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	James Lindsey, seaman,	Do. do. Revenge, May 26, 1814,	ditto,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.
625	Thomas Wood, seaman,	Do. do. Prince, September 12, 1814,	ditto,	ditto,	ditto,	ditto.
	Little Bingham, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	John Peterson, seaman,	Do. do. Clarence, August, 1814,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	Andrew Martin, seaman	Do. do. Queen Charlotte, 1814,	ditto,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.
	B. Phillips, seaman,	Do. do. Prince, September 12, 1814,	ditto,	ditto,	ditto,	ditto.
630	Benjamin Holbrook, seaman,	Do. do. Zealous, August 29, 1814,	ditto,	ditto,	ditto,	ditto.
	John Davis, seaman,	Do. do. Prince, September 14, 1814,	ditto,	ditto,	ditto,	ditto.
	Thomas Ramson, seaman,	Do. do. do. do.	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	Daniel Nash, seaman,	Do. do. do. do.	ditto.			
	Gabriel Sanders, seaman,	Do. do. do. do.	ditto,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.
635	William Johnson, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Lot Sewall, seaman,	Do. do. Prospero, September 12, 1814,	ditto,	ditto,	ditto,	ditto.
	James Smith, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	John Jones, seaman,	Do. do. Dublin, August 15, 1814,	ditto,	ditto,	ditto,	ditto.
	Charles Brown, seaman,	Do. do. Opossum, August 3, 1814,	ditto,	ditto,	ditto,	ditto.
640	Peter Williams, seaman,	Impressed at Liverpool, June, 1814,	ditto,	ditto,	ditto,	ditto.
	Henry Sims, seaman,	Impressed out of an East Indiaman,	ditto,	ditto,	ditto,	ditto.
	Samuel Johnson, seaman,	Impressed at Liverpool, Elk, April 9, 1814,	ditto.			
	Jos. Small, seaman,	Impressed at Liverpool, April, 10, 1814,	ditto,	ditto,	ditto,	ditto.
	Prunois Wixon, seaman,	Impressed at Liverpool, September 11, 1814,	ditto,	ditto,	ditto,	ditto.
645	H. Mitchell, seaman,	Gave himself up from His Britannic Majesty's ship Warspite, September 24, 1814,	ditto,	ditto,	ditto,	ditto.
	Eph. Gray, seaman,	Do. do. do.	ditto,	ditto,	ditto,	ditto.
	William Bump, seaman,	Impressed at Liverpool, September, 1814,	ditto,	July 1, 1815,	Mary,	Boston, August 6, 1815.
	William Scott, seaman,	Do. do. October, 1814,	ditto,	ditto,	ditto,	ditto.
	James Robinson, mate,	Do. do. do.	ditto,	May 4, 1815,	Dorset,	New York, June 12, 1815.
650	W. Williams, seaman,	Do. Dublin, 1814,	ditto,	July 1, 1815,	Mary,	Boston, August 6, 1815.
	John Daniels, seaman,	Gave himself up from His Britannic Majesty's ship York, November 30, 1814,	ditto,	ditto,	ditto,	ditto.
	Hans Jacobs, seaman,	Do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Isaac Woodson, seaman,	Do. do. Arachne, Nov. 30, 1814,	ditto,	ditto,	ditto,	ditto.
	Jos. Tillman, seaman,	Do. do. Avon, July, 1814,	ditto,	ditto,	ditto,	ditto.
655	Garrard Smith, seaman,	Do. do. Astrea, May, 1813,	ditto,	April 29, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	D. Morrison, seaman,	Do. do. do. do.	ditto.			
	George Clim, seaman,	Do. do. do. do.	ditto.			
	Jos. Williams, seaman,	Do. do. do. do.	ditto.			
	Frederick Porter, seaman,	Do. do. Racehorse, May 26, 1812,	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
660	E. Caulfield, seaman,	Do. do. Semiramis, Sept. 20, 1813,	ditto.			

	R. Tonkin, seaman,	Do.	do.	Lion, August 18, 1813,	ditto.							
	Lewis Reidy, seaman,	Do.	do.	do. do.	ditto.							
	L. Ferguson, seaman,	Do.	do.	Astrea, May 18, 1813,	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	Edward Connor, seaman,	Do.	do.	Lion, August 18, 1813,	ditto,	ditto,	ditto,	ditto.
665	Law. Richards, seaman,	Do.	do.	Semiramis, Sept. 20, 1813,	ditto,	ditto,	ditto,	ditto.
	I. Butler, seaman,	Do.	do.	do. do.	ditto.			
	P. Fletcher, seaman,	Do.	do.	do. do.	ditto,	ditto,	ditto,	ditto.
	J. Adams, seaman,	Do.	do.	Racehorse, July, 1813,	ditto.			
	Joseph Smith, seaman,	Do.	do.	Impregnable,	ditto,	July 3, 1815,	Lord Forbes,	Boston, August 9, 1815.
670	Thomas Thornhill, seaman,	Do.	do.	Pelican, Sept. 15, 1813,	ditto.			
	M. Woolsey, seaman,	Do.	do.	do. do.	ditto.			
	John Mainwaring, seaman,	Do.	do.	do. do.	ditto.			
	James Jackson, seaman,	Do.	do.	do. do.	ditto.			
	Benjamin Jackson, seaman,	Do.	do.	do. do.	ditto.			
675	Robert Rigg, seaman,	Do.	do.	Trent, Dec. 18, 1814,	ditto,	July 5, 1815,	Henrietta,	Boston, August 15, 1815.
	William Beckett, seaman,	Do.	do.	Ajax,		July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	William Bagley, seaman,	Do.	do.	do.		July 5, 1815,	Henrietta,	Boston, August 15, 1815.
	Thomas Sale, seaman,	Do.	do.	Termagant.				
	William Remmer, seaman,	Do.	do.	Iris,		ditto,	ditto,	ditto.
680	Jos. Hall, seaman,	Do.	do.	Semiramis, Sept. 7, 1814,		July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	William Clark, seaman,	Do.	do.	Blenheim.				
	Charles Billows, seaman,	Impressed at Cork, December 24, 1814,				July 5, 1815,	Henrietta,	Boston, August 15, 1815.
	William Stevens, seaman,	Do.	Liverpool, November 23, 1814,			ditto,	ditto,	ditto.
	James Callaghan, seaman,	Do.	do.	December 21, 1814,		ditto,	ditto,	ditto.
685	James Clerk, seaman,	Do.	do.	do.		ditto,	ditto,	ditto.
	Anthony Marshall, seaman,	Do.	Plymouth, January 19, 1815,			ditto,	ditto,	ditto.
	Alex. Peterson, seaman,	Do.	Greenock.					
	James Tayne, seaman,	Gave himself up from His Britannic Majesty's ship Prince, February 3, 1815.						
	William Thompson, seaman,	Do.	do.	Minden, 1815,	ditto,	May 1, 1815,	Ariel,	New York, June 10, 1815.
690	George Williams, seaman,	Do.	do.	Gloucester, 1815.				
	Robert Wood, seaman,	Do.	do.	Iris, 1815.				
	Thomas Evans, seaman,	Do.	do.	Prince of Wales, 1815.				
	Philip Conton, seaman,	Do.	do.	Adamant, (transport,) 1815,	ditto,		Henrietta.	
	John McDaniel, seaman,	Do.	do.	Phœnix, 1815,	ditto,		ditto.	
695	Jacob Coffee, seaman,	Do.	do.	Growler, 1815,	ditto.			
	John Smith, seaman,	Do.	do.	Cornwallis, 1815,	ditto,		Ariel.	
	William Burton, seaman,	Do.	do.	Namur, 1815.				
	William Dine, seaman,	Do.	do.	Namur, 1815.				
	Benjamin Bryant, seaman,	Do.	do.	Quebec, 1815,			Henrietta.	
700	Peter Banning, seaman,	Do.	do.	Beaver, 1815.				
	Robert Adams, seaman,	Do.	do.	Volontaire, 1815.				
	Jeremiah Miller, seaman,	Do.	do.	Montague, 1815.				
	Peter Tarlington, seaman,	Impressed, invalided, from His Britannic Majesty's ship Gladiator, [born in Northampton, Virginia,]			ditto,	October 20, 1814,	Jenny,	New York, December 2, 1814.
	M. Barton, seaman,	Gave himself up from His Britannic Majesty's ship Sabine,			ditto.			
705	Samuel Pierce, seaman,	Do.	do.	do. do.	ditto.			
	James Fenny, seaman,	Impressed at London,			ditto,	July 5, 1815,	Henrietta,	Boston, August 15, 1815.
	John Taylor, seaman,	Impressed at Portsmouth, February 7, 1815,			ditto.			
	John Anderson, seaman,	Gave himself up from His Britannic Majesty's ship Iris,			ditto,	July 18, 1815,	Perseverance,	Norfolk, Virginia, August 30, 1815.
	William Hendry, seaman,	Do.	do.	Shark,	ditto.			
710	James Roberts, seaman,	Do.	do.	Orontes, February, 1815,	ditto.			
	John Benson, seaman,	Do.	do.	do. do.	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	Nathaniel Moulston, seaman,	Do.	do.	do. do.	ditto,	ditto,	ditto,	ditto.
	John Jack, seaman,	Do.	do.	do. do.	ditto.			

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	John Peterson, seaman, - -	Gave himself up from His Britannic Majesty's ship Orontes, Feb. 1815,	Dartmoor.			
715	Oliver Ash, or Rice, seaman, -	do. do. do. do. -	ditto, - -	July 11, 1815, -	Woodrop Syms, - -	New York, August 22, 1815.
	William Norman, seaman, -	do. do. do. do. -	ditto, - -	July 18, 1815, -	Perseverance, - -	Norfolk, Virginia, August 30, 1815.
	John Pinder, seaman, - -	do. do. do. do. -	ditto, - -	June 10, 1815, -	Angerona, - -	Boston, July 23, 1815.
	James Davis, seaman, - -	do. do. do. do. -	ditto, - -	July 11, 1815, -	Woodrop Syms, - -	New York, August 22, 1815.
	Thomas Jack, seaman, - -	do. do. do. do. -	ditto, - -	[Killed at Dartmoor,	April 6, 1815.]	
720	John Truelove, seaman, - -	do. do. do. do. -	ditto, - -	July 11, 1815, -	Woodrop Syms, - -	ditto.
	Thomas Peterson, seaman, -	do. do. Astrea, do. -	ditto.			
	Caleb Richmond, seaman, -	do. do. do. do. -	ditto, - -	June 4, 1815, -	Zephyr, - - -	Boston, July 20, 1815.
	Henry Brown, seaman, - -	do. do. do. do. -	ditto, - -	July 11, 1815, -	Woodrop Syms, - -	New York, August 22, 1815.
	Bernard Fuller, seaman, - -	do. Transit, tr. Nov. 24, 1815,	ditto, - -	ditto, -	ditto, - -	ditto.
725	Ch. Roseberry, seaman, - -	do. do. Namur, Feb. 22, 1815,	ditto.			
	Peter Price, seaman, - -	do. do. do. do. -	ditto, - -	ditto, -	ditto, - -	ditto.
	John Heafey, seaman, - -	do. do. Orlando, May 7, 1813, -	ditto, - -	ditto, -	ditto, - -	ditto.
	John Sewall, seaman, - -	do. do. do. do. -	ditto, - -	ditto, -	ditto, - -	ditto.
	James Fisher, seaman, - -	do. do. Quebec, Feb. 22, 1815, -	ditto.			
730	George Alexander, seaman, -	do. do. Theodosia, do. -	ditto, - -	ditto, -	ditto, - -	ditto.
	J. Thompson, alias Robert Taylor, seaman, - - -	do. do. Sceptre, July, 1814, -	ditto, - -	Ditto, -	ditto, - -	ditto.
	Samuel Carney, seaman, - -	do. do. Warrior, - -	ditto, - -	July 3, 1815, -	Lord Forbes, - -	Boston, August 9, 1815.
	James Smith, seaman, - -	do. do. do. - - -	ditto.			
	John Forrier, seaman, - -	do. do. do. Nov. 14, 1814, -	ditto, - -	ditto, -	ditto, - -	ditto.
735	William Connor, seaman, -	do. do. do. do. -	ditto, - -	July 11, 1815, -	Woodrop Syms, - -	New York, August 22, 1815.
	James Coleman, seaman, -	do. do. Astrea, April 13, -	ditto.			
	Parker Hawkins, seaman, -	Impressed in London, October 18, 1814, - - -	ditto, - -	July 3, 1815, -	Lord Forbes, - -	Boston, August 9, 1815.
	James Gamble, seaman, -	do. do. - - - -	ditto, - -	ditto, -	ditto, - -	ditto.
	John Toby, seaman, - -	Impressed in London, November, 1814, - - -	ditto, - -	ditto, -	ditto, - -	ditto.
740	George Williams, seaman, -	Gave himself up from His Britannic Majesty's ship Semiramis, - -	ditto, - -	ditto, -	ditto, - -	ditto.
	George Robinson, seaman, -	do. do. Ariel, December 8, 1814,	ditto, - -	ditto, -	ditto, - -	ditto.
	George Morris, seaman, - -	do. do. do. do. -	ditto, - -	July 11, 1815, -	Woodrop Syms, - -	New York, August 22, 1815.
	Abraham Dickson, seaman, -	do. do. do. do. -	ditto, - -	July 3, 1815, -	Lord Forbes, - -	Boston, August 9, 1815.
	James Jackson, seaman, - -	do. do. do. do. -	ditto, - -	ditto, -	ditto, - -	ditto.
745	Peter Davis, seaman, - -	do. do. Pelican, Sept. 13, 1814,	ditto.			
	Vincent Shiers, seaman, - -	do. do. Clorinde, Dec. 24, 1813,	ditto, - -	ditto, -	ditto, - -	ditto.
	Francis Rich, seaman, - -	do. do. Norfolk, transport, Jan. 1814.	ditto, - -	ditto, -	ditto, - -	ditto.
	Elisha Holford, seaman, - -	do. do. Barfleur, - -	ditto, - -	[Died at Dartmoor,	January 5, 1815, aged 19.	Born in New York.]
	Thomas Mackey, seaman, -	Impressed at London, November, 1814, - - -	ditto, - -	July 3, 1815, -	Lord Forbes, - -	Boston, August 9, 1815.
750	James Robinson, mate, - -	do. do. - - - -	Ashburton.			
	Jane Robinson, wife of James Robinson, - - - -	do. do. - - - -	ditto.			
	John Murray, seaman, - -	Gave himself up from His Britannic Majesty's ship Tigre, November 3, 1814, -	Dartmoor, - -	July 5, 1815, -	Henrietta, - -	Boston, August 15, 1815.
	John Williams, seaman, - -	do. do. Glasgow, Dec. 31, 1814,	ditto.			
	Samuel Parker, seaman, - -	do. do. do. do. -	ditto, - -	ditto, -	ditto, - - -	ditto.
755	John Mitchill, alias Ben Prince, seaman, - - - -	do. do. Tyrian, do. -	ditto.			

	Jonathan Wright, seaman,	do.	do.	Woodlark, Jan. 11, 1814,	ditto.							
	Benjamin Pass, seaman,	do.	do.	Freya, do.	ditto,			ditto,		ditto,		ditto.
	William Smith, seaman,	do.	do.	Ariel,	ditto.							ditto.
	William Gordon, seaman,	do.	do.	Iphigenia, Dec. 18, 1814,	ditto,			ditto,		ditto,		Boston, July 20, 1815.
760	Thomas Cornish, seaman,	do.	do.	Warspite, Sept. 24, 1814,	ditto,			June 4, 1815,		Zephyr,		ditto.
	Thomas Read, seaman,	do.	do.	Port Mahon, June, 1814,	ditto,			ditto,		ditto,		ditto.
	William Ray, seaman,	do.	do.	Orestes, July 2, 1814,	ditto,			ditto,		ditto,		ditto.
	Owen Berry, seaman,	do.	do.	Maria, May, 1814,	ditto,			ditto,		ditto,		ditto.
	George W. Groves, seaman,	do.	do.	Fortitude, March 16, 1814,	ditto,			ditto,		ditto,		ditto.
765	Jacob Peterson, seaman,	do.	do.	John, April 14, 1814,	ditto.							
	John Miller, seaman,	do.	do.	Barfleur,	ditto,			ditto,		ditto,		ditto.
	Nicholas Black, seaman,	do.	do.	Hannibal, October 2, 1814,	ditto.							
	G. Swuilbourne, seaman,	do.	do.	Caledonia, do.	ditto.							
	Edward Franklin, seaman,	do.	do.	Ulysses, October 6, 1814,	ditto.							
770	Thomas Ricker, seaman,	do.	do.	Abundance, do.	ditto.							
	Richard Smith, seaman,	do.	do.	do. do.	ditto.							
	Robert Hazard, seaman,	Delivered himself up from His Britannic Majesty's sloop Stork, Feb. 24, 1814,			ditto,			June 16, 1815,		Redleighten,		Boston, July 30, 1815.
	Philip Charles, seaman,	Impressed at Halifax, December 10, 1813,			ditto,			July 11, 1815,		Woodrop Syms,		New York, August 22, 1815.
	Jesse Adams, seaman,	Gave himself up from His Britannic Majesty's ship Centaur, October 16, 1814,			ditto,			June 16, 1815,		Redleighten,		Boston, July 30, 1815.
775	J. Welsh, quartermaster,	do.	do.	Centaur, do.	ditto.							
	John Davis, seaman,	do.	do.	Vestal, July, 1814,	ditto,			ditto,		ditto,		ditto.
	William Stewart, seaman,	do.	do.	Castilian, Sept. 1814,	ditto.							
	Alexander Gier, seaman,	do.	do.	Invincible, Oct. 10, 1814,	ditto,			June 29, 1815,		Santa Maria,		Boston, August 9, 1815.
	Matthew Delaney, seaman,	do.	do.	Endymion, Oct. 27, 1814,	ditto,			July 11, 1815,		Woodrop Syms,		New York, August 22, 1815.
780	William Hamilton, seaman,	do.	do.	Crescent, Oct. 20, 1814,	ditto,			June 29, 1815,		Santa Maria,		Boston, August 9, 1815.
	Francis Flood, seaman,	do.	do.	do. do.	ditto,			ditto,		ditto,		ditto.
	George West, seaman,	do.	do.	do. do.	ditto,			ditto,		ditto,		ditto.
	John Mills, alias William Rea, seaman,	do.	do.	Belle Poule,	ditto,			July 1, 1815,		Mary,		Boston, August 6, 1815.
	Joshua Bell, seaman,	do.	do.	Constant, Oct. 30, 1814,	ditto,			ditto,		ditto,		ditto.
785	Amos Bean, seaman,	do.	do.	Mars, January 31, 1813,	ditto,			ditto,		ditto,		ditto.
	Richard Dillon, seaman,	do.	do.	Lightning, October, 1814,	ditto,			ditto,		ditto,		ditto.
	Michael Morrison, seaman,	Impressed at Dublin, October 7, 1814,			ditto,			ditto,		ditto,		ditto.
	Abner Seymour, seaman,	Delivered himself up from His Britannic Majesty's ship Galatea, August 24, 1814,			ditto,			May 30, 1815,		Atlas,		New York, July 24, 1815.
790	John Cornish, seaman,	do.	do.	Prince, August 25, 1814,	ditto,			ditto,		ditto,		ditto.
	John Williamson, seaman,	do.	do.	Pembroke, Aug. 16, 1814,	ditto,			ditto,		ditto,		ditto.
	Archibald Osborne, seaman,	do.	do.	do. do.	ditto,			ditto,		ditto,		ditto.
	D. Higginson, seaman,	do.	do.	Sultan, Sept. 2, 1814,	ditto,			ditto,		ditto,		ditto.
	John Johnson, seaman,	do.	do.	do. do.	ditto,			ditto,		ditto,		ditto.
	John Gordon, seaman,	do.	do.	do. do.	ditto,			ditto,		ditto,		ditto.
795	J. Stevens, seaman,	do.	do.	do. do.	ditto.							
	Henry Holding, seaman,	do.	do.	Norge, Sept. 2, 1814,	ditto.							
	Robert Henry, seaman,	do.	do.	do. do.	ditto,			ditto,		ditto,		ditto.
	John Williams, seaman,	do.	do.	do. August 25, 1814,	ditto.							
	William Parker, seaman,	do.	do.	do. do.	ditto,			ditto,		ditto,		ditto.
800	Daniel Hall, seaman,	do.	do.	Hannibal, August 23, 1814,	ditto,			ditto,		ditto,		ditto.
	James Brown, seaman,	do.	do.	L'Aigle, July 19, 1814,	ditto,			ditto,		ditto,		ditto.
	Samuel Parr, seaman,	do.	do.	Derwent, Sept. 14, 1814,	ditto,			ditto,		ditto,		ditto.
	Mingo Benson, seaman,	do.	do.	do. do.	ditto,			ditto,		ditto,		ditto.
	William Morton, seaman,	do.	do.	Lightning, do.	ditto,			June 4, 1815,		Zephyr,		Boston, July 20, 1815.
805	Charles Pearson, seaman,	do.	do.	Nimble,	ditto,			July 11, 1815,		Woodrop Syms,		New York, August 22, 1815.
	Charles White, seaman,											

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	Lubin Prince, seaman,	Delivered himself up from H. B. M. ship Cyane, Sep. 14, 1814,	Dartmoor,	July 3, 1815,	Lord Forbes,	Boston, August 9, 1815.
	John Ward, seaman,	do. do. Cyane, Sept. 14, 1814,	ditto.			
	Samuel Wilson, seaman,	do. do. Minorca, do.	ditto.			
810	Brad Badcock, seaman,	do. do. Prince, Sept. 1, 1814,	ditto,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.
	Stephen Hall, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Thomas Howell, seaman,	do. do. Norge, August 16, 1814,	ditto,	ditto,	ditto,	ditto.
	John Perkinton, seaman,	do. do. Prince, Sept. 14, 1814,	ditto,	ditto,	ditto,	ditto.
	Henry Thompson, seaman,	do. do. do. Sept. 12, 1814,	ditto,	May 4, 1815,	Dorset,	New York, June 12, 1815.
815	James Wanson, seaman,	do. do. do. do.	ditto,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.
	Lawrence Evlyn, servant,	do. do. Hussar, (at Chatham,) July 6, '13,	Chatham.			
	George Jarvis, seaman,	do. do. Andromache, July 20, 1814,	ditto.			
	Cantal Chever, seaman,	do. do. do. do.	ditto,	July 11, 1815,	Woodrop Syms,	New York, Aug. 22, 1815.
	Solomon Sinclair, seaman,	do. do. do. do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
820	Cæsar Sankey, seaman,	do. do. Africaine, (at Madras,) Oct. 14, '14,	ditto,	June 15, 1815,	Fairles,	Boston, August 5, 1815.
	Samuel Davis, seaman,	do. do. do. do.	ditto.			
	John Wright, seaman,	do. do. Leda, (Isle of Bourne,) July 8, '13,	ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.
	William Wall, seaman,	do. do. do. do.	ditto,	June 29, 1815,	Santa Maria,	Boston, Aug. 9, 1815; born in Boston.
	Thomas Little, seaman,	do. do. Theban, (Madras,) July 21, 1813,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
825	Anthony Scott, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Eph. Porter, seaman,	do. do. do. do.	ditto.			
	John Jonathan, seaman,	do. do. Minden, Oct. 4, 1814,	ditto,	ditto,	ditto,	ditto.
	Tyrrel Christian, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	William Ayros, seaman,	do. do. do. August 19, 1814,	ditto.			
830	George Manning, seaman,	do. do. do. do.	ditto.			
	Ezekiel Perham, seaman,	do. do. do. August 13, 1814,	ditto,	ditto,	ditto,	ditto.
	Wm. Lovell, seaman,	do. do. Owen Glendower, June 28, 1813,	ditto,	ditto,	ditto,	ditto.
	Raymond Bordage, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Jos. Waterhouse, seaman,	do. do. Africa, Oct. 4, 1813,	ditto,	ditto,	ditto,	ditto.
835	Wm. Adam, seaman,	do. do. do. do.	ditto.			
	John Lewis, seaman,	do. do. Theban, July 21, 1813,	ditto,	ditto,	ditto,	ditto.
	Samuel Morris, seaman,	do. do. Africa, Oct. 4, 1813,	ditto,	ditto,	ditto,	ditto.
	John Jones, seaman,	do. do. Venus, (at Barbadoes,) September 14, 1813,	ditto,	ditto,	ditto,	ditto.
	W. Cooper, master's mate,	do. do. Assistance, (transpt. of,) August 26, 1814,	ditto,	ditto,	ditto,	ditto.
840	Michael Locker, seaman,	do. do. Hecate, (transport of,) August 26, 1814,	ditto,	ditto,	ditto,	Boston, July 30, 1815; born in St. Mary's, Maryland.
	John Hunn, seaman,	do. do. Clorinde, Dec. 18, 1813,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	John Smith, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Samuel Clark, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Nathaniel Kimball, boy,	Sent into custody from His Britannic Majesty's ship Phœnix,	Dartmoor,	April 27, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
845	James Day, caulker,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	James Bannill, seaman,	do. do. do. Minden,	ditto,	ditto,	ditto,	ditto.
	John Williams, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	John Cadwell, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	John Whitmore, seaman,	do. do. do. Cadmus,	ditto,	ditto,	ditto,	ditto.
850	M. Norman, seaman,	do. do. do. Cornwallis,	ditto,	ditto,	ditto,	ditto.

	Anthony Seckeler, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	-	ditto.
	Edward Parker, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	-	ditto.
	Elijah Gregory, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	-	ditto.
	Gard. Vurdine, seaman,	-	do.	do.	do.	Minden,	-	ditto,	-	-	ditto,	-	-	ditto.
855	William Snyder, seaman,	-	do.	do.	do.	Barracota,	-	ditto,	-	-	ditto,	-	-	ditto.
	Phœnix Howe, seaman,	-	do.	do.	do.	Dublin,	-	ditto.						
	James Hudson, seaman,	-	Gave himself up from His Britannic Majesty's ship Eclipse,				-	ditto,	-	-	May 1, 1815,	-	Ariel,	- - New York, June 10, 1815.
	Abraham Chapman, seaman,	-	do.	do.	Orestes,		-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Thomas Tendall, seaman,	-	do.	do.	-	-	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
860	John H. Bradbury, seaman,	-	do.	do.	Ardent, Dec. 14, 1812,			ditto,	-	-	ditto,	-	ditto,	- - ditto.
	William Brown, seaman,	-	Sent into custody from His Britannic Majesty's ship Leyden,					ditto,	-	-	ditto,	-	ditto,	- - ditto.
	William Denning, seaman,	-	Gave himself up from His Britannic Majesty's ship Forth,				-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Andrew Peal, seaman,	-	do.	do.	do.	Urgent,	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Russel Davenport, seaman,	-	Delivered himself up from His Brit. Majesty's ship Amphion,					ditto,	-	-	ditto,	-	ditto,	- - ditto.
865	Robert Mingales, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Dan. Lake, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	John Lewis, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	John McGrun, seaman,	-	do.	do.	do.	Rodney,	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	John Symes, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
870	John Richardson, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	George Crawford, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	James Phillips, seaman,	-	Impressed on shore, March 23, 1814,				-	ditto,	-	-	April 23, 1815,	-	Mary Ann,	- - New London, Conn., June 9, 1815.
	John Potter, seaman,	-	Impressed at Bristol, (Dash, merchant vessel,) Feb. 25. 1814,					ditto.						
	John Smith, seaman,	-	Impressed at Belfast, December 18, 1813,				-	ditto,	-	-	April 29, 1815,	-	Neptunus,	- - New Haven, Conn., June 17, 1815.
875	James Rideout, seaman,	-	Impressed in Scotland, January 25, 1814,				-	ditto.						
	James Grant, seaman,	-	Discharged from His Britannic Majesty's ship Volontaire, February 2, 1814,				-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	John Stevinne, seaman,	-	Impressed at Cork, March 14, 1814,				-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Lenos Catwood, seaman,	-	do.	March 20, 1814,			-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Enoch Fuller, seaman,	-	do.	do.	-	-	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
880	John Crosby, seaman,	-	Sent into custody from his Britannic Majesty's ship Nisus,				-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Thomas Jackson, cook,	-	do.	do.	do.	Hebrus,		ditto,	-	-	[Died at Dartmoor, June 6, 1814, aged 26; born in			New York.]
	Peter W. Adams, cook,	-	do.	do.	do.	do.	-	ditto,	-	-	April 29, 1815,	-	Neptunus,	- - New Haven, Conn., June 17, 1815.
	Edw. Johnson, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Bernd. Tilley, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
885	William Shepherd, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Charles Wilson, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Thomas Townsend, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Peter Philips, seaman,	-	Impressed off Cork, November 24, 1812,				-	ditto.						
	Peter Holsein, seaman,	-	do.	Alicant, August 28, 1813,			-	ditto.						
890	William Akerman, seaman,	-	Sent into custody from His Britannic Majesty's ship Havana, man-of-war,				-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Joseph Holstade, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Thomas Brown, seaman,	-	do.	do.	Trident,	-	-	ditto,	-	-	April 27, 1815,	-	Cartel Brunswick,	- - New York, June 10, 1815.
	James Jarvis, seaman,	-	do.	do.	Haughty, Aug. 6, 1812,		-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	Jesse Brown, seaman,	-	do.	do.	Trident, Nov. 28, 1812,		-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
895	Jos. Masick, seaman,	-	do.	do.	Furieuse, Sept. 23, 1812,			ditto,	-	-	June 10, 1815,	-	Angerona,	- - Boston, July 23, 1815. [Wounded in the affair at Dartmoor, April 6, 1815.
	Samuel Warner, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	April 27, 1815,	-	Cartel Brunswick,	- - New York, June 10, 1815.
	William Rose, seaman,	-	do.	do.	Nautilus, Dec. 20, 1812,		-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	William Taylor, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
	William Smith, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	ditto,	-	ditto,	- - ditto.
900	J. Burke, seaman,	-	Gave himself up from His Britannic Majesty's ship Bulwark, Dec. 28, 1813,					Chatham,	-	-	June 16, 1815,	-	Redleighten,	- - Boston, July 30, 1815.
	T. Butler, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	June 14, 1815,	-	Christina,	- - New York, July 31, 1815.
	T. Willson, seaman,	-	do.	do.	do.	do.	-	ditto,	-	-	May 20, 1815,	-	Robert Taylor,	- - Boston, July 30, 1815.

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	William Lane, seaman,	Gave himself up from H. B. M. ship Comet, Feb. 4, 1814,	Chatham.			
	I. Penfield, seaman,	do. do. Swinger, Feb. 2, 1814,	ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.
905	I. Neal, seaman,	do. do. Saturn, Feb. 3, 1814,	ditto,	June 29, 1815,	Santa Maria,	Boston, August 9, 1815.
	P. Dixon, seaman,	do. do. Malta, Feb. 4, 1814,	ditto,	June 14, 1815,	Christina,	New York, July 31, 1815.
	Lewis Calleb, seaman,	do. do. Muros,	Forton, removed to Chatham,	ditto,	ditto,	ditto.
	I. Maybank, seaman,	Impressed at London, February 3, 1814,	Chatham.			
	George Duman, seaman,	do. do. do.	ditto.			
910	A. Mourof, seaman,	do. do. February 11, 1814,	ditto.			
	William Gray, seaman,	do. Harwich, February 21, 1814,	ditto,	June 15, 1815,	Fairles,	Boston, August 5, 1815.
	E. Bradish, seaman,	do. do. do.	ditto.			
	David Inglis, seaman,	do. from the Nile, Eng. mer. ves., Mar. 15, 1813,	Stapleton,	April 27, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	James Armstrong, seaman,	do. Liverpool, March 19, 1813,	ditto.			
915	Aug. C. Norris, seaman,	do. do. May 12, 1813,	ditto.			
	I. Scott, seaman,	do. do. do.	ditto.			
	Richard Matthews, seaman,	do. Bristol, May 1, 1813,	ditto,	May 1, 1816,	Ariel,	New York, June 10, 1815.
	Thomas Jones, seaman,	do. Liverpool, May 12, 1813,	ditto,	ditto,	ditto,	ditto.
	Levy Ore, seaman,	Discharged from His Britannic Majesty's service,	Norman's Cross.			
920	William Thomas, seaman,	Impressed at London, from the Sally, of Boston, merchant vessel, January 17, 1814,	Chatham.			
	Thomas Fethein, seaman,	do. do. do. February 29, 1814,	ditto.			
	William Sloane, seaman,	do. do. do. March 5, 1814,	ditto,	May 30, 1815,	Atlas,	New York, August 22, 1815.
	Abraham Moore, seaman,	do. Gravesend, do. January 29, 1814,	ditto,	June 29, 1815,	Santa Maria,	Boston, August 9, 1815.
	John Harris, soldier,	Discharged from His Britannic Majesty's ship Salvador, February 1, 1814,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
925	S. B. Johnson, seaman,	Delivered himself up from His Britannic Majesty's ship Eurydamas, September 15, 1813,	ditto.			
	James Quinton, passenger,	Impressed at London, March 20, 1814,	ditto.			
	Abijah Golding, seaman,	do. do. April 4, 1814,	ditto,	ditto,	ditto,	ditto.
	J. Hill, seaman,	Delivered himself up from His Britannic Majesty's ship Invincible, January 7, 1813,	ditto.			
	J. Connor, seaman,	do. do. do. do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
930	J. Levan, seaman,	do. do. do. do.	ditto,	[Died at Dartmoor, August 11, 1814, aged 25; born in New York.]		
	J. Jones, seaman,	do. do. do. do.	ditto.			
	S. Meath, seaman,	do. do. do. do.	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	J. Fenis, seaman,	do. do. do. do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	J. Johnstone, seaman,	do. do. do. do.	ditto.			
935	T. Cooper, boatswain,	do. do. Nisus, April 24, 1813,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	J. Lee, seaman,	do. do. Spartan, Oct. 29, 1813,	ditto,	ditto,	ditto,	ditto.
	W. Peadon, seaman,	do. do. Dictator, Nov. 3, 1813,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815. [Born in Pennsylvania.]
	W. Reed, seaman,	do. do. Racehorse, Oct. 25, 1813,	ditto.			
	W. Patterson, seaman,	do. do. do. do.	ditto,	June 29, 1815,	Santa Maria,	Boston, August 9, 1815.
940	O. Chase, seaman,	do. do. do. do.	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	W. Roweth, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	J. Melvin, seaman,	do. do. Minstrel, July 28, 1813,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	W. Heater, seaman,	do. do. Carlotta, do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	J. James, seaman,	do. do. Port Mahon, do.	ditto.			

945	J. Francis, seaman,	do.	do.	Bonne Citoyenne, July 28, 1813,	ditto,	ditto,	ditto,	ditto.
	E. Johnstone, seaman,	do.	do.	Illustrious, July 28, 1813,	ditto.			
	I. Smith, seaman,	do.	do.	do. Sept. 7, 1813,	ditto.			
	M. Shilling, seaman,	do.	do.	Echo, Nov. 3, 1812,	ditto.			
	N. Davis, seaman,	do.	do.	do. do.	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
950	Thomas Day, seaman,	do.	do.	Serpoir, Dec. 8, 1813,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	G. Collins, seaman,	do.	do.	Vigo, do.	ditto.			
	I. Sutton, seaman,	do.	do.	Leopard, August 25, 1813,	ditto,	ditto,	ditto,	ditto.
	I. Thompson, seaman,	do.	do.	do. do.	ditto.			
	I. Beckwith, seaman,	do.	do.	do. do.	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
955	I. Smith, seaman,	Impressed at London, January 3, 1814,			ditto.			
	Joseph Powell, seaman,	Gave himself up from H. B. M. ship Berwick, Oct. 29, 1812,			ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	John Spencer, seaman,	Impressed at Portsmouth, October 1, 1813,			ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	L. Weeks, seaman,	Do.	London, October 21, 1812,		ditto,	April 27, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	William Fell, seaman,	Do.	do.	do.	ditto.			
960	John Read 1st, seaman,	Gave himself up from H. B. M. ship Charlotte, Oct. 15, 1813,			ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	John Read 2d, seaman,	do.	do.	Undaunted, do.	ditto,	ditto,	ditto,	ditto.
	I. Butts, seaman,	do.	do.	Centaur, Sept. 10, 1813,	ditto.			
	Rt. Williams, seaman,	do.	do.	Scipion, Dec. 2, 1812,	ditto,	ditto,	ditto,	ditto.
	Isaac Brown, seaman,	do.	do.	Sheerwater, March 24, 1813,	ditto.			
965	L. Hayday, seaman,	do.	do.	Union, Dec. 9, 1812,	ditto,	ditto,	ditto,	ditto.
	I. Cumming, seaman,	do.	do.	do. May 27, 1813,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	Joseph Chasse, seaman,	do.	do.	do. do.	ditto.			
	P. Saunders, seaman,	do.	do.	do. do.	ditto,	ditto,	ditto,	ditto.
	Abraham Gordon, seaman,	do.	do.	do. do.	ditto,	ditto,	ditto,	ditto.
970	Abraham Cox, seaman,	do.	do.	Scipion, do.	ditto,	ditto,	ditto,	ditto.
	William Watson, seaman,	do.	do.	Bombay, do.	ditto.			
	John Vandeventer, seaman,	do.	do.	Scipion, do.	ditto,	ditto,	ditto,	ditto.
	George Brown, seaman,	do.	do.	Ocean, Oct. 29, 1813,	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	Thos. Foster, seaman,	do.	do.	Scipion, Dec. 20, 1812,	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815. [Born in Plymouth, Massachusetts.]
975	L. Osborn, seaman,	do.	do.	do. do.	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815. [Born in Easthampton, New York.]
	R. Williams, seaman,	do.	do.	Union, Dec. 9, 1812,	ditto,	ditto,	ditto,	New London, Conn., June 9, 1815.
	James Wilson, seaman,	do.	do.	Colossus, Oct. 17, 1813,	ditto,	ditto,	ditto,	ditto.
	Charles Bale, seaman,	do.	do.	do. do.	ditto.			
	Wm. Horsefall, seaman,	Impressed at London, October 15, 1813,			ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
980	William Stevens, seaman,	do.	do.	do.	ditto.			
	S. Abbott, seaman,	do.	do.	October 19, 1813,	ditto,	April 29, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	Charles Nixon, seaman,	Gave himself up from H. B. M. ship Bombay, May 27, 1813,			ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	William Taylor, seaman,	do.	do.	do. do.	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	Benjamin Sherif, seaman,	Delivered himself up from His Britannic Majesty's ship Implacable, June 25, 1813,			ditto.			
985	Anthony Branch, seaman,	do.	do.	Centaur, do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	John Clauson, seaman,	do.	do.	do. do.	ditto.			
	Lewis Younger, seaman,	do.	do.	Pompée, do.	ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	John Potter, seaman,	do.	do.	do. do.	ditto,	ditto,	ditto,	ditto.
	Wm. Garteman, seaman,	do.	do.	Ocean, do.	ditto.			
990	Abraham Faley, seaman,	do.	do.	Hibernia, do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	George Jameson, seaman,	do.	do.	do. do.	ditto,	ditto,	ditto,	ditto.
	Edward Duncan, seaman,	do.	do.	do. do.	ditto,	June 4, 1815,	Zephyr,	Boston, July 20, 1815.
	R. Baker, seaman,	do.	do.	do. do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	George Thompson, seaman,	do.	do.	do. do.	ditto.			
995	John Smith, seaman,	do.	do.	do. do.	ditto,	ditto,	ditto,	ditto.
	I. Gardner, seaman,	do.	do.	do. do.	ditto,	ditto,	ditto,	ditto.
	Henry Sherridan, seaman,	do.	do.	Scipion, do.	ditto,	[Died at Dartmoor, January 24, 1815; aged 22. Born in New York.]		

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	Thomas Peter, seaman,	Delivered himself up from His Britannic Majesty's ship Berwick, June 25, 1813,	Chatham,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	Thomas Hadzard, seaman,	do. do. do. do.	ditto.			
1000	Martin Lucas, seaman,	do. do. Swiftsure, do.	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	M. Thomas, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	F. Folger, seaman,	do. do. do. do.	ditto,	Oct. 29, 1814,	San Felipe,	Norfolk, February 27, 1815.
	Samuel Glover, seaman,	do. do. do. do.	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815. [Born in North Carolina.]
	Daniel Watson, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	New London, Conn., June 9, 1815.
1005	R. Richardson, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Henry Smith, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	I. Bates, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	I. Hubert, seaman,	do. do. do. do.	ditto.			
	Asb. Davis, seaman,	do. do. America, do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
1010	H. Heaton, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Peter Harvy, seaman,	do. do. do. do.	ditto.			
	Abraham Ely, seaman,	Impressed in London, September 8, 1813,	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	I. Miller, seaman,	Delivered himself up from His Britannic Majesty's ship Royal George, Oct. 29, 1812,	ditto,	ditto,	ditto,	ditto.
	William Philips, seaman,	do. do. Scipion, Oct. 20, 1812,	ditto,	ditto,	ditto,	ditto.
1015	I. Haywood, seaman,	do. do. do. do.	ditto,	[Killed at Dartmoor, April 6, 1815.]		
	I. Sheppard, seaman,	do. do. Royal George, Oct. 29, 1812,	ditto.			
	S. Watson, seaman,	do. do. do. do.	ditto,	[Died at Chatham, March 27, 1814; aged 23. Born in New Hampshire.]		
	I. Hall, seaman,	do. do. do. do.	ditto.			
	I. Howell, seaman,	do. do. Paulina, May 30, 1813,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
1020	I. Douglass, seaman,	do. do. Union, Nov. 15, 1812,	ditto,	May 1, 1815,	Ariel,	New York, June 10, 1815.
	Jas. Anderson, seaman,	Gave himself up from H. B. M. ship Scipion, Oct. 20, 1812,	ditto.			
	T. Adams, seaman,	do. do. Ganymede, April 6, 1813,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	David Brown, seaman,	Impressed at London Sept. 14, 1813,	ditto,	ditto,	ditto,	ditto.
	I. Robinson, seaman,	do. do. Sept. 23, 1813,	ditto,	May 4, 1815,	Dorset,	ditto.
1025	W. Williams, seaman,	do. do. Sept. 22, 1813,	ditto,	[Died at Dartmoor, Oct. 27, 1814; aged 23. Born in Yorktown.]		
	I. Deagle, seaman,	do. do. Sept. 21, 1813,	ditto.	May 30, 1815,	Atlas,	New York, July 24, 1815.
	I. Jackson, seaman,	Gave himself up from H. B. M. ship Cadmus, Aug. 13, 1813,	ditto,	ditto,	ditto,	ditto.
	George Davis, seaman,	do. do. Sabina, Aug. 9, 1813,	ditto.			
	R. Alfos, alias Lucas, seaman,	do. do. Acorn, July 27, 1813,	ditto.			
1030	T. Lamboard, seaman,	do. do. Ville de Paris, July 1, 1813,	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	I. Gordon, seaman,	do. do. Bucephalus, Aug. 20, 1813,	ditto,	ditto,	ditto,	ditto.
	William Jackson, seaman,	do. do. Fawn, Oct. 8, 1813,	ditto.			
	Charles Saunders, seaman,	Impressed at Gravesend, August 10, 1813,	ditto,	[Died at Chatham, March 26, 1814; aged 20. Born in Virginia.]		
	Richard Sluckley, seaman,	do. do. do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
1035	Edward Rogers, seaman,	do. do. August 7, 1813,	ditto,	ditto,	ditto,	ditto.
	Enos Burdock, seaman,	do. Nore, August 11, 1813,	ditto.		Woodrop Syms,	New York, August 22, 1815.
	I. Mack, seaman,	do. do. Sept. 2, 1813,	ditto,	ditto,	Atlas,	New York, July 24, 1815.
	E. Church, seaman,	do. London, August 12, 1813,	ditto.			
	I. Wise, seaman,	Delivered himself up from His Britannic Majesty's ship Implacable, June 25, 1813,	ditto,	ditto,	ditto,	ditto.
1040	M. Peterson, seaman,	do. do. Ocean, May 28, 1813,	ditto,	May 20, 1815.	Robert Taylor,	Boston, July 13, 1815.
	John Brown, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.

	Abm. Penrose, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.
	Robert White, cook,	do.	do.	Confounder, June 10, 1813,		ditto,		ditto,		ditto,		ditto.
	I. Filsh, seaman,	do.	do.	Minstrel, July 5, 1813,		ditto,		ditto,		ditto,		ditto.
1045	A. Duggett, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		diito.
	Joseph Sparrow, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.
	W. Jackson, seaman,	do.	do.	Charlotte, May 28, 1813,		ditto,		ditto,		ditto,		ditto.
	W, Jones, seaman,	Impressed at Brazil, May 16, 1813,				ditto.						ditto.
	John Boyd, seaman,	do.	London, July 24, 1813,			ditto.						
1050	John Leonard, seaman,	do.	do. July 4, 1813,			ditto,		ditto,		ditto,		ditto.
	John Chapley, cook,	do.	Chatham, August 14, 1813,			ditto,		ditto,		ditto,		ditto.
	James Dunn, seaman,	Delivered himself up from His Britannic Majesty's ship Unicorn, June 17, 1813,				ditto.						
	Alexander Field, seaman,	do.	do.	do.	do.	ditto.						
	I. Ricktout, seaman,	do.	do.	do.	do.	ditto.						
1055	Thomas Williams, seaman,	do.	do.	do.	do.	ditto.						
	William White, seaman,	do.	do.	Malabar, Sept. 22, 1812,		ditto.						
	Robert McGie, seaman,	do.	do.	Swiftsure, Dec. 16, 1812,		ditto,		April 23, 1815,		Mary Ann,		New London, June 9, 1815.
	Henry Voight, seaman,	do.	do.	do.	do.	ditto.						
	Thomas Armstrong, seaman,	do.	do.	do.	do.	ditto.						
1060	I. Southwick, seaman,	do.	do.	do.	do.	ditto.						
	I. Thompson, seaman,	do.	do.	do.	do.	ditto.						
	Caleb Codding, seaman,	do.	do.	do.	do.	ditto,		May 30, 1815,		Atlas,		New York, July 24, 1815. [Wounded in the affair at Dartmoor, April 6, 1815.]
	James Brown, seaman,	do.	do.	do.	do.	ditto.						
	John Brooks, seaman,	do.	do.	Leviathan, Oct. 28, 1812,		ditto,		May 1, 1815,		Ariel,		New York, June 10, 1815.
1065	I. Richardson, seaman,	do.	do.	do.	do.	ditto,		May 3, 1815,		Dorset,		New York, June 12, 1815.
	W. Webster, seaman,	do.	do.	do.	do.	ditto.						
	I. Walding, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.
	John Flood, seaman,	do.	do.	Berwick, Oct. 29, 1812,		ditto.						
	Reuben Brown, seaman,	do.	do.	do.	do.	ditto.						
1070	John Williams, seaman,	do.	do.	Eclair, May 25, 1812,		ditto.						
	Samuel Hill, seaman,	do.	do.	Resistance, Nov. 30, 1812,		ditto.						
	William Simpson, seaman,	do.	do.	do. Aug. 1813,		ditto.						
	I. Gray, seaman,	do.	do.	do.	do.	ditto,		May 20, 1815,		Robert Taylor,		Boston, July 13, 1815.
	John Walker, seaman,	do.	do.	Royal George,	do.	ditto.						
1075	R. Warwick, seaman,	do.	do.	do.	do.	ditto.						
	Benjamin Augustus, seaman,	do.	do.	do.	do.	ditto,		April 18, 1815,		Mary Ann,		New London, Conn., June 9, 1815.
	R. Elliott, seaman,	do.	do.	Armada,	do.	ditto,		May 20, 1815,		Robert Taylor,		Boston, July 13, 1815. [Born in Beverley, Massachusetts.]
	S. Jackson, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		Boston, July 13, 1815.
	T. Emming, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.
1080	Paul Smith, seaman,	do.	do.	do.	do.	ditto.						
	William Butler, seaman,	do.	do.	do.	do.	ditto,		[Died at Chatham,		April 29, 1814,	aged 52.	Born in Maryland.]
	E. Hawker, seaman,	do.	do.	do.	do.	ditto,		May 20, 1815,		Robert Taylor,		Boston, July 13, 1815.
	I. Poole, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.
	I. Calanan, seaman,	do.	do.	do.	do.	ditto.						
1085	P. Traphagen, seaman,	do.	do.	Scipion, May 27, 1813,		ditto,		July 1, 1815,		Mary,		Boston, August 6, 1815.
	Thomas Much, seaman,	do.	do.	do.	do.	ditto,		[Still remaining in		England, October 26, 1815.		Born in Southwark, Pennsylvania.]
	George Alexander, seaman,	do.	do.	do.	do.	ditto,		May 20, 1815,		Robert Taylor,		Boston, July 13, 1815.
	Richard Penny, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.
	I. Gordon, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.
1090	W. Howland, carpenter,	do.	do.	do.	do.	ditto,		April 29, 1815,		Neptunus,		New Haven, June 17, 1815.
	Abel Tognet, seaman,	do.	do.	do.	do.	ditto,		May 20, 1815,		Robert Taylor,		Boston, July 13, 1815.
	I. Thomas 1st, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.
	I. Thomas 2d, seaman,	do.	do.	do.	do.	ditto,		ditto,		ditto,		ditto.

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	Joseph Cook, seaman,	Delivered himself up from His Britannic Majesty's ship Scipion, May 27, 1813,	Chatham,	April 29, 1815,	Neptunus,	New Haven, June 17, 1815.
1095	I. Murray, seaman,	do. do. do. do.	ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
	John Williamson, seaman,	do. do. Ajax, March 23, 1813,	ditto.			
	R. Nelson, seaman,	do. do. do. do.	ditto,	May 1, 1815,	Ariel,	New York, June 10, 1815.
	Peter Jones, seaman,	do. do. Magnificent, do.	ditto,	ditto,	ditto,	ditto.
	L. Ransell, seaman,	do. do. Clarence, do.	ditto.			
1100	William White 1st, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	William White 2d, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	R. Roach, seaman,	do. do. Dublin, do.	ditto,	ditto,	ditto,	ditto.
	R. Patten, seaman,	do. do. do. do.	ditto.			
	Andrew Farrell, seaman,	do. do. Clarence, do.	ditto,	June 16, 1815,	Redleighten,	Boston, July 30, 1815.
1105	John Austin, seaman,	do. do. do. do.	ditto,	May 1, 1815,	Ariel,	New York, June 10, 1815.
	John Ferley, seaman,	do. do. do. do.	ditto.			
	James McBride, seaman,	do. do. do. do.	ditto.			
	Alexander Leron, seaman,	do. do. do. do.	ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	I. Richards, seaman,	do. do. Trent, do.	ditto.			
1110	P. Freeman, seaman,	do. do. Boyne, do.	ditto.			
	R. Anderson, seaman,	do. do. Foxhound, do.	ditto.			
	I. Evans, seaman,	do. do. do. do.	ditto.			
	I. Parsons, seaman,	do. do. do. do.	ditto,	[Still remaining in	England, October, 1815.	Born in Gloucester, Massachusetts.]
	John Harvey, seaman,	do. do. do. do.	ditto.			
1115	William Edgerly, seaman,	do. do. Royalist, do.	ditto.			
	Peter Gardner, seaman,	do. do. do. do.	ditto.			
	M. Russell, seaman,	do. do. do. do.	ditto.			
	I. Smith, seaman,	do. do. Ville de Paris, do.	ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	M. Clawe, seaman,	do. do. do. do.	ditto,	May 1, 1815.	Ariel,	New York, June 10, 1815.
1120	William Anvil, seaman,	do. do. Clarence, do.	ditto,	ditto,	ditto,	ditto.
	Nathaniel Carpenter, seaman,	Impressed in London, May 18, 1813,	ditto.			
	Jeremiah Lenther, seaman,	do. do.	ditto.			
	William Clements, seaman,	do. do.	ditto,	ditto,	ditto,	ditto.
	Jes. Hosteidler, seaman,	do. do.	ditto.			
1125	John Peidson, seaman,	do. do.	ditto.			
	William Gordon, steward,	do. do.	ditto.			
	Noel Fogg, seaman,	do. do.	ditto.			
	Solomon Lewis, seaman,	do. do.	ditto.			
	Richard Williams, seaman,	do. do.	ditto.			
1130	Joseph Foster, seaman,	do. do.	ditto.			
	Thomas Elisha, seaman,	do. do.	ditto.			
	Samuel Lodi, seaman,	Given up from His Britannic Majesty's ship Hyperion, June 24, 1813.	ditto.			
	James Payne, seaman,	do. do. Hyperion, do.	ditto.			
	William Muller, seaman,	do. do. do. do.	ditto.			
1135	As. Sylock, seaman,	do. do. do. do.	ditto.			
	I. Taylor, seaman,	do. do. do. do.	ditto,	[Still remaining in	England, October, 1815.	Born in Philadelphia.]
	Thomas Williams, seaman,	do. do. do. do.	ditto.			
	William Palmer, seaman,	do. do. Horatio, do.	ditto.			

	William Estey, seaman,	do.	do.	do.	do.	ditto.						
1140	John Steward, seaman,	do.	do.	do.	do.	ditto.						
	George West, seaman,	do.	do.	Malta,	do.	ditto,			[Died at Dartmoor,	January 27, 1815, aged 24.	Born at Baltimore.]	
	William Harris, seaman,	do.	do.	do.	do.	ditto.						
	James Forest, seaman,	do.	do.	do.	do.	ditto,			May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.	
	William Bean, seaman,	do.	do.	do.	do.	ditto,			[Died at Dartmoor, N	ovember 28, 1814, aged 34.	Born in Virginia.]	
1145	Thomas Johnson, seaman,	do.	do.	do.	do.	ditto,			June 2, 1815,	Sovereign,	Boston, July 25, 1815.	
	Lawson Dennison, seaman,	Delivered himself up from His Britannic Majesty's ship Niobe, August 1, 1812,				ditto,			April 27, 1815,	Cartel Burnswick,	New York, June 10, 1815.	
	I. Benjamin, seaman,	do.	do.	Royal William, Feb. 1, 1813,		ditto,			ditto,	ditto,	ditto.	
	I. Anderson, seaman,	do.	do.	Diomede, October 12, 1812,		ditto,			ditto,	ditto,	ditto.	
	Daniel Corban, seaman,	do.	do.	Partridge, Sept. 12, 1812,		ditto,			ditto,	ditto,	New York, June 10, 1815. [Born in Philadelphia.]	
1150	Jesse Conner, seaman,	do.	do.	do.	do. 29, 1812,	ditto,			[Still remaining in En	gland, October 26, 1815.]		
	Asa Buddington, seaman,	do.	do.	Stag,	do. 11, 1812,	ditto,			April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.	
	Robert Roberts, seaman,	do.	do.	Zephyr,	do. 12, 1812,	ditto,			ditto,	ditto,	ditto.	
	Samuel Branton, seaman,	do.	do.	Romulus, August 14, 1812,		ditto,			ditto,	ditto,	ditto.	
	James Turnbull, seaman,	do.	do.	do.	do. do.	ditto,			ditto,	ditto,	ditto.	
1155	Oliver Johnson, seaman,	do.	do.	do.	do. 11, 1812,	ditto,			ditto,	ditto,	New York, June 10, 1815. [Born in Merridon, Connecticut.]	
	Henry Stags, seaman,	do.	do.	do.	do. do.	ditto,			ditto,	ditto,	New York, June 10, 1815.	
	I. Thompson, seaman,	do.	do.	do.	do. do.	ditto,			ditto,	ditto,	ditto.	
	Peter Mark, seaman,	do.	do.	do.	do. 15, 1812,	ditto,			ditto,	ditto,	ditto.	
	Amos Clark, seaman,	do.	do.	do.	do. do.	ditto.						
1160	John F. Furguson, seaman,	do.	do.	do.	do. do.	ditto.						
	William Nuns, seaman,	do.	do.	Royal William,	do.	ditto.						
	Edward Robinson, seaman,	do.	do.	Elephant,	do. do.	ditto,			April 23, 1815,	Mary Ann,	New London, Conn. June 9, 1815.	
	John Dunstan, seaman,	do.	do.	Diomede, October 28, 1812,		ditto,			[Still remaining in En	gland, Oct. 26, 1815. Born	in Baltimore.]	
	Thomas Curtis, seaman,	do.	do.	Mars, December, 9, 1812,		ditto,			April 27, 1815,	Cartel Brunswick,	New York, June 10, 1815.	
1165	Samuel Deldure, seaman,	do.	do.	do.	do. do.	ditto,			ditto,	ditto,	ditto.	
	Peter Urey, seaman,	do.	do.	do.	do. do.	ditto,			ditto,	ditto,	ditto.	
	Thomas Saunders, seaman,	do.	do.	do.	do. do.	ditto,			ditto,	ditto,	ditto.	
	Andrew Wolf, seaman,	do.	do.	do.	do. do.	ditto,			ditto,	ditto,	ditto.	
	Jacob Ferris, seaman,	do.	do.	do.	do. do.	ditto,			ditto,	ditto,	New York, June 10, 1815. [Born in New York.]	
1170	James Connoway, seaman,	do.	do.	do.	do. do.	ditto.						
	Amos Bean, seaman,	do.	do.	do.	do. do.	ditto.						
	Nathaniel Silsbey, seaman,	do.	do.	Dapper,	do. do.	ditto.						
	J. Sidebottom, seaman,	Gave himself up from His Britannic Majesty's ship Royal William, December 28, 1812,				ditto.						
	John Poole, seaman,	do.	do.	do.	do.	ditto.						
1175	J. M'Donald, seaman,	do.	do.	do.	do.	ditto.						
	Peter Patterson, seaman,	do.	do.	do.	do.	ditto.						
	William Johnson, seaman,	do.	do.	do.	do.	ditto.						
	Benjamin Babb, seaman,	do.	do.	do.	do.	ditto,			[Died at Dartmoor, Ja	nuary 29, 1815, aged 34. Born	in Barrington, New Hampshire.]	
	Benjamin Church, seaman,	do.	do.	do.	do.	ditto,			[Still remaining in En	gland, October, 1815. Born in	Newport, Rhode Island.]	
1180	Ephraim Covell, seaman,	do.	do.	do.	do.	ditto.						
	John Hooseman, seaman,	do.	do.	do.	do.	ditto.						
	John Smith, seaman,	do.	do.	do.	do.	ditto,			June 4, 1815,	Zephyr,	Boston, July 20, 1815.	
	Edward Atwood, seaman,	do.	do.	do.	do.	ditto.						
	York Brenton, seaman,	do.	do.	do.	do.	ditto.						
1185	John Albert, seaman,	do.	do.	do.	do.	ditto.						
	David Bark, seaman,	do.	do.	do.	do.	ditto.						
	Thomas Booth, seaman,	do.	do.	do.	do.	ditto.						
	I Malis, seaman,	do.	do.	do.	do.	ditto.						
	F. Johnson, seaman,	do.	do.	do.	do.	ditto.						

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
1190	Cæsar Smith, seaman, - -	Gave himself up from His Britannic Majesty's ship Royal William, December 28, 1812,	Chatham.			
	William Scribner, seaman, -	do. do. do. do. -	ditto.			
	William Davis, seaman, - -	do. do. do. do. -	ditto.			
	I. Williamson, seaman, - -	do. do. do. do. -	ditto.			
	William Beck, seaman, - -	do. do. do. do. -	ditto, - -	[Died at Dartmoor, January 18, 1815, aged 50. Born in Portsmouth.]		
1195	Thomas Mitchell, seaman, -	do. do. do. do. -	ditto.			
	Frederick Hawley, seaman, -	do. do. do. do. -	ditto.			
	William Saunderson, seaman, -	do. do. do. do. -	ditto.			
	B. Robinson, seaman, - -	do. do. do. do. -	ditto.			
	George Davis, seaman, - -	do. do. do. do. -	ditto.			
1200	John Munro, seaman, - -	do. do. do. do. -	ditto.			
	John Best, seaman, - -	do. do. Albicore, do. -	ditto.			
	Prince Francis, seaman, - -	do. do. do. do. -	ditto.			
	James Barrett, seaman, - -	do. do. do. do. -	ditto.			
	David Burnham, seaman, - -	do. do. do. do. -	ditto.			
1205	James Lotherope, seaman, -	do. do. do. do. -	ditto.			
	William Hogan, seaman, - -	do. do. do. do. -	ditto.			
	Henry Turk, seaman, - -	do. do. Pembroke, February 9, 1813,	ditto.			
	William Williams, seaman, -	do. do. Sutton, November 1, 1812, -	ditto.			
	Isaac Amos, seaman, - -	do. do. do. do. -	ditto.			
1210	William Forrest, seaman, -	do. do. Epervier, August 5, 1812, -	ditto, - -	April 23, 1815, -	Mary Ann, - -	New London, Conn. June 9, 1815.
	John Allen, seaman, - -	do. do. Cornwall, March 21, 1813, -	ditto.			
	John Wemer, seaman, - -	do. do. do. do. -	ditto.			
	John Green, seaman, - -	do. do. do. do. -	ditto.			
	Henry Thomas, seaman, - -	do. do. do. do. -	ditto.			
1215	Riel Burrell, seaman, - -	do. do. Latona, do. -	ditto, - -	[Still in England, Oct. 26, 1815. Born in Boston.]		
	J. Coon, alias Coombs, seaman, -	do. do. Royal William, March 12, '13,	ditto, - -	April 27, 1815, -	Cartel Brunswick, - -	New York, June 10, 1815.
	Daniel Wilson, seaman, - -	do. do. do. do. 25, '13,	ditto, - -	June 14, 1815, -	Christina, - -	New York, July 31, 1815.
	William Rolla, seaman, - -	do. do. do. do. -	ditto.			
	Daniel Davis, seaman, - -	do. do. do. do. 26, '13,	ditto.			
1220	William Deverter, seaman, -	do. do. Niobe, do. 13, '13,	ditto.			
	John Patterson, seaman, - -	do. do. do. do. -	ditto.			
	Joseph Lunt, seaman, - -	do. do. do. do. -	ditto, - -	[Still remaining in England, Oct. 26, 1815. Born in Salem, Massachusetts.]		
	John William Peak, seaman, -	do. do. Christian VII. do. 19, '13,	ditto, - -	May 30, 1815, -	Atlas, - - -	New York, July 24, 1815.
	Lewis Morris, seaman, - -	do. do. do. do. -	ditto.			
1225	John Merle, seaman, - -	do. do. do. do. -	ditto.			
	Henry Martin, seaman, - -	do. do. do. do. -	ditto.			
	John Sparrow, seaman, - -	do. do. do. do. -	ditto.			
	Townsend Hutchins, seaman, -	do. do. Bellerophon, do. 18, '13,	ditto, - -	April 27, 1815, -	Cartel Brunswick, - -	New York, June 10, 1815.
	Francis Thomas, seaman, -	do. do. do. do. -	ditto, - -	ditto, -	ditto, - -	ditto.
1230	Prince Sutton, seaman, - -	do. do. do. do. -	ditto, - -	ditto, -	ditto, - -	ditto.
	William Heyden, seaman, - -	do. do. do. do. -	ditto, - -	ditto, -	ditto, - -	ditto.
	William M. George, seaman, -	do. do. Colossus, do. 6, '13,	ditto.			
	Ransom Payne, seaman, - -	do. do. Sterling Castle, do. 26, '13,	ditto.			
	Samuel Warmsley, seaman, -	Impressed at London, Melville, mer. vessel, March 28, 1813,	ditto.			
1235	John Robins, seaman, - -	do. Gravesend, Saragossa, mer. ves. March 10, 1813,	ditto.			

	Thomas Reed, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	Samuel Scott, seaman,	-	-	Discharged from H. B. M. ship Caroline, March 26, 1813,				-	ditto,	- -	June 29, 1815, -	Santa Maria, - -	Boston, August 9, 1815.
	John Nolton, seaman,	-	-	Impressed, Sunderland, March 6, 1813,				-	ditto.			
	Francis Langot, seaman,	-	-	Gave himself up from H. B. M. ship Martial, January, 1813,					ditto.			
1240	John Richardson, seaman,	-	-	do.	do.	Andromache, Dec. 21, 1812,			ditto,	- -	May 20, 1815, -	Robert Taylor, - -	Boston, July 13, 1815.
	Elisha Clarke, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	April 27, 1815, -	Brunswick, - -	New York, June 10, 1815.
	Benjamin Kingley, seaman,		-	do.	do.	do.	do.	-	ditto,	- -	ditto, -	ditto, - -	New York, June 10, 1815; born in Nobleborough, Massachusetts.
	Nathaniel West, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	Robert Willett, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	[Wounded at Dartmoor, April 6, 1815.]	
1245	James Kent, seaman,	-	-	Impressed at Cork, March 19, 1813,				-	ditto,	- -	May 20, 1815, -	Robert Taylor, - -	Boston, July 13, 1815.
	George Watkins, seaman,		-	Gave himself up from His B. M. ship Blake, Dec. 10, 1812,					ditto,	- -	April 27, 1815, -	Cartel Brunswick, - -	New York, June 10, 1815.
	Perry Stacey, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	ditto, -	ditto, - -	ditto.
	Ebor Hitchcock, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	April 23, 1815, -	Mary Ann, - -	New London, Conn., June 9, 1815.
	George Albro, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	April 27, 1815, -	Cartel Brunswick, - -	New York, June 10, 1815.
1250	William Burton, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	ditto, -	ditto, - -	ditto.
	William Wilson, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	May 1, 1815, -	Ariel, - -	ditto.
	Thomas Smith, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -			
	William Moulden, seaman,		-	do.	do.	do.	do.	-	ditto,	- -	April 27, 1815, -	Cartel Brunswick, - -	ditto.
	Thad. Wickum, seaman,	-	-	do.	do.	Bruin, January 19, 1813,		-	ditto,	- -	May 20, 1815, -	Robert Taylor, - -	ditto.
1255	James Mallan, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	ditto, -	ditto, - -	ditto.
	Edward Johnson, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	ditto, -	ditto, - -	ditto.
	William Trask, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	ditto, -	ditto, - -	ditto.
	S. L. Clifford, seaman,	-	-	do.	do.	do.	do.	-	ditto,	- -	ditto, -	ditto, - -	ditto.
	John Morrell, seaman,	-	-	do.	do.	Mermaid, Nov. 30, 1812,		-	ditto.			
1260	Clement Sims, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	Charles Thomas, seaman,	-	-	do.	do.	Franchise, Sept. 20, 1812,		-	ditto.			
	Elisha Brown, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	William Hall, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	Allen Pinkham, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
1265	William Thompson, seaman,		-	do.	do.	do.	do.	-	ditto,	- -	April 29, 1815, -	Neptunus, - -	New Haven, Conn., June 17, 1815.
	John Bennyman, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	John Vincent, seaman,	-	-	do.	do.	Barham, Dec. 11, 1812,		-	ditto.			
	A. Scott, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	John McFie, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
1270	Amos Reynolds, seaman,	-	-	do.	do.	Colossus,	do.	-	ditto.			
	George Benson, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	William Thomas, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	Peter Smith, seaman,	-	-	do.	do.	Christian VII., Dec. 21, 1812,			ditto.			
	William Colquhoun, seaman,		-	do.	do.	do.	do.	-	ditto.			
1275	Glasco Cromwell, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	Thomas Thomas, seaman,	-	-	do.	do.	Bellerophon, Nov. 7, 1812,		-	ditto.			
	James Connelly, seaman,	-	-	do.	do.	Christian VII., Dec. 21, 1812,			ditto.			
	Hugh Reed, seaman,	-	-	do.	do.	do.	do.	-	ditto.			
	William Thompson, seaman,		-	do.	do.	Freya, November 1, 1812,		-	ditto.			
1280	William Woolridge, seaman,		-	do.	do.	Banterror, April 1, 1813,		-	ditto,	- -	May 20, 1815, -	Robert Taylor, - -	Boston, July 13, 1815.
	John Potter, seaman,	-	-	Impressed at Gravesend, March 13, 1813,				-	ditto,	- -	[Died at Dartmoor, October 5, 1814, aged 32; born at Philadelphia.]	
	William Cannon, seaman,	-	-	do.	Yarmouth, March 6, 1813,			-	ditto,	- -	July 11, 1815, -	Woodrop Syms, - -	New York, August 22, 1815.
	Prince Squires, seaman,	-	-	do.	London, March 22, 1813,			-	ditto.			
	Robert Vaughan, seaman,	-	-	Gave himself up from H. B. M. ship Peruvian, Aug. 26, 1812,					ditto.			
1285	William Rose, seaman,		-	do.	do.	Raisonnable, April 19, 1813,			ditto.			
	Salmon Hole, seaman,		-	Impressed at London, Madelina, mer. vessel, April 7, 1813,					ditto.			
	David Wiley, seaman,		-	Gave himself up from H. B. M. ship Unicorn,				-	ditto.			
	Thomas Gray, seaman,	-	-	do.	do.	Ringdove,	-	-	ditto,	- -	May 20, 1815, -	Robert Taylor, - -	Boston, July 13, 1815.
	John Banta, seaman,	-	-	do.	do.	Stirling Castle,	-	-	ditto.			
1290	John Flood, seaman,	-	-	do.	do.	do.	-	-	ditto,	- -	[Still in England, October 26, 1815; born in Portland, Maine.]	

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	William Jackson, seaman,	Gave himself up from H. B. M. ship Stirling Castle,	Chatham.			
	James Harris, seaman,	do. do. do.	ditto.			
	William Weelon, alias Andrew Quicken, seaman,	do. do. Ajax,	ditto.			
	James Williams, seaman,	do. do. Loire,	ditto.			
1295	Edward Lee, seaman,	do. do. Sceptre,	ditto,	[Still in England, October 26, 1815; born in Maryland.]		
	John Heywood, seaman,	do. do. do.	ditto.			
	Isaac Edwards, seaman,	do. do. do.	ditto,	[Still in England, October 26, 1815, born in Gorham, Massachusetts.]		
	John Howell, seaman,	do. do. do.	ditto,	[Still in England, October 26, 1815; born in Philadelphia.]		
	John Clay, seaman,	do. do. Freya,	ditto,	[Still in England, October 26, 1815; born in Philadelphia.]		
1300	Thomas Butler, seaman,	do. do. Plantagenet,	ditto.			
	Thomas Smith, seaman,	do. do. do.	ditto.			
	Alison Jackson, seaman,	do. do. Hotspur,	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	Jacob Potter, seaman,	do. do. Antelope,	ditto,	ditto,	ditto,	ditto.
	John Meckell, seaman,	do. do. Pigmy,	ditto.			
1305	William Perkins, seaman,	do. do. Pembroke,	ditto.			
	John Hinton, seaman,	do. do. Tigre,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	George Barrett, seaman,	do. do. Galatea,	ditto,	ditto,	ditto,	ditto.
	John Brown, seaman,	do. do. Pioneer, April 28, 1813,	ditto.			
	Ebon Thayer, seaman,	do. do. Gloucester, Dec. 26, 1812,	ditto,	April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
1310	Samuel Hopkins, seaman,	do. do. do. do.	ditto,	ditto,	ditto,	ditto.
	Robert Whebell, seaman,	do. do. Warrior, April 21, 1813,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	Jonathan Paul, seaman,	Impressed out of the Hind, merchant vessel, March 17, 1813,	ditto.			
	James Davis, seaman,	Delivered himself up from Elizabeth, (tender.)				
	Thomas N. Horsey, seaman,	Impressed, Gravesend, Abm. Newland, m. v., Mar. 20, 1813,	ditto.			
1315	Isaac Worthing, seaman,	do. Moscwa, Russian merch't vessel, April 27, 1813,	ditto.			
	Orison Cashman, seaman,	do. do. do. do.	ditto.			
	Moses Bryant, seaman,	Delivered himself up from His Britannic Majesty's ship Royal William, Nov. 12, 1812,	ditto.			
	John Francis, seaman,	do. do. do. do.	ditto.			
	Meran Woods, seaman,	do. do. Chatham, May 5, 1813,	ditto.			
1320	Charles Ray, seaman,	do. do. do. do.	ditto.			
	James Gray, seaman,	do. do. Cornwall, May 14, 1813,	ditto.			
	Richard Lilfle, seaman,	do. do. do. do.	ditto.			
	Thomas Gilbert, seaman,	do. do. Talbot, April 23, 1813,	ditto.			
	Archibald Fogerty, seaman,	do. do. Horatio, May 16, 1813,	ditto,	[Still remaining in England, October 26, 1815; born in St. George, Massachusetts.]		
1325	John Bailey, seaman,	do. do. Castilian, May 17, 1813,	ditto.			
	George Bowrns, seaman,	do. do. Impetueux, Dec. 2, 1812,	ditto,	[Still remaining in England, October 26, 1815; born in Philadelphia.]		
	John Rogers, seaman,	do. do. Vigo, Dec. 18, 1812,	ditto.			
	Isaac Allen, seaman,	do. do. Impetueux, Dec. 2, 1812,	ditto.			
	Francis Gibson, seaman,	do. do. Imogene, June, 1814,	Dartmoor,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
1330	James Monroe, seaman,	do. do. Freya,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
	Jesse Carter, seaman,	Impressed at Greenock, April 2, 1814,	ditto.			
	Thomas Mercy, seaman,	Delivered himself up from H. B. M. ship Tigre, Aug. 31, 1814,	ditto,	ditto,	ditto,	ditto.
	David Williams, seaman,	do. do. Milford, Sept. 1, 1814,	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	Samuel Ward, seaman,	do. do. Zealous, August 27, 1814,	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.
1335	William Grandison, seaman,	do. do. do. do.	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	John Cooper, seaman,	do. do. do. do.	ditto,	May 30, 1815,	Atlas,	New York, July 24, 1815.

	Dennis McKieze, seaman,	do.	do.	do.	ditto,	ditto,	ditto,	ditto.
	Andrew Thomas, seaman,	do.	do.	do.	ditto.			
	Thomas Cains, seaman,	do.	do.	do.	ditto,	ditto,	ditto,	ditto.
1340	Henry Hatkins, seaman,	do.	do.	do.	ditto.			
	Charles Butler, seaman,	do.	do.	do.	ditto,	ditto,	ditto,	ditto.
	Benjamin Cole, seaman,	do.	do.	do.	ditto,	ditto,	ditto,	ditto.
	Thomas Richards, seaman,	do.	do.	Harpy, March 7, 1813,	ditto.			
	Thomas Preston, seaman,	do.	do.	Drake, Sept. 15, 1813,	ditto,	July 3, 1815,	Lord Forbes,	Boston, August 9, 1815.
1345	Chn. Garrison, seaman,	do.	do.	President, April, 27, 1813,	Chatham.			
	Andre Irwan, seaman,	do.	do.	do. do.	ditto,	[Still remaining in England, October 26, 1815; born in Pennsylvania.]		
	George Brown, seaman,	do.	do.	do. do.	ditto,	April 29, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	John Latton, seaman,	do.	do.	do. do.	ditto.			
	William Morrison, boy,	do.	do.	Leviathan, Oct. 28, 1812,	ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
1350	Stephen Bryant, seaman,	Impressed at Bristol,			Dartmoor,	April 27, 1815,	Neptunus,	New Haven, Conn., June 17, 1815.
	Samuel Cotton, seaman,	do.	do.		ditto,	ditto,	ditto,	ditto.
	George Bourton, seaman,	do.	do.		ditto,	ditto,	ditto,	ditto.
	Stephen Baker, seaman,	do.	do.		ditto,	ditto,	ditto,	ditto.
	Abel Cobourn, seaman,	do.	do.		ditto,	ditto,	ditto,	ditto.
1355	D. Masy, or T. Polana, seaman,	do.	do.		ditto,	ditto,	ditto,	ditto.
	John Merckell, seaman,	Delivered himself up from H. B. M. ship Royal William,			ditto,	May 3, 1815,	Dorset,	New York, June 12, 1815.
	William Miller, seaman,	do.	do.	Hyperion,	ditto,	ditto,	ditto,	ditto.
	George Ellis, seaman,	do.	do.	Indefatigable,	ditto,	ditto,	Lord Forbes,	Boston, August 9, 1815.
	Robert Sharpless, alias George Barrett, seaman.	do.	do.	Betsey,	ditto,	July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
1360	James Hicks, seaman,	do.	do.	Indian,	ditto,	ditto,	ditto,	ditto.
	Robert Simmons, seaman,	Impressed at Bristol,			ditto,	May 1, 1815,	Ariel,	New York, June 10, 1815.
	Ebenezer Raddrick, seaman,	do. Harwich, July 1,			ditto,	July 1, 1815,	Mary,	Boston, August 6, 1815.
	William Thomas, seaman,	do. London,			ditto,	ditto,	ditto,	ditto.
	Samuel Kimboll, seaman,	do. Shields,			ditto,	ditto,	ditto,	ditto.
1365	John Sprague, seaman,	Impressed,			ditto,	ditto,	ditto,	ditto.
	Thomas Lewis, seaman,	Impressed,			ditto,	ditto,	ditto,	ditto.
	Henry Lacey, seaman,	Impressed at St. John's,			ditto,	ditto,	ditto,	ditto.
	James White, seaman,	do. London,			ditto,	ditto,	ditto,	ditto.
	John Beckford, seaman,	do. do.			ditto,	ditto,	ditto,	ditto.
1370	John Keyler, seaman,	do. do.			ditto,	ditto,	ditto,	ditto.
	John Anson, seaman,	do. do.			ditto,	ditto,	ditto,	ditto.
	Daniel Queen, seaman,	Delivered himself up from the Blenheim,			ditto,	ditto,	ditto,	ditto.
	John Phœnix, seaman,	do. do.	Eagle,		ditto,	ditto,	ditto,	ditto.
	William Bailey, seaman,	do. do.	Union,		ditto,	May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
1375	E. Wilcox, seaman,	do. do.	Acteon,		ditto,	ditto,	ditto,	Boston, July 13, 1815. [Born in Stonington, Connecticut.]
	I. Hendley, seaman,	do. do.	Repulse,		ditto,	ditto,	ditto,	Boston, July 13, 1815.
	Samuel Man, seaman,	do. do.	Old Frederick,		ditto,	ditto,	ditto,	ditto.
	Thomas Toxey, seaman,	do. do.	Scout,		ditto,	ditto,	ditto,	ditto.
	Thomas Shute, seaman,	do. do.	Scout,		ditto,	ditto,	ditto,	ditto.
1380	Matthew Honswife, seaman,	do. do.	Teazer,		ditto,	ditto,	ditto,	ditto.
	John Badger, seaman,	do. do.	Gorgon,		ditto,	ditto,	ditto,	ditto.
	Jonathan Flinn, boy,	do. do.	Diomede,		ditto,	ditto,	ditto,	ditto.
	Thomas Smith, seaman,	do. do.	Raleigh,			June 16, 1816,	Redleighten,	Boston, July 30, 1815.
	John Baptiste, seaman,	do. do.	Bonne Citoyenne,			ditto,	ditto,	ditto.
1385	James Harris, seaman,	do. do.	Hannibal,			June 4, 1815,	Zephyr,	Boston, July 20, 1815.
	James Moore, seaman,	do. do.	Alchmene,			May 1, 1816,	Ariel,	New York, June 10, 1815.
	E. E. Holmes, seaman,	do. do.	Alchmene,			ditto,	ditto,	ditto.
	Samuel Dalton, seaman,	do. do.	Bacchante,			ditto,	ditto,	ditto.
	Jeremiah Stow, seaman,	do. do.	Leyden,			ditto,	ditto,	ditto.

LIST A—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed or detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
1390	John Fernald, seaman,	Delivered himself up from the Leyden,		May 1, 1816,	Ariel,	New York, June 10, 1815. [Born in Kittery, Ms.]
	Samuel Richardson, seaman,	do. do. Atlas,		April 23, 1815,	Mary Ann,	New London, Conn., June 9, 1815.
	G. McKenzie, seaman,	do. do. Berwick,		ditto,	ditto,	ditto.
	William Rye, seaman,	do. do. Ocean,		ditto,	ditto,	ditto.
	Valentine Coffin, seaman,	do. do. Ocean,		ditto,	ditto,	ditto.
1395	William Wilson, seaman,	do. do. Blake,		June 16, 1815,	Redleighten,	Boston, July 30, 1815.
	Joseph Maria, or Caverio, seaman,	Impressed at Dublin,		ditto,	ditto,	ditto.
	William May, seaman,	do. out of a fishing boat,		June 4, 1815,	Shakespear,	Boston, July 18, 1815.
	S. Higgings, seaman,	do. do.		ditto,	ditto.	ditto.
	George Northcote, seaman,	do. in London,		May 20, 1815,	Robert Taylor,	Boston, July 13, 1815.
1400	I. Stone, seaman,	Impressed,		July 11, 1815,	Woodrop Syms,	New York, August 22, 1815.
	David Minor, seaman,	Delivered himself up from H. B. M. ship Quebec,		June 14, 1815,	Christina,	New York, July 31, 1815.
	Jacob Sawyer, seaman,	Impressed at London,	Died at Dartmoor, October 25, 1814, aged 27. Born at Providence, Rhode Island.			
	Isaac Howard, seaman,	Gave himself up at Gravesend, November 9, 1812,	Died at Chatham, January 5, 1813, aged 32. Born at Philadelphia.			
	John Ledlow, seaman,	do. from H. B. M. ship Vigo,	Died at Chatham, March 23, 1813, aged 59. Born at Providence, Rhode Island.			
1405	Thomas Hutchinson, cook,	do. do. Mulgrave,	Died at Chatham, June 25, 1813, aged 28. Born at Little Britain.			
	Thomas Ryan, seaman,	do. do. Favorite,	Died at Chatham, October 15, 1813, aged 34. Born at Philadelphia.			
	Thomas Billings, seaman,	Impressed at Gravesend,	Died at Chatham, November 24, 1813, aged 34. Born in Connecticut.			
	James Gray, seaman,	do. from H. B. M. ship Chatham,	Died at Chatham, January 4, 1814, aged 31. Born at Baltimore.			
	George Williams, seaman,	do. do. Royal William,	Died at Chatham, January 18, 1814, aged 32. Born at Newburyport, Massachusetts.			
1410	George Hubbard, seaman,	do. do. North Star,	Died at Chatham, January 18, 1814, aged 20. Born at Hingham, Massachusetts.			
	Henry Hall, seaman,	do. do. Echo,	Died at Chatham, September 18, 1813, aged 27. Born at Baltimore.			
	Daniel Ropes, seaman,	do. do. Scipion,	Died at Chatham, February 9, 1814, aged 18. Born at Salem, Massachusetts.			
	William Allen, seaman,	do. do. Scipion,	Died at Chatham, February 16, 1814, aged 32. Born in Rhode Island.			
	Henry Plur, seaman,		Died on board His Britannic Majesty's ship Nemissis, December 22, 1813.			
1415	Henry Burley, seaman,	Impressed in London,	Died at Dartmoor, December 2, 1814, aged 21. Born at New Market.			
	Thomas Rich, seaman,	do. Bristol,	Died at Dartmoor, January 22, 1815, aged 27. Born at New York.			
	Henry Freely, seaman,	do. Liverpool,	Died at Dartmoor, January 20, 1814, aged 29. Born in Pennsylvania.			
	James White, seaman,	do. Liverpool,	Died at Plymouth, January 6, 1814, aged 23. Born in North Carolina.			
	Amos Larkin, seaman,	Impressed from H. B. M. ship Reynard,	Died at Dartmoor, January 29, 1815, aged 30. Born at Beverley, Massachusetts.			
1420	Isaac F. Barker, or I Brown, seaman.	Impressed and discharged from the Pioneer, British man of war.	Released, October 29, 1814; arrived at Norfolk, Virginia, in cartel San Felipe, February 27, 1815.			
	Zachariah Dibble, seaman,	do. do. Malta,	Released, October 4, 1815; arrived at New York in cartel Dorset, June 12, 1815.			

B.

List of American seamen impressed on board of British public ships, and transferred to and confined in prisons in the West Indies or Nova Scotia, taken from lists furnished by the British authorities to the American agents for prisoners.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	John Williams, seaman,	Discharged from His Brit. Majesty's ship Childers,	Bermuda,		Cartel Bostock,	New York, February, 1813.
	Henry Casey, seaman,	do. do. Ruby,	ditto,		ditto,	ditto.
	David Cood, seaman,	do. do. do.	ditto,		ditto,	ditto.
	Thomas Osborne, seaman,	do. do. Herald,	Jamaica,		Cartel Cyrus,	Georgetown, S. C., May, 1813.
5	Robert Godman, seaman,	do. do. Wanderer,	Halifax,		Cartel Agnes,	Boston, June 11, 1813.
	Frederick Shiner, seaman,	do. do. do.	ditto,		ditto,	ditto.
	Isaac Lincoln, seaman,	do. do. Orpheus,	ditto,		ditto,	ditto.
	William Johnson, seaman,	do. do. Ramilies,	ditto,		ditto,	ditto.
	William James, seaman,	Surrendered himself from H. B. M. ship Lightning,	Barbadoes,		Perseverance,	Providence, July, 1813.
10	Edward Rowland, seaman,	do. do. do.	ditto,		ditto,	ditto.
	John Crowder, seaman,	do. do. Dragon,	ditto,		ditto,	ditto.
	John Eden, seaman,	do. do. do.	ditto,		ditto,	ditto.
	Abraham Pope, seaman,	do. do. do.	ditto,		ditto,	ditto.
	John Mackey, seaman,	do. do. Fortunée,	ditto,		ditto,	ditto.
15	John Stewart, seaman,	do. do. do.	ditto,		ditto,	ditto.
	John Houston, seaman,	do. do. Hyperion,	ditto,		ditto,	ditto.
	Alexander Luther, seaman,	do. do. do.	ditto,		ditto,	ditto.
	John Julius, seaman,	do. do. Charybdis,	ditto,		ditto,	ditto.
	Elijah Kentfield, seaman,	do. do. do.	ditto,		ditto,	ditto.
20	Jos. Hutchinson, seaman,	do. do. Surinam,	ditto,		ditto,	ditto.
	John R. Ray, seaman,	do. do. do.	ditto,		ditto,	ditto.
	William Fields, seaman,	do. do. Roe,	ditto,		ditto,	ditto.
	Emanuel Sylis, seaman,	do. do. Seine,	ditto,		ditto,	ditto.
	William Jones, seaman,	do. do. Opossum,	ditto,		ditto,	ditto.
25	Francis D. Shields, seaman,	do. do. Grampus,	ditto,		ditto,	ditto.
	Robert Bird, seaman,	do. do. Vestal,	ditto,		ditto,	ditto.
	Charles Wilson, seaman,	Impressed at Kingston, Jamaica,	Jamaica,		Analostan,	Newport, August 11, 1813.
	Simon Perkins, seaman,	do. do.	ditto,		ditto,	ditto.
	Charles Coles, seaman,	His Britannic Majesty's ship Moselle,	ditto,		ditto,	ditto.
30	Moses Gouph, seaman,	Impressed by H. B. M. ship Narcissus, on board five years,	ditto,		ditto,	ditto.
	Miche Pluck, seaman,	Impressed from H. B. M. ship Shark, refusing to serve,	ditto,		ditto,	ditto.
	Alexander Taylor, seaman,	do. do. do. do.	ditto,		ditto,	ditto.
	Thomas Rodgers, seaman,	do. do. Cyane, do.	ditto,		ditto,	ditto.
	David Dick, seaman,	do. do. do. do.	ditto,		ditto,	ditto.
35	George Sewall, seaman,	do. do. Sapphire, do.	ditto,		ditto,	ditto.
	Dennis Curtis, seaman,	do. do. do. on board five years,	ditto,		ditto,	ditto.
	Samuel Johns, seaman,	do. do. Herald,	ditto,		ditto,	ditto.
	Elijah Hubbard, seaman,	Impressed by H. B. M. ship Sapphire,	ditto,		ditto,	ditto.
	John Hill, seaman,	do. do. Circe,	ditto,		ditto,	ditto.
40	Prince Prince, seaman,	Surrendered himself from H. B. M. ship Arab,	Barbadoes,		Malmoc,	Providence, 1813.
	Samuel Norris, seaman,	do. do. do.	ditto,		ditto,	ditto.
	Charles Duncan, seaman,	do. do. Venus,	ditto,		ditto,	ditto.
	Dan. Saunderson, seaman,	do. do. do.	ditto,		ditto,	ditto.
	John Ware, seaman,	do. do. do.	ditto,		ditto,	ditto.

LIST B—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
45	Thomas Clarke, seaman,	Surrendered himself from H. B. M. ship Venus,	Barbadoes,		Malmoc,	Providence, 1813.
	Stephen Lumsden, seaman,	do. do. do.	ditto,		ditto,	ditto.
	Robert Hewitt, seaman,	do. do. Scorpion,	ditto,		ditto,	ditto.
	Gowan Jackson, seaman,	do. do. Grampus,	ditto,		ditto,	ditto.
	Samuel Cartwright, seaman,	do. do. do.	ditto,		ditto,	ditto.
50	Too late to ascertain their names before closing the list of prisoners, by cartel Malmoc.	do. do. Venus, The note prefixed to these names is taken from the Br. official list.	ditto,		ditto,	ditto.
		do. do. do.	ditto,		ditto,	ditto.
		do. do. do.	ditto,		ditto,	ditto.
	Henry Butler, seaman,	Given up as an American, and sent to England in the Sultan, Jan. 2, 1815, from Jamaica; (see return of A. Stewart, Esq.)				
	James McCormick, seaman,	do. do. do.				
55	John Brown, seaman,	do. do. do.				
	John Philips, seaman,	do. do. do.				
	Henry Campbell, seaman,	do. do. do.				
	Robert Johnson, seaman,	Impressed at Jamaica, and remaining in the hospital,	[Sent to England in the Ramilies, February 11, 1815.]			
	Cato Jones, seaman,	do. do. do.	[Sent to England in the Ramilies, February 11, 1815.]			
60	Jesse Nicholson, seaman,	Gave himself up as an American, at Jamaica,	Jamaica,		William Penn,	Phila., Jun. 1813; [born at Newbern.]
	Edward Gomer, seaman,	do. do. do.	ditto,		ditto,	Philadelphia, June, 1813.
	Andrew Budie, seaman,	do. do. do.	ditto,		ditto,	ditto.
	George Tapp, seaman,	do. do. do.	ditto,		ditto,	ditto.
	Henry Towley, seaman,	From H. B. M. ship Herald's books, refusing to serve,	ditto,		ditto,	ditto.
65	Lewis Dodge, seaman,	Impressed by H. B. M. ship Decouverte,	ditto,		ditto,	ditto.
	Thomas Brooks, seaman,	Impressed on board H. B. M. brig Colibri, and surrendered himself prisoner of war at Jamaica,	Bermuda,		Cartel Magnet,	N. York, July 5, 1813; [born in Mass.]
	James Kane, seaman,	Impressed at Greenock, draughted into H. B. M. ship Narcissus, surrendered himself prisoner of war at Jamaica,	ditto,		ditto,	New York, July 5, 1813.
	David Black, seaman,	do. Liverpool, do. do. do.	ditto,		ditto,	ditto.
	Samuel Gold, seaman,	do. do. do. do. Bermuda,	ditto,		ditto,	ditto.
70	Sandy Forbes, seaman,	do. do. do. do. do.	ditto,		ditto,	ditto.
	Francis Freeman, seaman,	do. do. do. do. do.	ditto,		ditto,	ditto.
	John Williams, seaman,	Surrendered himself a prisoner of war,	ditto,		ditto,	ditto.
	James Harris, seaman,	Surrendered himself a prisoner of war,	ditto,		ditto,	ditto.
	Thomas Edmonds, seaman,	Impressed in Antigua, draughted into His Britannic Majesty's ship Dragon, surrendered himself a prisoner of war,	ditto,		ditto,	ditto.
75	William Thorogood, seaman,	Impressed in Liverpool, do. do.	ditto,		ditto,	ditto.
	David Manston, seaman,	East Indies, into the Bombay frigate,	ditto,		ditto,	ditto.
	Francis Solaris, seaman,	Surrendered himself a prisoner of war,	ditto,		ditto,	ditto.
	George Greason, seaman,	Do. do. do.	ditto,		ditto,	ditto.
	William Merry, seaman,	Do. do. do.	ditto,		ditto,	ditto.
80	Peter Anderson, seaman,	Impressed by H. B. M. brig Rhodian, at Cape François, surrendered himself a prisoner of war,	ditto,		ditto,	ditto.
	George Kerson, seaman,	Do. from British brig, by do. do.	ditto,		ditto,	ditto.
	John Hare, seaman,	Do. do. ship, draughted into H. B. M. ship Dragon, surrendered himself a prisoner of war,	ditto,		ditto,	ditto.
	Joseph Lindsay, seaman,	Cast away on the Bahamas, and impressed by His Britannic Majesty's ship Moselle,			ditto,	ditto.
	Thomas Richards, mate,	Discharged from His B. M. ship Southampton,		[Sent to the United States for exchange, from Jamaica, May 9, 1813.]		
85	Thomas Freeman, seaman,	Gave himself up at Jamaica, refusing to serve,		ditto,	ditto,	ditto.

	N. G. Layton, seaman,	Discharged from His Britannic Majesty's ship			Cyane,	ditto,					Cartel Cyrus,		Georgetown, S. C., May, 1813.
	Roswell Elford, seaman,	Impressed, discharged	do.	do.	Sapphire,	ditto,					ditto,		ditto.
	Daniel F. Marshall, seaman,	Discharged from	do.	do.	Pelican,	ditto,					Analostan,		Providence, R. I., August, 1813.
	John Davis, seaman,	Do.	do.	do.	Shark,	ditto,					ditto,		ditto.
90	Wm. Rosemond, seaman,	Do.	do.	do.	Variable,	ditto,					ditto,		ditto.
	Thomas Middleton, seaman,	Impressed, discharged	do.	do.	do.	ditto,					ditto,		ditto.
	Joseph Dolph, seaman,	Do.	do.	do.	do.	ditto,					ditto,		ditto.
	Thomas Ogden, seaman,	Do. at Kingston, discharged		do.	Circe,	ditto,					ditto,		ditto.
	Samuel Potts, seaman,	Do.	do.	do.	do.	ditto,					ditto,		ditto.
95	Thomas Miller, seaman,	Do. at San Salvador,		do.	Dotterel,	ditto,					ditto,		ditto.
	Richard Williamson, seaman,	Discharged from	do.	do.	Asia,	ditto,					ditto,		ditto.
	John Frederick, seaman,	Do.	do.	do.	Fawn,	ditto,					ditto,		ditto.
	William Crozier, seaman,	Do.	do.	do.	Asia,	ditto,					ditto,		ditto.
	William Hanthom, seaman,	Gave himself up from	do.	do.	Forester,	ditto,					ditto,		ditto.
100	John Smith, seaman,	Discharged from	do.	do.	Moselle,	ditto,					ditto,		ditto.
	John Coleby, seaman,	Do.	do.	do.	Sapphire,	ditto,					ditto,		ditto.
	Samuel Foster, seaman,	Impressed, discharged	do.	do.	do.	ditto,					Rebecca Sims,		New York, June, 1813.
	Thomas Bourke, seaman,	Discharged from	do.	do.	Shark,	ditto,					ditto,		ditto.
	American Cameron, seaman,	Impressed by	do.	do.	Argo,	ditto,		July 2, 1815,			Mount Vernon.		
105	Jack Eastward, seaman,	Do.	do.	do.	do.	ditto,		ditto,			ditto.		
	Peter Baker, seaman,	Do.	do.	do.	do.	ditto,		ditto,			ditto.		
	Ely Camison, seaman,	Do.	do.	do.	do.	ditto,		ditto,			ditto.		
	Dick Johnson, seaman,	Do.	do.	do.	do.	ditto,		ditto,			ditto.		
	John Dixon, seaman,	Do.	do.	do.	do.	ditto,		ditto,			ditto.		
110	Moses Lewis, seaman,	Do.	do.	do.	do.	ditto,		ditto,			ditto.		
	Andrew Willey, seaman,	Gave himself up as an American from His B. M. ship Sapphire; escaped from Jamaica, February 4, 1814.											
	John Collins, seaman,	Gave himself up from His Britannic Majesty's ship Talbot; escaped from Jamaica, December 18, 1814.											
	Charles Smith, seaman,	Do.	do.	do.	do.								
	Salisbury Peck, seaman,	Impressed by and discharged from		do.	do.								
115	Peter Fuller, seaman,	Given up from His Britannic Majesty's ship Elizabeth, February 1, 1814, at Jamaica.											
	William Brown, seaman,	Discharged at Halifax from His B. M. ship			Helburne,	Halifax.							
	James Webster, seaman,	Do.	do.	do.	Victorious,	ditto.							
	Isaac Whitney, seaman,	Do.	do.	do.	Wasp,	ditto.							
	Sinclair Thompson, seaman,	Do.	do.	do.	Junon,	ditto,					Cartel Union,		Salem, May 24, 1814.
120	Benjamin James, seaman,	Do.	do.	do.	Sappho,	ditto,					ditto,		ditto.
	John Stevenson, seaman,	Do.	do.	do.	Niemen,	ditto,					ditto,		ditto.
	William Febre, seaman,	Do.	do.	do.	Sceptre,	ditto,					ditto,		ditto.
	John Mitchel, seaman,	Do.	do.	do.	Majestic,	ditto,					ditto,		ditto.
	George Patrick, seaman,	Do.	do.	do.	Cleopatra,	ditto,					ditto,		ditto.
125	James Kellagan, seaman,	Do.	do.	do.	Plantagenet,	ditto,					ditto,		ditto.
	Jeremiah Allan, seaman,	Do.	do.	do.	Surprise,	ditto,					ditto,		ditto.
	Esau Culver, seaman,	Do.	do.	do.	Valiant,	ditto,					ditto,		ditto.
	Amos Merrick, seaman,	Do.	do.	do.	Arab,	ditto,					ditto,		ditto.
	Cyril Bailey, seaman,	Surrendered himself a prisoner of war,				ditto,					ditto,		ditto.
130	James Balfour, seaman,	Do.	do.	do.		ditto,					ditto,		ditto.
	William Banks, seaman,	Discharged from His Britannic Majesty's ship			Ramilies,	ditto.							
	William Raymond, seaman,	Do.	do.	do.	Plantagenet,	ditto,					ditto,		ditto.
	David Tarr, seaman,	Impressed from a Swedish vessel by His Britannic Majesty's ship Centurion,				ditto.							
	Samuel Olney, seaman,	Impressed in Rio Janeiro, July, 1803,				ditto,					William Penn,		Philadelphia, June, 1813; [born in Providence, Rhode Island.]
135	Ephraim Lambert, seaman,	Impressed in N. Providence, by H. B. M. ship Decouverte,				ditto,					ditto,		Philadelphia, June, 1813; [born in New York city.]

LIST B—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Where first confined.	Date of release.	In what vessel returned to the United States.	Arrived.
	John Parish, seaman,	Imp. in N. Providence, by H. B. M. ship Decouverte, 1807,	Halifax,		William Penn,	Philadelphia, June, 1813; [born in Haverhill, Massachusetts.]
	Matthias Voss, seaman,	Do. do. do. do. 1807,	ditto,		ditto,	Philadelphia, June, 1813; [born in Philadelphia.]
	Ebenezer Allen, seaman,	Impressed at Kingston, do. do. 1810,	ditto,		ditto,	Philadelphia, June, 1813; [born in Harwich, Massachusetts.]
	Richard Lenderkin, seaman,	Discharged from His Britannic Majesty's ship Decouverte,	ditto,			[Born in Rhode Island.]
140	Elijah Sterling, seaman,	Do. do. do. do.	New Providence,			[Born in Maryland.]
	John Ingerfield, seaman,	Do. do. do. do.	ditto,			[Born in Boston.]
	John Bodett, seaman,	Do. do. do. Variable,	ditto,			[Born in South Carolina.]
	William Johnson, seaman,	Do. do. do. do.	ditto,			[Born in New York.]
	Andrew Berdie, seaman,	Impressed by His Brit. Majesty's ship Garland, in 1810,	Jamaica,			Philadelphia; [born in Alexandria, District of Columbia.]
145	Joseph Thompson, seaman,	Do. do. do. Decouverte,	ditto,			Philadelphia.
	John Yates, seaman,	Discharged from His Britannic Majesty's ship Tenedos,	Halifax,		Cartel Union,	Salem, May 24, 1813.
	Joseph Parker, seaman,	Do. do. do. Plantagenet,	ditto,		ditto,	ditto.
	Idonis Killiger, seaman,	Do. do. do. do.	ditto,		ditto,	Salem, May 24, 1813.
	Nasa Downs, seaman,	Do. do. do. schr. Elizabeth,	Bermuda,		Cartel Bostock,	New York, February, 1813.
150	Paul Wentworth, seaman,	Do. do. do. do.	ditto,		ditto,	ditto.
	D. Coswilling, carpenter,	Discharged from His Majesty's dock yard,	ditto,		ditto,	ditto.
	Richard Holbrook, seaman,	Gave himself up as an American,	ditto,		ditto,	ditto.
	James Foye, seaman,	Do. do.	ditto,		ditto,	ditto.
	William W. Barnes, seaman,	Do. do.	ditto,		ditto,	ditto.
155	Tim. Barnes, seaman,	Do. do.	ditto,		ditto,	ditto.
	Barnard Huckstep, seaman,	Discharged from His B. M. ship Ruby, as an American,	ditto,		ditto,	ditto.
	William Baty, seaman,	Do. do. do. do.	ditto,		ditto,	ditto.
	John Carson, seaman,	Do. do. do. do.	ditto,		ditto,	ditto.

C.

List of American seamen impressed on board of British public ships, and discharged therefrom in England since the peace; furnished by the American agents in London.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Remarks.
	Thos. Whistler, seaman, -	Discharged from His Britannic Majesty's ship Impérieuse, - - - -	Maintained in England by the United States, until a passage can be procured. See Mr. Beasley's return, dated Dec. 13, 1815.
	John B. Dorothy, seaman, -	Do. do. Ospray, - - - -	Do. do. do. do. do.
	Thomas Mathews, seaman, -	Do. do. Dexterous, - - - -	Do. do. do. do. do.
	John Peterson, seaman, -	Do. do. Namur, - - - -	Do. do. do. do. do.
5	Wm. Hansford, seaman, -	Do. do. Montague, - - - -	Do. do. do. do. do.
	James Tillman, seaman, -	Do. do. Menelaus, - - - -	Do. do. do. do. do.
	Wm. Mullen, seaman, -	Do. do. Fisguard, impressed in 1796, - -	Disabled in British service, and do. Born in Hampton, Virginia.
	John Stroud, seaman, - -	Do. do. Ajax, impressed in 1803, - -	Do. do. do. Portland, Maine.
	Samuel Pace, seaman, - -	Do. do. Queen, impressed in 1805, - -	Do. do. do. Boston, Massachusetts.
10	Roderick McGinnis, seaman, -	Do. do. Nimrod, impressed in 1808, - -	Do. do. do. New York.
	Archibald Carr, seaman, -	Do. do. Alert, impressed in 1799, - -	Do. do. do. Dumfries.
	James Durang, seaman, - -	Do. do. Pactolus, - - - -	Do. do. do. do.
	John Nelson, seaman, - -	Do. do. San Domingo, - - -	Do. do. do. do.
	Daniel Tingley, seaman, -	Do. do. Hindostan, - - - -	Do. do. do. do.
15	Andrew Hays, seaman, -	Do. do. Latona, - - - -	Do. do. do. do.
	Thos. Hamilton, seaman, -	Do. do. Spitfire, - - - -	Do. do. do. do.
	Abraham Mathews, seaman, -	Do. do. Ville de Paris, - - -	Do. do. do. do.
	George Hulluck, seaman, -	Do. do. Hindostan, - - - -	Do. do. do. do.
	John Sawyer, seaman, - -	Do. do. Royal William, - - -	Do. do. do. do.
20	John Dawson, seaman, - -	Do. do. Rota, - - - -	Released, October 3, 1815. Arrived in the brig Betsey.
	Joshua Rhodes, seaman, -	Do. do. Queen, - - - -	Do. do. do. do.
	Robert Thomas, seaman, -	Do. do. Tonnant, - - - -	Do. do. do. do.
	Samuel Seymour, seaman, -	Do. do. Cumberland, - - -	Do. do. do. do.
	James Anderson, or Henderson, seaman, - - -	Do. do. Namur, - - - -	Do. do. do. do.
25	Thomas Deal, seaman, - -	Do. do. Malacca, - - - -	Do. do. do. do.
	William Burk, seaman, -	Do. do. Niger, - - - -	Do. do. do. do.
	Robert Thompson, seaman, -	Do. do. Curacoa, - - - -	Do. do. do. do.
	Hennison Burgess, seaman, -	Do. do. Tonnant, - - - -	Do. do. do. do.
	Henry Lackey, seaman, -	Do. do. Bulwark, - - - -	Do. do. do. do.
30	Abraham Phillips, seaman, -	Do. do. Orontes, impressed in 1808, - -	Do. do. do. do.
	David Johnson, seaman, -	Do. do. Briton, - - - -	Do. do. do. do.
	Lew. Pierre, seaman, - -	Discharged, - - - - - - - -	Do. do. do. do.
	John Lockland, seaman, -	Discharged from His Britannic Majesty's ship Superb, - - - -	Do. do. do. do.
	Robert Cox, seaman, - -	Do. do. Acastus, - - - -	Do. do. do. do.
35	John Bigelow, seaman, -	Do. do. Albion, - - - -	Do. do. do. do.
	John Sweetland, seaman, -	Do. do. Nightingale, - - -	Do. do. do. do.
	Benj. Robinson, seaman, -	Do. do. Namur, - - - -	Do. do. do. do.
	Patrick Charity, seaman, -	Do. do. Roehampton, - - -	Do. do. do. do.
	John Johnson, seaman, -	Do. do. Ramilies, - - - -	Do. do. do. do.
40	Isaac Bantam, seaman, - -	Do. do. Sharpshooter, - - -	Do. do. do. do.
	John Brown, seaman, - -	Do. do. Colibri, - - - -	Do. do. do. do.
	Henry Jackson, seaman, -	Do. do. Dart, - - - -	Do. do. do. do.
	Francis Balch, seaman, -	Do. do. Malacca, - - - -	Do. do. do. do.
	Hugh Macky, seaman, - -	Do. do. Norge, - - - -	Do. do. do. do.
45	Wm. Wood, seaman, - -	Do. do. Norge, - - - -	Do. do. do. do.

LIST C—Continued.

	Names.	By what British man-of-war, or under what circumstances impressed and detained.	Remarks.
	John Campbell, seaman,	Discharged from His Britannic Majesty's ship Asia,	Released, October 3, 1815. Arrived in the brig Betsey.
	Jabez Rennington, seaman,	Do. do. Orient,	Do. do. do. do.
	James Bannister, seaman,	Do. do. Achille,	Do. do. do. do.
	Wm. Atwood, seaman,	Do. do. Queen Charlotte, impressed in 1809,	Do. do. do. do.
50	Ebenezer Jones, seaman,	Do. do. Vesta,	Do. do. do. do.
	Peter Peterson, seaman,	Do. do. Trinculo,	Sent from England since the peace.
	John Henderson, seaman,	Do. do. Ganymede,	Still remaining in England, October 26, 1815, (since sent home.) Born in Concord, Penn.
	Wm. Thompson, seaman,	Do. do. Rhin,	Do. do. do. do. Philadelphia, Penn.
	Peter Solles, seaman,	Do. do. Achille,	Sent home from England since the peace.
55	Benjamin Lee, seaman,	Discharged,	Do. do. do.
	Martin Deering, seaman,	Discharged from His Britannic Majesty's ship Briseis,	Do. do. do.
	Edward Lee, seaman,	Do. do. Hibernia,	Do. do. do.
	John Edwards, seaman,	Do. do. President,	Do. do. do.
	John Felton, seaman,	Do. do. Thisbe,	Do. do. do.
60	James S. Gage, seaman,	Do. do. Boyne,	Maintained in England by the United States, until a passage can be procured. See Mr. Beasley's return, dated Dec. 13, 1815.
	Gilbert White, seaman,	Do. do. Racoon,	Do. do. do. do. Born in New York.
	Thomas Simmons, seaman,	Do. do. Tremendous,	Do. do. do. do.
	Elias Hutchins, seaman,	Do. do. Belvidere,	Do. do. do. do.
65	Nathan Sutton, seaman,	Do. do. Trent,	Do. do. do. do.
	Joseph Turner, seaman,	Do. do. Superb,	Do. do. do. do.
	John Haywood, seaman,	Do. do. Galates,	Do. do. do. do.
	John Lewis, seaman,	Do. do. Raisonnable,	Do. do. do. do.
	Robert White, seaman,	Do. do. Elder,	Do. do. do. do.
70	Thomas Leonard, seaman,	Do. do. Dragon,	Do. do. do. do.
	Thos. Williams, seaman,	Do. do. Eurydice,	Do. do. do. do.
	David Gray, seaman,	Do. do. Tremendous,	Do. do. do. do.
	John Clark, seaman,	Do. do. Achille,	Do. do. do. do.
	Levin Spencer, seaman,	Do. do. Pactolus,	Do. do. do. do.
75	Samuel Valentine, seaman,	Gave himself up from His Britannic Majesty's ship Pique, impressed at Portsmouth, 1811,	Still remaining in England, October 26, 1815. Born in Plymouth, Massachusetts.
	John Bates, seaman,	Do. do. do. do. Gravesend, 1815,	Do. do. do.
	Thomas Holland, seaman,	Do. do. do. do. do.	Do. do. do. Easton, Maryland.
	George Anderson, seaman,	Impressed by His Britannic Majesty's ship Centaur, 1812,	Do. do. do. Pennsylvania.
	William Moore, seaman,	Impressed in London, discharged from His Britannic Majesty's ship Queen Charlotte,	Do. do. do.
80	Joseph Davis, seaman,	Do. do. do. do. Tenedos,	Do. do. do. Philadelphia.
	Benjamin Field, seaman,	Do. at Rye, do. do. Laurel,	Do. do. do. Long Island.
	Fred. Chapman, seaman,	Do. by His Britannic Majesty's ship George,	Do. do. do.
	John Wilkinson, seaman,	Do. in Liverpool, 1812, discharged from His Majesty's ship Alert,	Do. do. do. Boston.
	Alexander Thomas, seaman,	Do. at Plymouth, 1811, do. do. Pandora,	Do. do. do. Portland, Massachusetts.
85	William Porter, seaman,	Do. East Indies, 1807, by do. Belliqueux,	Do. do. do. Beverly, Massachusetts.
	Neil Robertson, seaman,	Do. by His Britannic Majesty's ship Meteor,	Do. do. do.
	Richard Bassett, seaman,	Do. at Plymouth, 1812, discharged from His Britannic Majesty's ship Volcano,	Do. do. do. New York.
	Paul D. Jeremie, seaman,	Ordered to be discharged from His Britannic Majesty's ship Racoon,	Do. do. do.
	Wm. Liddle, seaman,	Do. do. do. Prince, impressed, 1814,	Do. do. do. Philadelphia.
90	Richard Beck, seaman,	Do. do. do. Meteor,	Do. do. do.
	George Tudor, alias Taylor, seaman,		Do. do. do.
	Thomas Johnson, seaman,	Discharged from His Britannic Majesty's ship Conflict,	Do. do. do.

	Charles Thomas, seaman,	Discharged from	His Britannic Majesty's ship	Duncan, impressed, 1808,		Still remaining in England, October 26, 1815.	Born in Flatbush, New York.
	John Brown, seaman,	Do.	do.	Alcmene,		Do. do. do.	
	Jesse Powers, seaman,	Do.	do.	Centaur,		Do. do. do.	
95	John Fairlie, seaman,	Do.	do.	Clarence,		Do. do. do.	
	Robert Warnock, seaman,	Do.	do.	Saturn,		Do. do. do.	
	Horace, alias John Jennings, seaman,	Do.	do.	San Juan,		Do. do. do.	Annapolis, Maryland.
	Jonathan Bigelow, seaman,	Impressed in 1807,				Do. do. do.	Boston, Massachusetts.
	David Brown, seaman,	Do. in East Indies, 1812, by	H. B. M. ship	Clorinda,		Do. do. do.	Cecil county, Maryland.
100	William Smith, seaman,	Discharged from	His Britannic Majesty's ship	Pandora,		Do. do. do.	Boston.
	William Williams, seaman,	Do.	do.	Caledonia,	impressed in London, 1812,	Do. do. do.	Washington county, Maryland.
	John Thompson, seaman,	Do.	do.	Tagus,		Do. do. do.	Norfolk, Virginia.
	John Gillia, seaman,	Do.	do.	Elephant,	impressed in London, 1806,	Do. do. do.	Princess Ann, Maryland.
	William Jackson, seaman,	Do.	do.	Volage,	do. Liverpool, 1805,	Do. do. do.	Dorchester county, Maryland.
105	Benjamin James, seaman,	Do.	do.	Sappho,	do. London, 1805,	Do. do. do.	Annapolis, Maryland.
	Joseph Gardner, seaman,	Do.	do.	Vigo,	do. London, 1812,	Do. do. do.	Little Britain, New York.
	Thomas Williams, seaman,	Do.	do.	Astrea,	do. at sea, 1810,	Do. do. do.	North Carolina.
	George Dunbar, seaman,	Do.	do.	Erebus,	do. Jamaica,	Do. do. do.	Long Island, New York.
	Henry Thomas, seaman,	Do.	do.	Namur,		Do. do. do.	Norfolk, Virginia.
110	James Moore, seaman,	Invalided,	Do.	do.	Diomede, impressed at Plymouth,	Do. do. do.	New York.
	George Thomas, seaman,	Discharged	Do.	do.	Mercurius, do. London,	Do. do. do.	Newport, Rhode Island.
	Andrew Nelson, seaman,	Do.	do.	Sheldrake,	do. 1811,	Do. do. do.	Trenton, New Jersey.
	Samuel Nicholls, seaman,	Do.	do.	Pandora,	do. 1815,	Do. do. do.	Bridgeport, Connecticut.
	James Smith, seaman,	Do.	do.	Pandora,	do. 1815,	Do. do. do.	Baltimore.
115	John Brammer, seaman,	Do.	do.	Caledonia,	do. 1810,	Do. do. do.	Tibbletown, Rhode Island.
	James Sinclair, seaman,	Do.	do.	Chatham,	do. 1812,	Do. do. do.	Philadelphia.
	Miles Jones, seaman,	Do.	do.	Magnificent,	do. served 9 years,	Do. do. do.	Richmond, Virginia.
	Enoch Ottery, seaman,	Do.	do.	Wolverine,	do. Barbadoes,	Do. do. do.	South Carolina.
	John Townsend, seaman,	Do.	do.	Daphne,	do. at sea,	Do. do. do.	Albany.
120	William Thomas, seaman,	Do.	do.	Rota,	do. Apr. 15, '15, Greenock,	Do. do. do.	New York.
	William Wood, seaman,	Do.	do.	Norge,	do. 1813, Jamaica,	Do. do. do.	Annapolis.
	Samuel Russell, seaman,	Do.	do.	Alert,	do. 1810, Lisbon,	Do. do. do.	Boston.
	E. Thurston, seaman,	Do.	do.	Phœnix,	do. 1812, in the East Indies,	Do. do. do.	Providence, Rhode Island.
	William McCoy, seaman,	Do.	do.	Eurydice,	do. 1805, Jamaica,	Do. do. do.	New York.
125	William Henner, seaman,	Do.	do.	Menelaus,	do. 1812, Porto Rico,	Do. do. do.	New York.
	John Caldwell, seaman,	Do.	do.	Ballahou,	do. 1807, Martinique,	Do. do. do.	New York.
	William Watson, seaman,	Do.	do.	Pioneer,	do. 1808, London,	Do. do. do.	Kent county, Delaware.
	Henry Gardner, seaman,	Do.	do.	Briseis,	do. 1811, London,	Do. do. do.	Little Britain, New York.
	George Gray, seaman,	Do.	do.	Dragon,	do. 1808, off New York,	Do. do. do.	Newport, Rhode Island.
130	William Urquhart, seaman,	Do.	do.	Fox,	do. 1805, Calcutta,	Do. do. do.	New York.
	Benjamin Singleton, seaman,	Do.	do.	Gladiator,	do. 1809, Lisbon,	Do. do. do.	North Carolina.
	Solomon Jones, seaman,	Do.	do.	Forth,	do. 1810, Halifax,	Do. do. do.	Philadelphia.
	Ebenezer Kelly, seaman,	Do.	do.	Dragon,	do. 1811, St. Thomas,	Do. do. do.	Norwich, Connecticut.
	James Gardner, seaman,	Do.	do.	Namur,	do. 1804, in the North sea,	Do. do. do.	Boston.
135	William Smith, seaman,	Do.	do.	Raisonnable,	do. 1807, Hull,	Do. do. do.	Lancaster county, Pennsylvania.
	Abraham Dickerson, seaman,	Do.	do.	Myrmidon,		Do. do. do.	New York.
	Timothy Richardson, seaman,	Do.	do.	Gladiator,	do. 1813, Portsmouth,	Do. do. do.	Boston.
	Luther Ripley, seaman,	Do.	do.	Phœnix,	do. 1812, East Indies,	Do. do. do.	Kingston, Massachusetts.
	Charles Noble, seaman,	Do.	do.	Scipion,		Do. do. do.	Gloucester.
140	Noble McNeil, seaman,	Do.	do.	Pickerton,	do. 1813, East Indies,	Do. do. do.	Pennsylvania.
	Joseph D. Handy, seaman,	Do.	do.	Leda,	do. 1811, East Indies,	Do. do. do.	Somerset county, Maryland.
	Richmond Davis, seaman,	Do.	do.	L'Africaine,	do. off the coast of the U. S.	Do. do. do.	Philadelphia.
	William Gourley, seaman,	Do.	do.	Leviathan,	do. English channel,	Do. do. do.	Philadelphia.
	John Robinson, seaman,	Do.	do.	Tartarus,	do. Plymouth,	Do. do. do.	Norfolk, Virginia.
145	Amos Kellogg, seaman,	-	-	-	-	Do. do. do.	Sheffield, Massachusetts.

LIST C—Continued.

	Names.	By what British man-of-war, or under what circumstances, impressed and detained.	Remarks.
	William Kelly, seaman,	Discharged from His Britannic Majesty's ship Phœnix, impressed 1809, at Liverpool,	Still remaining in England, October 26, 1815. Born at Portsmouth, New Hampshire.
	Thomas Brown, seaman,	Do. do. Phœnix, do. 1809, at Liverpool,	Do. do. do. Boston.
	John Johnson, seaman,	Do. do. Phœnix, do. 1810, at Plymouth,	Do. do. do. Accomack county, Virginia.
	Israel Wright, seaman,	Do. do. Ajax,	Do. do. do.
150	Peter Kettletas, seaman,	Do. do. Assistance, do.	Do. do. do. Long Island, New York.
	Henry Taylor, seaman,		Do. do. do. Maryland.
	Calvin Fling, seaman,	Impressed in Bristol, 1811,	Do. do. do. Cornish, New Hampshire.
	Joseph Bates, seaman,		Do. do. do. Rochester, Massachusetts.
	Daniel Clarke, seaman,	Impressed at Portsmouth, 1812,	Do. do. do. Philadelphia.
155	Elijah Fargo, seaman,	Surrendered from His Britannic Majesty's ship Rolla,	Do. do. do. Connecticut.
	George Saunders, seaman,	Impressed at Lisbon, invalid from His Britannic Majesty's ship Balfour,	Do. do. do. Burlington, New Jersey.
	Jonas Benson, seaman,	By what and when impressed unknown,	Do. do. do. Cecil county, Maryland.
	Hillard, alias Wm. Brown, seaman,		
	Isaac Corvett, seaman,	Do. do.	Do. do. do. Sutton, Massachusetts.
		Do. do.	Do. do. do. Cortlandt, New York.
160	Nicholas Gould, seaman,	Do. do.	Do. do. do. Southampton, Rhode Island.
	Samuel Gammell, seaman,	Do. do.	Do. do. do. Boston.
	William Holdridge, seaman,	Do. do.	Do. do. do. Preston, Connecticut.
	John Hittell, seaman,	Do. do.	Do. do. do. Germantown, Pennsylvania.
	J. Kuen, alias Kuhn, seaman,	Do. do.	Do. do. do. Easton, Pennsylvania.
165	John Kirk, seaman,	Do. do.	Do. do. do. New York.
	James Kennedy, seaman,	Do. do.	Do. do. do. Salisbury, Maryland.
	John Mead, seaman,	Do. do.	Do. do. do. New York.
	James Barnes, seaman,	Impressed in 1810, ordered to be discharged from H. B. Majesty's ship Hyacinth,	Do. do. do. Monmouth county, New Jersey.
	William Johnson, seaman,	Do. off New London, do. do. Endymion,	Do. do. do. Chatham, Connecticut.
170	Richard Norris, seaman,	Do. off New London, do. do. Endymion,	Do. do. do. Savannah, Georgia.
	William Clark, seaman,	Do. at Cork, 1810, do. do. Undaunted,	Do. do. do. Philadelphia.
	John Daly, seaman,	Do. at Jamaica, do. do. Fisguard,	Do. do. do. Portland, Massachusetts.
	James Rollins, seaman,	Do. in the East Indies, 1807, do. do. Modest,	Do. do. do. Georgetown, Maryland.
	B. Robinson, seaman,	Do. at sea, do. do. Haughty,	Do. do. do. Washington, North Carolina.
175	Mitchell Case, seaman,	Do. do. do. do. Cherokee,	Do. do. do. Greenwich, Rhode Island.
	Joseph Trusty, seaman,	Do. at Cork, do. do. Hasty,	Do. do. do. New Orleans.
	William Whitfield, seaman,	Do. at London, do. do. Raisonnable,	Do. do. do. Savannah, Georgia.
	William Pearson, seaman,	Discharged from His Britannic Majesty's ship Princess,	Sent home from England since the peace.
	William Hope, seaman,	Do. do. Duncan,	Do. do. do.
180	Pompey Chester, seaman,	Do. do. Superior,	Still remaining in England, Oct. 26, 1815. near Philadelphia.
	Isaac Fardom, seaman,	Do. do. Swinger,	Do. do. do. at Sag Harbor, New York.
	James Sennison, seaman,	Do. do. Ramilies,	Do. do. do. Philadelphia.
	Edward Thurlow, seaman,	Do. do. Norge,	Do. do. do.
	John Smith, seaman,	Do. do. Assistance, impressed 1804,	Do. do. do. Jacksonburg, South Carolina.
185	Joseph Dorrell, seaman,	Do. do. Duncan, impressed 1805,	Arrived in the brig Betsey, Charleston, South Carolina.
	Peleg Levi, seaman,	Do. do. Ringdove,	Do. do.
	Thomas Hudson, seaman,	Do. do. Sophia,	Do. do. do. Boston.
	Eli Harman, seaman,	Do. do. Chatham,	Do. do.
	James Bolton, seaman,	Do. do. Puissant,	Do. do.
190	Daniel Newman, seaman,	Do. do. Norge,	Do. do.
	R. Sutton, seaman,	Do. do. Conflict,	Do. do. do. Eastern Shore, Maryland.
	James Powers, seaman,	Do. do. Severn,	Do. do. do. Philadelphia.
	William Thomas, seaman,	Do. do. Southern,	Do. do.

	Thomas Spencer, seaman, -		Do.	do.	Abercrombie, - - - -	Do.	do.					
195	Peter Harvey, seaman, - -		Do.	do.	Scamander, - - - -	Do.	do.					
	John Crosby, seaman, - -		Do.	do.	Jasper, - - - -	Do.	do.					
	Thomas Stanley, seaman, -		Do.	do.	Severn, impressed 1813, - -	Do.	do.	- - -	Philadelphia.			
	Edward Sands, seaman, -		Do.	do.	President, impressed 1810, - -	Do.	do.	- - -	Kittery, New Hampshire.			
	W. Wilcox, seaman, - -		Do.	do.	Dragon, - - - -	Still remaining in England, October 26, 1815.			Born in Middletown, Connecticut.			
200	Thomas Dudley, seaman, -	Discharged, - - - - -			- - - - -	Do.	do.	do.				
	Samuel Pecket, seaman, -	Discharged from His Britannic Majesty's ship			Sea-Horse, - - - -	Do.	do.	do.				
	William Warren, seaman, -		Do.	do.	President, - - - -	Do.	do.	do.				
	William Jackson, seaman, -		Do.	do.	Brisk, - - - - -	Do.	do.	do.				
	Silas Allen, seaman, - -		Do.	do.	Talbot, - - - - -	Arrived in the Lord Somers, at Charleston, South Carolina, April, 1816.						
205	Samuel Bogg, seaman, - -		Do.	do.	Royal Oak, - - - -	Do.	do.	do.	do.	do.		
	Robert Read, seaman, - -		Do.	do.	Hotspur, - - - -	Do.	do.	do.	do.	do.		
	Peter Coffin, seaman, - -		Do.	do.	Malacca, - - - -	Do.	do.	do.	do.	do.		
	James Ward, seaman, - -		Do.	do.	Alcmene, - - - -	Do.	do.	do.	do.	do.		
	Cotton Batcheldor, seaman, -		Do.	do.	St. George, - - - -	Do.	do.	do.	do.	do.		
210	John Simmonds, seaman, -		Do.	do.	Madagascar, - - - -	Do.	do.	do.	do.	do.		
	George Bird, seaman, - -		Do.	do.	Bacchante, - - - -	Do.	do.	do.	do.	do.		
	William Murphy, seaman, -		Do.	do.	Leander, - - - -	Do.	do.	do.	do.	do.		
	William Ermy, seaman, -		Do.	do.	Leander, - - - -	Do.	do.	do.	do.	do.		
	Augustus Ennis, seaman, -		Do.	do.	Leander, - - - -	Do.	do.	do.	do.	do.		
215	William Williams 3d, seaman, -		Do.	do.	Malta, - - - -	Do.	do.	do.	do.	do.		
	James Thompson, seaman, -		Do.	do.	Magnificent, impressed 1814, - -	Do.	do.	do.	do.	do.		
	Henry Crosby, seaman, - -		Do.	do.	Derwent, - - - -	Do.	do.	do.	do.	do.		
	William Ross, seaman, - -		Do.	do.	Rivoli, - - - -	Do.	do.	do.	do.	do.		
	Lewis Thompson, seaman, -		Do.	do.	Fame, - - - -	Do.	do.	do.	do.	do.		

14th CONGRESS.] No. 283. [2d SESSION.

MESSAGE OF THE PRESIDENT AT THE COMMENCEMENT OF THE SECOND SESSION OF THE FOURTEENTH CONGRESS.

COMMUNICATED TO CONGRESS, DECEMBER 3, 1816.

Fellow-citizens of the Senate, and of the House of Representatives:

In reviewing the present state of our country, our attention cannot be withheld from the effect produced by peculiar seasons, which have very generally impaired the annual gifts of the earth, and threatened scarcity in particular districts. Such, however, is the variety of soils, of climates, and of products, within our extensive limits, that the aggregate resources for subsistence are more than sufficient for the aggregate wants. And as far as an economy of consumption, more than usual, may be necessary, our thankfulness is due to Providence, for what is far more than a compensation, in the remarkable health which has distinguished the present year.

Amidst the advantages which have succeeded the peace of Europe, and that of the United States with Great Britain, in a general invigoration of industry among us, and in the extension of our commerce, the value of which is more and more disclosing itself to commercial nations, it is to be regretted that a depression is experienced by particular branches of our manufactures, and by a portion of our navigation. As the first proceeds, in an essential degree, from an excess of imported merchandise, which carries a check in its own tendency, the cause, in its present extent, cannot be of very long duration. The evil will not, however, be viewed by Congress without a recollection that manufacturing establishments, if suffered to sink too low, or languish too long, may not revive, after the causes shall have ceased; and that, in the vicissitudes of human affairs, situations may recur in which a dependance on foreign sources for indispensable supplies may be among the most serious embarrassments.

The depressed state of our navigation is to be ascribed, in a material degree, to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

Previous to the late convention at London between the United States and Great Britain, the relative state of the navigation laws of the two countries, growing out of the treaty of 1794, had given to the British navigation a material advantage over the American, in the intercourse between the American ports and British ports in Europe. The convention of London equalized the laws of the two countries relating to those ports, leaving the intercourse between our ports and the ports of the British colonies subject, as before, to the respective regulations of the parties. The British Government enforcing new regulations, which prohibit a trade between its colonies and the United States in American vessels, whilst they permit a trade in British vessels, the American navigation loses accordingly; and the loss is augmented by the advantage which is given to the British competition over the American, in the navigation between our ports and British ports in Europe, by the circuitous voyages enjoyed by the one, and not enjoyed by the other.

The reasonableness of the rule of reciprocity, applied to one branch of the commercial intercourse, has been pressed on our part, as equally applicable to both branches: but it is ascertained that the British cabinet declines all negotiation on the subject; with a disavowal, however, of any disposition to view in an unfriendly light whatever countervailing regulations the United States may oppose to the regulations of which they complain. The wisdom of the Legislature will decide on the course which, under these circumstances, is prescribed by a joint regard to the amicable relations between the two nations and to the just interests of the United States.

I have the satisfaction to state, generally, that we remain in amity with foreign Powers.

An occurrence has, indeed, taken place in the Gulf of Mexico, which, if sanctioned by the Spanish Government, may make an exception as to that Power. According to the report of our naval commander on that station, one of our public armed vessels was attacked by an overpowering force under a Spanish commander, and the American flag, with the officers and crew, insulted in a manner calling for prompt reparation. This has been demanded. In the mean time, a frigate and a smaller vessel of war have been ordered into that gulf for the protection of our commerce. It would be improper to omit that the representative of His Catholic Majesty in the United States lost no time in giving the strongest assurances that no hostile order could have emanated from his Government, and that it will be as ready to do as to expect whatever the nature of the case and the friendly relations of the two countries shall be found to require.

The posture of our affairs with Algiers, at the present moment, is not known. The Dey, drawing pretexts from circumstances, for which the United States were not answerable, addressed a letter to this Government, declaring the treaty last concluded with him to have been annulled by our violation of it, and presenting, as the alternative, war, or a renewal of the former treaty, which stipulated, among other things, an annual tribute. The answer, with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute and the slavery of our captured citizens. The result of the answer has not been received. Should he renew his warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean.

With the other Barbary States our affairs have undergone no change.

The Indian tribes within our limits appear also disposed to remain at peace. From several of them purchases of lands have been made, particularly favorable to the wishes and security of our frontier settlements, as well as to the general interests of the nation. In some instances, the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases; the benevolent policy of the United States preferring the augmented expense to the hazard of doing injustice, or to the enforcement of justice against a feeble and untutored people, by means involving or threatening an effusion of blood. I am happy to add, that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favor the resumption of the work of civilization, which had made an encouraging progress among some tribes; and that the facility is increasing for extending that divided and individual ownership, which exists now in moveable property only, to the soil itself; and of thus establishing, in the culture and improvement of it, the true foundation for a transit from the habits of the savage to the arts and comforts of social life.

As a subject of the highest importance to the national welfare, I must again earnestly recommend to the consideration of Congress a re-organization of the militia, on a plan which will form it into classes, according to the periods of life more and less adapted to military services. An efficient militia is authorized and contemplated by the constitution, and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made; and no organization can be better calculated

to give to it its due force than a classification which will assign the foremost place in the defence of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.

Congress will call to mind that no adequate provision has yet been made for the uniformity of weights and measures, also contemplated by the constitution. The great utility of a standard, fixed in its nature, and founded on the easy rule of decimal proportions, is sufficiently obvious. It led the Government, at an early stage, to preparatory steps for introducing it; and a completion of the work will be a just title to the public gratitude.

The importance which I have attached to the establishment of a university within this District, on a scale and for objects worthy the American nation, induces me to renew my recommendation of it to the favorable consideration of Congress. And I particularly invite again their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

Occurrences having taken place which show that the statutory provisions for the dispensation of criminal justice are deficient in relation both to places and to persons, under the exclusive cognizance of the national authority, an amendment of the law, embracing such cases, will merit the earliest attention of the Legislature. It will be a seasonable occasion, also, for inquiring how far legislative interposition may be further requisite in providing penalties for the offences designated in the constitution or in the statutes, and to which either no penalties are annexed, or none with sufficient certainty. And I submit to the wisdom of Congress whether a more enlarged revisal of the criminal code be not expedient, for the purpose of mitigating, in certain cases, penalties which were adopted into it, antecedent to experiment and examples which justify and recommend a more lenient policy.

The United States, having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their citizens participating in the traffic, cannot but be gratified at the progress made by concurrent efforts of other nations towards a general suppression of so great an evil. They must feel, at the same time, the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required by the violations and evasions which, it is suggested, are chargeable on unworthy citizens who mingle in the slave trade under foreign flags, and with foreign ports; and by collusive importations of slaves into the United States, through adjoining ports and territories. I present the subject to Congress with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character, in the trade between the several States, ought also to be rendered more effectual for their humane object.

To these recommendations I add, for the consideration of Congress, the expediency of a remodification of the judiciary establishment, and of an additional department in the executive branch of Government.

The first is called for by the accruing business which necessarily swells the duties of the federal courts, and by the great and widening space within which justice is to be dispensed by them. The time seems to have arrived which claims for members of the Supreme Court a relief from itinerary fatigues, incompatible as well with the age which a portion of them will always have attained, as with the researches and preparations which are due to their stations, and to the juridical reputation of their country. And considerations equally cogent require a more convenient organization of the subordinate tribunals, which may be accomplished without an objectionable increase of the number or expense of the judges.

The extent and variety of executive business, also accumulating with the progress of our country and its growing population, call for an additional department, to be charged with duties now overburdening other departments, and with such as have not been annexed to any department.

The course of experience recommends, as another improvement in the executive establishment, that the provision for the station of Attorney General, whose residence at the seat of Government, official connexions with it, and management of the public business before the judiciary, preclude an extensive participation in professional emoluments, be made more adequate to his services and his relinquishments; and that, with a view to his reasonable accommodation, and to a proper depository of his official opinions and proceedings, there be included in the provision the usual appurtenances to a public office.

In directing the legislative attention to the state of the finances, it is a subject of great gratification to find that, even within the short period which has elapsed since the return of peace, the revenue has far exceeded all the current demands upon the Treasury, and that, under any probable diminution of its future annual product, which the vicissitudes of commerce may occasion, it will afford an ample fund for the effectual and early extinguishment of the public debt. It has been estimated that, during the year 1816, the actual receipts of revenue at the Treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and Treasury notes, will amount to about the sum of forty-seven millions of dollars; that, during the same year, the actual payments at the Treasury, including the payment of the arrearages of the War Department, as well as the payment of a considerable excess beyond the annual appropriations, will amount to about the sum of thirty-eight millions of dollars; and that, consequently, at the close of the year, there will be a surplus in the Treasury of about the sum of nine millions of dollars.

The operations of the Treasury continue to be obstructed by difficulties, arising from the condition of the national currency; but they have, nevertheless, been effectual, to a beneficial extent, in the reduction of the public debt, and the establishment of the public credit. The floating debt of Treasury notes and temporary loans will soon be entirely discharged. The aggregate of the funded debt, composed of debts incurred during the wars of 1776 and of 1812, has been estimated, with reference to the 1st of January next, at a sum not exceeding one hundred and ten millions of dollars; the ordinary annual expenses of the Government, for the maintenance of all its institutions, civil, military, and naval, have been estimated at a sum less than twenty millions of dollars; and the permanent revenue, to be derived from all the existing sources, has been estimated at a sum of about twenty-five millions of dollars.

Upon this general view of the subject, it is obvious that there is only wanting to the fiscal prosperity of the Government the restoration of a uniform medium of exchange. The resources and the faith of the nation, displayed in the system which Congress has established, insure respect and confidence both at home and abroad. The local accumulations of the revenue have already enabled the Treasury to meet the public engagements in the local currency of most of the States; and it is expected that the same cause will produce the same effect throughout the Union. But, for the interests of the community at large, as well as for the purposes of the Treasury, it is essential that the nation should possess a currency of equal value, credit, and use, wherever it may circulate. The constitution has intrusted Congress, exclusively, with the power of creating and regulating a currency of that description;

and the measures which were taken during the last session, in execution of the power, give every promise of success. The Bank of the United States has been organized under auspices the most favorable, and cannot fail to be an important auxiliary to those measures.

For a more enlarged view of the public finances, with a view of the measures pursued by the Treasury Department previous to the resignation of the late Secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests, and will do justice to the distinguished ability and successful exertions with which the duties of the Department were executed during a period remarkable for its difficulties and its peculiar perplexities.

The period of my retiring from the public service being at little distance, I shall find no occasion more proper than the present for expressing to my fellow-citizens my deep sense of the continued confidence and kind support which I have received from them. My grateful recollection of these distinguished marks of their favorable regard can never cease; and with the consciousness that if I have not served my country with greater ability, I have served it with a sincere devotion, will accompany me as a source of unfailing gratification.

Happily, I shall carry with me from the public theatre other sources, which those who love their country most will best appreciate. I shall behold it blessed with tranquillity and prosperity at home, and with peace and respect abroad. I can indulge the proud reflection that the American people have reached, in safety and success, their fortieth year as an independent nation; that, for nearly an entire generation, they have had experience of their present constitution, the offspring of their undisturbed deliberations and of their free choice; that they have found it to bear the trials of adverse as well as prosperous circumstances; to contain, in its combination of the federate and elective principles, a reconcilement of public strength with individual liberty; of national power for the defence of national rights with a security against wars of injustice, of ambition, or vain glory, in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its costs and feel its calamities. Nor is it less a peculiar felicity of this constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory, with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle, that I shall read in the character of the American people, in their devotion to true liberty, and to the constitution which is its palladium, sure presages that the destined career of my country will exhibit a Government pursuing the public good as its sole object, and regulating its means by the great principles consecrated in its charter, and by those moral principles to which they are so well allied? a Government which watches over the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against enroachments and compacts between religion and the State; which maintains inviolably the maxims of public faith, the security of persons and property, and encourages, in every authorized mode, that general diffusion of knowledge which guaranties to public liberty its permanency, and, to those who possess the blessing, the true enjoyment of it? a Government which avoids intrusions on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, whilst it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age and the sentiments of a virtuous people, seeks, by appeals to reason, and by its liberal examples, to infuse into the law which governs the civilized world a spirit which may diminish the frequency, or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace? a Government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions—that of promoting peace on earth, and good will to man?

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.

JAMES MADISON.

14th CONGRESS.] **No. 284.** [2d SESSION.

SWEDEN AND NORWAY.

COMMUNICATED TO THE SENATE, DECEMBER 13, 1816.

To the Senate of the United States: WASHINGTON, *December* 13, 1816.

A treaty of commerce between the United States and the King of Sweden and Norway having been concluded and signed on the 4th of September last by their plenipotentiaries, I lay the same before the Senate for their consideration and advice as to a ratification.

JAMES MADISON.

[ORIGINAL.]

Au nom de la très Sainte et Indivisible Trinité:

Les Etats Unis d'Amérique et Sa Majesté le Roi de Suède et de Norvége, également animés du desir sincère de maintenir et consolider les relations d'amitié et de commerce qui ont subsisté jusqu'ici entre les deux états, et étant convaincus qu'on ne saurait mieux remplir cet objet qu'en établissant réciproquement le commerce entre les deux états sur la base solide de principes libéraux et équitables, également avantageux aux deux pays, ont nommé pour cet effet des plénipotentiaires, et les ont munis des pouvoirs nécessaires pour traiter et conclure en leur nom, savoir: Le Président des Etats Unis

[TRANSLATION.]

In the name of the most Holy and Indivisible Trinity:

The United States of America and His Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two States, and being convinced that this object cannot be more effectually accomplished than by establishing, reciprocally, commerce between the two States upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named to this end plenipotentiaries, and have furnished them with the necessary full powers to treat, and, in their

Monsieur Jonathan Russell, citoyen des dits Etats Unis, et actuellement leur ministre plénipotentiaire à la cour de Stockholm; et Sa Majesté le Roi de Suède et de Norvége son excellence Monsieur le Comte Laurent d'Engestrom, son Ministre d'Etat pour les Affaires Etrangères, Chancelier de l'Université de Lund, chevalier commandeur des ordres du Roi, chevalier de l'ordre du Roi Charles XIII., grand croix des ordres de St. Etienne de la Hongrie, de la Légion d'Honneur de France, de l'Aigle Noir et de l'Aigle Rouge de Prusse; et Monsieur le Comte Adolphe George de Mörner, son Conseiller d'Etat, et commandeur de l'ordre de l'Etoile Polaire; lesquels plénipotentiaires, après avoir produit et échangé leurs pleinpouvoirs trouvés en bonne et due forme, sont convenus des articles suivans:

Art. 1. Il y aura liberté réciproque de commerce entre tous les pays de la domination des Etats Unis d'Amérique et de Sa Majesté le Roi de Suède et de Norvége. Les habitans de l'un des deux pays pourront, avec toute sûreté pour leurs personnes, vaisseaux, et cargaisons, aborder librement dans les ports, places, et rivières du territoire de l'autre, partout où l'entrée est permise aux vaisseaux des nations les plus favorisées. Ils pourront s'y arrêter et résider dans quelque partie que ce soit des dits territoires; ils pourront y louer et occuper des maisons et des magasins pour leur commerce; et généralement les négocians ou trafiquans de chacune des deux nations jouiront chez l'autre de la plus entière sécurité et protection pour les affaires de leur négoce, étant seulement tenus à se conformer aux loix et ordonnances des deux pays respectifs.

Art. 2. Il ne sera point imposé de plus forts ou autres droits, impôts, ou charges quelconques sur l'importation dans les Etats Unis des productions du sol ou des manufactures des états de Sa Majesté le Roi de Suède et de Norvége, ni sur l'importion dans états de Sa Majesté le Roi de Suède et de Norvége des productions du sol ou des manufactures des Etats Unis, que ceux auxquels seraient assujettis les mêmes articles dans chacun des deux pays respectifs, si ces denrées étaient le produit du sol ou des manufactures de tout autre pays. Le même principe sera aussi observé pour l'exportation, en sorte que dans chacun des deux pays respectifs les articles qui seront exportés pour l'autre ne pourront être chargés d'aucun droit, impôt, ou charge quelconque plus fort ou autre que ceux auxquels seraient assujettis les mêmes articles s'ils étaient exportés pour tout autre pays quelconque.

Il ne sera non-plus imposé aucune prohibition, ni sur l'exportation ni sur l'importation d'aucun article provenant du sol ou des manufactures des Etats Unis, ou des pays de Sa Majesté le Roi de Suède et de Norvége, dans ou hors les dits Etats Unis, et dans ou hors les dits pays de Sa Majesté le Roi de Suède et de Norvége, qui ne s'étende également à toutes les autres nations.

Les vaisseaux des Etats Unis d'Amérique arrivant sur leur lest, ou important dans les états de Sa Majesté le Roi de Suède et de Norvége des produits du sol ou de l'industrie de leur pays, ou exportant des états de Sa Majesté Suédoise et Norvégienne les produits du sol ou de l'industrie nationale des dits états, ne seront tenus à payer, ni pour les vaisseaux, ni pour les cargaisons, aucuns droits, impôts, ou charges quelconques, plus forts ou autres que ceux que payeraient dans le même cas les vaisseaux des états de Sa Majesté le Roi de Suède et de Norvége; et, *vice versa*, les vaisseaux des états de Sa Majesté le Roi de Suède et de Norvége qui arrivent sur leur lest, ou qui importent dans les Etats Unis d'Amérique des productions du sol ou de l'industrie nationale de la Suède et de la Norvége, ou qui exportent des Etats Unis des produits du sol ou de l'industrie de ces pays, ne payeront ni pour les vaisseaux ni pour les cargaisons aucuns droits, impôts, ou charges quelconques, autres ou plus forts que ceux qui seraient payés si ces mêmes denrées etaient transportées par des vaisseaux des Etats Unis, respectivement.

Ce qui est statué ci-dessus s'étendra aussi à la colonie Suédoise de S. Barthélemy, tant par rapport aux droits et avantages dont les vaisseaux des Etats Unis jouiront dans ses ports que par rapport à ceux dont les vaisseaux

name, to conclude a treaty, to wit: The President of the United States Jonathan Russell, a citizen of the said United States, and now their minister plenipotentiary at the court of Stockholm; and His Majesty the King of Sweden and Norway his excellency the Count Laurent d'Engestrom, his Minister of State for Foreign Affairs, Chancellor of the University of Lund, knight commander of the orders of the King, knight of the orders of Charles XIII., grand cross of the orders of St. Etienne of Hungary, of the Legion of Honor of France, of the Black Eagle and of the Red Eagle of Prussia; and the Count Adolphe George de Morner, his Counsellor of State, and commander of the order of the Polar Star; and the said plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

Article 1. There shall be between all the territories under the dominion of the United States of America and of His Majesty the King of Sweden and Norway a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers within the territories of the other, into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations shall enjoy in the other the most complete security and protection for the transaction of their business, being bound alone to conform to the laws and statutes of the two countries, respectively.

Art. 2. No other or higher duties, imposts, or charges whatsoever shall be imposed on the importation into the territories of His Majesty the King of Sweden and Norway of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of territories of His Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture of any other country. The same principle shall likewise be observed in respect to exportation in such manner, that in each of the two countries, respectively, the articles which shall be exported for the other cannot be charged with any duty, impost, or charge whatsoever higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Nor shall any prohibition be imposed on the exportation or importation of any article the growth, produce, or manufacture of the territories of His Majesty the King of Sweden and Norway, or of the United States, to or from the said territories of His Majesty the King of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their country, or exporting from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or cargoes, any other or higher duties, imposts, or charges whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, *vice versa*, the vessels of the United States arriving in ballast, or importing into the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

That which is here above stipulated shall also extend to the Swedish colony of St. Bartholomew, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports as in relation to those which the vessels of the colony shall enjoy in the

de la colonie jouiront dans les ports des Etats Unis: bien entendu que les propriétaires soyent colons établis et naturalisés à S. Barthélemy, et qu'ils y ayent fait naturaliser leurs vaisseaux.

Art. 3. Sa Majesté le Roi de Suède et de Norvége consent que tous les articles qui sont le produit du sol ou des manufactures des Indes Occidentales, et dont l'entrée est permise dans des vaisseaux Suédois ou Norvégiens, soit que ces marchandises viennent directement ou indirectement des dites Indes, puissent aussi être importés dans ses états par des vaisseaux des Etats Unis; et qu'alors il ne sera payé ni pour les dits vaisseaux, ni pour les cargaisons, de droits, impôts, ou charges quelconques, plus forts ou autres que ceux qui seraient payés par des vaisseaux Suédois ou Norvégiens dans le même cas, avec une addition seulement de dix pour cent sur les dits droits, impôts, ou charges, et pas davantage.

Pour éviter tout mésentendu à cet égard, il est ici expressément déclaré, que la dénomination d'Indes Occidentales doit être prise dans le sens le plus étendu, en y comprenant toute cette partie du monde, soit îles ou terre ferme, qui de tout temps a été appelée Indes Occidentales, en opposition avec cette autre partie du monde appelée Indes Orientales.

Art. 4. De leur côté, les Etats Unis d'Amérique consentent à ce que tous les articles qui sont les produits du sol ou des manufactures des pays qui bordent ou environent la mer Baltique, et dont l'entrée est permise dans les vaisseaux des Etats Unis, soit que ces denrées viennent directement ou indirectement de la Baltique, puissent aussi être importés de même dans les Etats Unis par des vaisseaux Suédois ou Norvégiens; et qu'alors il ne sera payé ni pour les dits vaisseaux ni pour les cargaisons de droits, impôts, ou charges quelconques plus forts ou autres que ceux qui seraient payés par des vaisseaux des Etats Unis dans le même cas, avec une addition de dix pour cent sur les dits droits, impôts, ou charges, et pas davantage.

Afin de prévenir tout incertitude à l'égard des droits, impôts, ou charges quelconques, que devrait payer un vaisseau appartenant aux citoyens ou sujets de l'une des parties contractantes, et arrivant dans les ports de l'autre avec une cargaison qui consisterait en partie des produits du sol ou des manufactures du pays auquel le vaisseau appartiendrait, et en partie de quelques autres marchandises, dont l'importation est permise au dit vaisseau par les articles précédens, il est convenu, qu'en cas d'une cargaison ainsi mélée, le dit vaisseau payera toujours les droits, impôts, ou charges, suivant la nature de cette partie de la cargaison qui est sujette aux plus gros droits, tout comme si le vaisseau n'eut apporté que cette seule espèce de marchandises.

Art. 5. Les hautes parties contractantes s'accordent mutuellement la faculté d'entretenir dans les ports et places de commerce de l'autre des consuls, vice-consuls, ou agens de commerce, qui jouiront de toute la protection et assistance nécessaire pour remplir duement leurs fonctions; mais il est ici expressément déclaré, que dans le cas d'une conduite illégale ou impropre envers les lois ou le Gouvernement du pays auquel il est envoyé, le dit consul, vice-consul, ou agent, pourra ou être puni conformément aux lois, ou être mis hors de fonction, ou renvoyé par le Gouvernement offensé, celui-ci en donnant les raisons à l'autre: bien entendu, cependant, que les archives et documens relatifs aux affaires du consulat seront à l'abri de toute recherche, et devront être soigneusement conservés, étant mis sous le scellé du dit consul et de l'autorité de l'endroit où il aura résidé.

Les consuls ou leurs suppléans auront le droit, comme tels, de servir de juges at d'arbitres dans les différends qui pourraient s'élever entre les capitaines et les équipages des vaisseaux de la nation dont les affaires sont confiées à leurs soins. Les Gouvernemens respectifs n'auront le droit de se mêler de ces sortes d'affaires qu'en tant que la conduite des équipages ou du capitaine troublerait l'ordre et la tranquillité dans le pays où le vaisseau se trouve, ou que le consul du lieu se verrait obligé d'appeler l'intervention du pouvoir exécutif pour faire respecter ou maintenir sa décision; bien entendu que cette espèce de jugement ou d'arbitrage ne saurait,

ports of the United States, provided the owners are inhabitants of St. Bartholomew, are there established and naturalized, and shall have there caused their vessels to be naturalized.

Art. 3. His Majesty the King of Sweden and Norway agrees that all articles the growth, produce, or manufacture of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported directly or indirectly from the said Indies, may likewise be imported into its territories in vessels of the United States; and there shall not be paid, either for said vessels or the cargoes, any higher or other duties, imposts, or charges whatsoever than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether main land or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

Art. 4. The United States of America, on their part, agree that all articles the growth, produce, or manufacture of the countries surrounding the Baltic sea, or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported directly or indirectly from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts, or charges whatsoever which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay, on arriving in the ports of the other with a cargo consisting partly of articles the growth, produce, or manufacture of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permitted to import by the preceding articles, it is agreed, that in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.

Art. 5. The high contracting parties grant mutually the liberty of having, in the places of commerce and ports of the other, consuls, vice-consuls, or commercial agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that, in case of illegal or improper conduct in respect to the laws or Government of the country to which they are sent, the said consul, vice-consul, or agent, may be either punished according to law, dismissed, or sent away by the offended Government, that Government assigning to the other the reasons therefor. It is, nevertheless, understood that the archives and documents relative to the affairs of the consulate shall be protected from all examination, and shall be carefully preserved, being placed under the seal of the consul and of the authority of the place where he shall have resided.

The consuls or their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are intrusted to their care. The respective Governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the vessel may be, or that the consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained;

pourtant, priver les parties contendantes du droit qu'elles ont à leur retour de recourir aux autorités judiciaires de leur patrie.

Art. 6. Afin de prévenir toute dispute ou incertitude à l'égard de ce qui devra être réputé comme étant le produit du sol ou des manufactures des parties contractantes, respectivement, il est convenu que ce qui aura été désigné ou spécifié comme tel dans l'expédition que le chef ou l'intendant de la douane aura donnée aux vaisseaux qui sortiront des ports Européens des états de Sa Majesté le Roi de Suède et de Norvége sera reconnu et admis comme tel dans les Etats Unis; et que de même, ce qui le chef ou collecteur de la douane dans les ports des Etats Unis aura désigné et spécifié comme étant le produit du sol ou des manufactures des Etats Unis sera admis et reconnu comme tel dans les états de Sa Majesté le Roi de Suède et de Norvége. La spécification ou désignation donnée par le chef de la douane dans les colonies de Sa Majesté le Roi de Suède et de Norvége, et certifiée par le gouverneur de la colonie d'où l'exportation aura été faite, sera regardée comme preuve suffisante de l'origine des articles ainsi désignés ou spécifiés, pour qu'ils soyent admis à ce titre dans les ports des Etats Unis.

Art. 7. Les citoyens ou sujets de l'une des parties contractantes, arrivant avec leurs vaisseaux à l'une des côtes appartenantes à l'autre, mais ne voulant pas entrer dans le port, ou, après y être entrés, ne voulant pas décharger quelque partie de la cargaison ou déranger quelque chose du chargement, auront la liberté de partir et de poursuivre leur voyage sans être en quelque sorte molestés ou obligés de rendre compte du contenu de la cargaison, et sans payer d'autres droits, impôts, ou charges quelconques pour les vaisseaux ou la cargaison que les droits de pilotage, (quand on s'est servi d'un pilote,) et ceux pour le quayage ou pour l'entretien des fanaux là, où ces mêmes droits sont perçus sur les nationaux dans le même cas; bien entendu, cependant, que lorsque des vaisseaux appartenans aux citoyens ou sujets de l'une des parties contractantes se trouveraient dans l'enceinte de la jurisdiction de l'autre, ils se conformeront aux réglemens et ordonnances concernant la navigation, et les places ou ports dans lesquels on peut aborder, qui sont en vigueur à l'égard des nations les plus favorisées; et il sera permis aux officiers de douane dans les districts desquels les dits vaisseaux se trouvent de les visiter, de rester à bord, et de prendre telles précautions que peuvent être nécessaires pour prévenir tout commerce illicite pendant que les mêmes vaisseaux restent dans l'enceinte de cette même jurisdiction.

Art. 8. Il est aussi convenu, que les vaisseaux de l'une des parties contractantes, étant entrés dans les ports de l'autre, ils pourront se borner à ne décharger qu'une partie de leur cargaison selon que le capitaine ou propriétaire le désire, et qu'ils pourront s'en aller librement avec le reste de la cargaison sans payer de droits, impôts, ou charges quelconques que pour la partie qui aura été mise à terre, et qui sera marquée et biffée sur la liste ou la manifeste contenant l'énumération des effets que le vaisseau aura du apporter; laquelle liste devra toujours être présentée en entier à la douane au lieu où le vaisseau aura abordé. Il ne sera rien payé pour la partie de la cargaison que le vaisseau aura emporté, et avec laquelle il pourra continuer sa route pour un ou plusieurs autres ports du même pays dans lesquels l'entrée est permise aux vaisseaux des nations les plus favorisées, et y disposer du reste de sa cargaison en payant les droits qui y sont attachés; ou bien il pourra s'en aller avec la cargaison qui lui reste pour les ports de quelque autre pays. Il est, cependant, entendu que les droits, impôts, ou charges quelconques qui sont payables pour le vaisseau même doivent être acquittés dans le premier port où il rompt le chargement et en décharge une partie, et qu'aucuns droits ou impositions pareils ne seront demandés de nouveau dans les ports du même pays, où le dit vaisseau pourra vouloir entrer après, à moins que les nationaux ne soyent sujets à quelques droits ultérieurs pour le même cas.

it being, nevertheless, understood that this kind of judgment or award shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

Art. 6. In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, and manufacture of the contracting parties, respectively, it is agreed, that whatever the chief or intendant of the customs shall have designated and specified as such, in the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway.

The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated, to obtain for them admission into the ports of the United States accordingly.

Art. 7. The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or, being entered into port, and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges whatsoever on the vessels or cargo, excepting only the dues of pilotage, (when a pilot shall have been employed,) or those of quayage, or light money, whenever those dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which they may be permitted to enter, which are in force with regard to the citizens or subjects of the country; and it shall be lawful for the officers of the customs, in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

Art. 8. It is also agreed, that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favored nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood, that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

ART. 9. Les citoyens ou sujets de l'une des parties contractantes jouiront dans les ports de l'autre, tant pour leurs vaisseaux que pour leurs marchandises, de tous les droits et facilités d'entrepôt dont jouissent les nations le plus favorisées dans les mêmes ports.

ART. 10. Au cas que quelque vaisseau appartenant à l'un des deux états, ou à leurs citoyens et sujets, aura échoué, fait naufrage, ou souffert quelque autre dommage sur des côtes de la domination de l'une des deux parties contractantes, il sera donné toute aide et assistance aux personnes naufragées, ou qui se trouvent en danger, et il leur sera accordé des passeports pour assûrer leur retour dans leur patrie. Les navires et marchandises naufragés, ou leur provenu, si les effets eussent été vendus, étant reclamés dans l'an et jour par les propriétaires, ou leur ayant-cause, seront restitués en payant les mêmes frais du sauvement conformément aux lois et coutumes des deux nations que payeraient les nationaux dans le même cas. Les Gouvernemens respectifs veilleront à ce que les compagnies qui sont ou pourront être instituées pour sauver les personnes et effets naufragés, ne se permettent point de vexations ou actes arbitraires.

ART. 11. Il est convenu que les vaisseaux qui arrivent directement des Etats Unis à un port de la domination de Sa Majesté le Roi de Suède et de Norvége, ou des pays de sa dite Majesté en Europe à un port des Etats Unis, et qui sont pourvus d'un certificat de santé donné par l'officier compétent à cet égard du port d'où le vaisseau est sorti, et assurant qu'aucune maladie maligne ou contagieuse n'existait dans ce port, ne seront soumis à aucune autre quarantine que celle qui sera nécessaire pour la visite de l'officier de santé du port où le vaisseau est arrivé; après laquelle il sera permis au vaisseau d'entrer immédiatement et de décharger sa cargaison; bien entendu toujours qu'il n'y ait eu personne à bord du vaisseau qui s'est trouvé attaqué pendant le voyage d'une maladie maligne ou contagieuse, et que la contrée d'où vient le vaisseau ne soit pas à cette époque si généralement regardée comme infectée ou suspectée qu'on ait été obligé de donner auparavant une ordonnance par laquelle tous les vaisseaux qui viendraient de ce pays seraient regardés comme suspectés, et soumis à la quarantine.

ART. 12. Le traité d'amitié et de commerce, conclu à Paris, en 1783, par les plénipotentiaires des Etats Unis et de Sa Majesté le Roi de Suède, est renouvellé et mis en vigueur par le présent traité, pour tout ce qui est convenu dans les articles deux, cinq, six, sept, huit, neuf, dix, onze, douze, treize, quatorze, quinze, seize, dix-sept, dix-huit, dix-neuf, vingt-un, vingt-deux, vingt-trois, et vingt-cinq du dit traité, ainsi que les articles séparés un, deux, quatre, et cinq, qui furent signés le même jour par les mêmes plénipotentiaires; et les articles désignés seront regardés comme ayant force et vigueur tout comme s'ils étaient ici insérés mot à mot: bien entendu, que les stipulations contenues dans les articles précités seront toujours censées ne rien changer aux conventions précédemment conclues avec d'autres nations amies et alliées.

ART. 13. Vu l'éloignement des pays respectifs des deux hautes parties contractantes, et l'incertitude qui en résulte sur les divers événemens qui peuvent avoir lieu, il est convenu qu'un bâtiment marchand appartenant à l'une des parties contractantes, et se trouvant destiné pour un port qui serait supposé bloqué au moment du départ de ce bâtiment, ne sera cependant pas capturé ou condamné pour avoir essayé une première fois d'entrer dans le dit port, à moins qu'il ne puisse être prouvé que le dit bâtiment ait pu et du apprendre, en route, que l'état de blocus de la place en question continuait; mais les bâtimens qui, après avoir été renvoyés une fois, essayeraient pendant le même voyage d'entrer une seconde fois dans le même port ennemi, durant la continuation du blocus, se trouveront alors sujets à être détenus et condamnés.

ART. 14. Le présent traité, dès qu'il aura été ratifié par le Président des Etats Unis, par et avec l'avis et

ART. 9. The citizens or subjects of one of the contracting parties shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepot which are enjoyed by the most favored nations in the same ports.

ART. 10. In case any vessel belonging to either of the two States, or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being claimed in a year and a day by the owners or their attorney, shall be restored, on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective Governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

ART. 11. It is agreed that vessels arriving direct from the United States at a port under the dominion of His Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived; but shall, after such visit, be permitted immediately to enter and discharge their cargoes: ***Provided, always***, That there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected or suspected that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected, and subjected to quarantine.

ART. 12. The treaty of amity and commerce concluded at Paris, in 1783, by the plenipotentiaries of the United States and of His Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same plenipotentiaries; and the articles specified shall be considered to have as full force and vigor as if they were inserted word for word: ***Provided, nevertheless***, That the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

ART. 13. Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant vessel belonging to one of the contracting parties, and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade; but vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

ART. 14. The present treaty, when the same shall have been ratified by the President of the United States,

le consentement du Sénat, et par Sa Majesté le Roi de Suède et de Norvége, restera en vigueur, et sera obligatoire pour les Etats Unis et Sa Majesté le Roi de Suède et de Norvége, pendant l'espace de huit ans, à compter de l'échange des ratifications; et celles-ci seront échangées dans huit mois après la signature de ce traité, et plutôt si faire se peut.

En foi de quoi, les plénipotentiaires respectifs ont signé le présent traité, et y ont apposé le cachet de leurs armes. Fait à Stockholm, le quatre Septembre, l'an de Grâce mil huit cent seize.

JONA. RUSSELL,
LE COMTE D'ENGESTROM,
LE COMTE A. G. DE MORNER.

by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and His Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present treaty, and have thereunto set the seal of their arms. Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

JONA. RUSSELL,
LE COMTE D'ENGESTROM,
LE COMTE A. G. DE MORNER.

14th CONGRESS.] No. 285. [2d SESSION.

NEUTRAL OBLIGATIONS.

COMMUNICATED TO CONGRESS, DECEMBER 26, 1816.

WASHINGTON, *December* 26, 1816,

To the Senate and House of Representatives of the United States:

It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace towards belligerent parties, and other unlawful acts on the high seas, by armed vessels equipped within the waters of the United States.

With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment, with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions, and of a private commerce in military stores permitted by our laws, and which the law of nations does not require the United States to prohibit.

JAMES MADISON.

[The following documents, relating to the subject referred to in the above message, were laid before the House of Representatives, by Mr. Forsyth, chairman of the Committee on Foreign Relations.]

Mr. Forsyth to the Secretary of State.

SIR: JANUARY 1, 1817.

I am instructed by the Committee of Foreign Relations to inquire what information has been given to the Department of State of violations, or intended violations, of the neutral obligations of the United States to foreign Powers, by the arming and equipment of vessels of war in our ports; what prosecutions have been commenced under the existing laws to prevent the commission of such offences; what persons prosecuted have been discharged, in consequence of the defects of the laws now in force; and the particular provisions that have been found insufficient, or for the want of which persons deserving punishment have escaped.

I have the honor to be, &c.

JOHN FORSYTH,
Chairman Committee Foreign Relations.

Hon. JAMES MONROE.

Secretary of State to Mr. Forsyth.

SIR: DEPARTMENT OF STATE, *January* 6, 1817.

Having communicated to you, verbally, the information asked for by your letter of the 1st instant, except so far as relates to the last inquiry it contains, I have now the honor to state, that the provisions necessary to make the laws effectual against fitting out armed vessels in our ports, for the purpose of hostile cruising, seem to be—

1st. That they should be laid under bond not to violate the treaties of the United States, or the obligations of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot, including the cases of vessels taking on board arms and munitions of war, applicable to the equipment and armament of such vessels, subsequent to their departure.

2d. To invest the collectors, or other revenue officers where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the law: the detention to take place until the order of the Executive, on a full representation of the facts had thereupon, can be obtained. The statute book contains analogous powers to this above suggested. (See particularly the eleventh section of the act of Congress of April 25, 1808.)

The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive, where there is reason to suspect an intention to

commit the offence. They rest upon the general footing of punishing the offence merely where, if there be full evidence of the actual perpetration of the crime, the party is handed over, after the trial, to the penalty denounced.

I have the honor to be, &c. JAMES MONROE.

Hon. JOHN FORSYTH, *Chairman Com. Foreign Relations.*

Secretary of State to Mr. Forsyth.

SIR: DEPARTMENT OF STATE, *January* 10, 1817.

In addition to the letter which I wrote to you on the 6th, in reply to the one which you wrote to me on the 1st instant, I have the honor to state, that information has been received at this Department, from various sources, that vessels have been armed and equipped in our ports for the purpose of cruising against the commerce of nations in amity with the United States, and no doubt is entertained that this information was in some instances correct. The owners of these vessels have, however, generally taken care so to conceal these armaments and equipments, and the object of them, as to render it extremely difficult, under existing circumstances, to prevent or punish this infraction of the law. It has been represented—

1st. That vessels belonging to citizens of the United States, or foreigners, have been armed and equipped in our ports, and have cleared out from our custom-houses, as merchant vessels; and, after touching at other ports, have hoisted the flag of some of the belligerents, and cruised under it against the commerce of nations in amity with the United States.

2dly. That in other instances, other vessels, armed and equipped in our ports, have hoisted such flags after clearing out and getting to sea, and have, in like manner, cruised against the commerce of nations in amity with the United States, extending their depredations, in a few cases, to the property of citizens of the United States.

3dly. That in other instances, foreign vessels have entered the ports of the United States, and, availing themselves of the privileges allowed by our laws, have, in various modes, augmented their armaments, with pretended commercial views; have taken on board citizens of the United States, as passengers, who, on their arrival at neutral ports, have assumed the character of officers and soldiers in the service of some of the parties in the contest now prevailing in our southern hemisphere.

Information, founded upon these representations, has from time to time been given to the attorneys and collectors of the respective districts in which the armaments are stated to have been made; but, from the difficulty of obtaining the necessary evidence to establish facts on which the law would operate, few prosecutions have been instituted.

In reply to your second inquiry, I beg leave to refer to the communication from the Secretary of the Treasury to the Committee of Ways and Means, during the last session of Congress, in the case of the "American Eagle," and to the papers enclosed herewith.

I have the honor to be, &c. JAMES MONROE.

Hon. JOHN FORSYTH, *Chairman Com. Foreign Relations.*

Extract of a letter from John Dick, Esq., Attorney of the United States for the district of Louisiana, to the Secretary of State, dated

MARCH 1, 1816.

Attempts to violate the laws, by fitting out and arming, and by augmenting the force of vessels, have no doubt been frequent; but certainly in no instance successful, except where conducted under circumstances of concealment that eluded discovery, and almost suspicion; or where carried on at some remote part of the coast, beyond the reach of detection or discovery. In every instance where it was known that these illegal acts were attempting, or where it was afterwards discovered that they had been committed, the persons engaged, as far as they were known, have been prosecuted, while the vessels fitted out, or attempted to be fitted out, have been seized and libelled under the act of the 5th of June, 1794; and when captures have been made by vessels thus fitted out and armed, or in which their force was augmented or increased within our waters, where the property taken was brought within our jurisdiction, or even found upon the high seas by our cruisers and brought in, it has been restored to the original Spanish owners, and, in some instances, damages awarded against the captors.

An enumeration of the cases in which individuals have been prosecuted for infringing, or attempting to infringe, our neutrality, in aid of the Governments of New Spain, and in which vessels have been seized and libelled, under the act of the 5th June, 1794, together with a list of the vessels and property restored to the original Spanish owners, (confining the whole to the operations of the year commencing March, 1815, and ending February, 1816,) will show more conclusively, perhaps, than any thing else can, how totally without foundation are the complaints, and how misplaced are the assertions of the minister of Spain on this head.

The names of individuals prosecuted in the district court of the United States for the Louisiana district, during the year 1815, *for violating, or attempting to violate, the neutrality of the United States, in aid of the Governments of the United Provinces of New Grenada and of the United Provinces of Mexico.*

José Alvarry Toledo,
Julius Cæsar Amigone,
Vincent Gambie,
John Robinson,
Romain Very,
Pierre Lameson,
Bernard Bourden.

List of vessels libelled for illegal outfits of the same Governments during the same period.

Brig Flora Americana, restored.
Schooner Presidente, condemned.
Schooner Petit Melan, condemned.
Schooner General Bolivar, discontinued.
Schooner Eugenen, alias Indiana, condemned.
Schooner Two Brothers, restored.

Enumeration of vessels and property brought within the Louisiana district, captured under the flags and by authority of the Governments of New Grenada and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground that the capturing vessels had been fitted out and armed, or had their force augmented, within the waters of the United States.

1. Schooner Cometa, restored April, 1815.
2. Schooner Dorada, proceeds restored 16th May, 1815, $3,050.
3. Schooner Amiable Maria, $3,850.
4. Schooner Experimento, restored 3d August.
5. The polacre brig De Regla and cargo, proceeds restored 18th December, 1815, $19,209 50.

6. Schooner Alerta and cargo, being the proceeds of the capture of about eighteen small vessels, restored 18th December, 1815, $62,150 05.

Damages awarded to the original owners against the captors in the two foregoing cases, $55,272 99.

7. Cargo of the schooner Petit Melan, restored 1st February, 1816, $2,444 31.

8. Cargo of the schooner Presidente, 1st February, 1816, $10,931 15.

9. Schooner Sante Ritor and cargo, restored 1st February, 1816, $37,962 94.

The preceding account of Spanish property restored to the original proprietors, after being in the possession of the enemies of Spain, is defective, inasmuch as it does not comprehend the whole of the cases of restoration that have taken place within the period to which the detail is confined. The very hasty manner in which I have made this communication did not admit of a more accurate statement. The principal cases, however, are included in it.

In several other cases, where the property was claimed for the original Spanish owners, the claims were dismissed, because it did not appear that any violation of our neutrality had taken place. The capturing vessels were not armed, nor was their force augmented within our jurisdiction, nor had the captures been made within a marine league of our shore. The principles that guided the decisions of the court, as well in restoring the property captured, where our neutral means had been used, as in declining all interference where that was not the case, manifest, I think, a disposition to, and an exercise of, the most rigid neutrality between the parties.

If the whole of this letter is not an act of supererogation, to dwell longer upon those parts of the correspondence of the Chevalier De Onis which relate to Louisiana would at least be so considered.

Mr. Glenn to the Secretary of State.

SIR: BALTIMORE, *September* 7, 1816.

Immediately upon the receipt of your letters of the 16th of August, I obtained from the collector of this port an affidavit, stating that Thomas Taylor had, in April last, sworn that he was a citizen of the United States, and, as such, had cleared out the schooner Romp, which vessel the collector also declared, on oath, he believed to have cruised against the vessels of the King of Spain since that time. Upon which affidavit, an intelligent justice of the peace of this city, well disposed, upon the score of political feeling, to do as much as justice required towards the punishment of Taylor for his conduct, issued a warrant, by virtue of which Taylor was arrested. Upon its return, I appeared before the justice, (whose name is John Dougherty,) and presented all the documents which were sent to me in company with your letter, which were read and received as evidence by him. I also caused a sailor, who had served on board the Romp, and who was at that time in hospital at this place, to be summoned, as also the editor of the "American" newspaper, in which Taylor's letter had appeared, bearing date at "Baltimore, the 10th of July, 1816;" all of whom were examined, on oath, before the justice. The sailor was cautioned not to criminate himself, upon which he refused to answer any question. Mr. Murphy, one of the editors of the American, declared, on oath, that he had no authority whatever from Taylor to publish the letter which bore his signature, but that he had taken the same, of his own accord, as an article of intelligence, from a newspaper printed in Charleston. I was not, you will perceive, in the slightest degree assisted in my case by the examination of these witnesses. I, however, urged before the justice that the depositions laid a sufficient ground of probable cause of suspicion against Taylor, when connected with the affidavit of the collector. I also produced some authority to show that Taylor ought to be committed. Whereupon the justice desired until yesterday morning to consider upon the case, and requested that the marshal might be present at the time of his decision, which accordingly took place. The justice has, notwithstanding all these circumstances, actually discharged Taylor, upon the ground, as he states, that he could not find there was any probable cause to believe he was concerned with, or advised Squire Fisk, to commit the acts of piracy which were committed by him on his late cruise, and as Taylor never was on board the Romp from the time she left Baltimore. Thus ended this case, as far as I have gone.

Judge Houston will be here in one or two days to hold a district court. Upon his arrival, I shall lay all the proofs before him, and claim from him a warrant, which I presume he will grant without hesitation, the issue of which shall be communicated to you without delay.

As the editors of the American and Patriot tell me they copied the letter written by Taylor, bearing date the 10th July, 1816, from the Savannah Republican or the Charleston Patriot, unless I can procure the testimony of one of these editors to prove that Taylor actually gave them that letter for publication, I do not see how he is to be implicated criminally with Fisk. If Judge Houston should take cognizance of the case, I will, at all events, be glad to have the witnesses who were examined in Virginia here on the 7th of November next, to give evidence before the grand jury which will be summoned to attend the circuit court.

In this case, there are a variety of circumstances tending to show Taylor's co-operation with and assistance to Fisk; but none, I fear, sufficiently conclusive to convict him, unless we can prove the authenticity of his letter of instructions, which can only be done by procuring his orders to publish his last letter, which admits the authenticity of the first.

I enclose to you four letters which have been lately received by me from the Spanish consul here, as also my answer to them. I shall be happy to hear that I have, in all these affairs, acted in such a manner as to meet your approbation.

I have the honor, &c. ELIAS GLENN.

Hon. JAMES MONROE, *Secretary of State.*

14th CONGRESS.] No. 286. [2d SESSION.

GREAT BRITAIN—DISCRIMINATING DUTIES.

COMMUNICATED TO CONGRESS, FEBRUARY 3, 1817.

To the Senate and House of Representatives of the United States: FEBRUARY 3, 1817.

The Government of Great Britain, induced by the posture of the relations with the United States which succeeded the conclusion of the recent commercial convention, issued an order on the 17th day of August, 1815, discontinuing the discriminating duties payable in British ports on American vessels and their cargoes. It was not

until the 22d of December following that a corresponding discontinuance of discriminating duties on British vessels and their cargoes in American ports took effect, under the authority vested in the Executive, by the act of March, 1816. During the period between those two dates, there was, consequently, a failure of reciprocity or equality in the existing regulations of the two countries. I recommend to the consideration of Congress the expediency of paying to the British Government the amount of the duties remitted during the period in question to the citizens of the United States, subject to a deduction of the amount of whatever discriminating duties may have commenced in British ports after the signature of that convention, and been collected previous to the 17th of August, 1815.

JAMES MADISON.

14th Congress.] No. 287. [2d Session.

GREAT BRITAIN—DEPORTATION OF SLAVES.

COMMUNICATED TO THE SENATE, FEBRUARY 7, 1817.

To the Senate of the United States: FEBRUARY 7, 1817.

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 28th of last month.

JAMES MADISON.

DEPARTMENT OF STATE, *February* 5, 1817.

The Secretary of State, to whom has been referred the resolution of the Senate of the 28th of last month, requesting the President to cause to be laid before the Senate such information as he may possess touching the execution of so much of the first article of the late treaty of peace and amity between His Britannic Majesty and the United States of America as relates to the restitution of slaves, has the honor to submit to the President the accompanying papers, marked A, B, C, D, and E, as containing all the information in this Department supposed to be called for by the said resolution.

All which is respectfully submitted.

JAMES MONROE.

A.

Extract of a letter from the Secretary of State to Mr. Adams, dated

MAY 11, 1815.

I am sorry to have to state that the British naval commanders have construed the stipulation in the treaty not to carry off with their forces the slaves whom they had taken from our citizens differently from this Government. My correspondence with Mr. Baker, of which a copy is enclosed, will show the ground of this difference, which appears to be so decidedly in favor of the United States, that it has excited surprise that it should have existed; and still greater that the British officers should have acted on their construction, by removing the slaves in question. Mr. Baker makes a distinction between the slaves who were in British ships of war in our waters, and those who were in the posts held by their forces at the time of the exchange of the ratifications of the treaty, but I think without reason. It seems to have been the intention of the parties, and to be the clear import of the article, that they should carry off no slaves that were then within our limits. They were as much in the possession and under the authority of the British commanders in the forts, or other places held by their troops on the land, as in their vessels. It was as much a carrying away in the one instance as in the other; and the injury to the proprietors of the slaves was the same. In short, I see no ground for such a distinction. The United States have a right either to the restitution of all these slaves, or to compensation for their loss. I shall forward to you, without delay, a list of those thus removed, with an estimate of their value; the payment of which, if the slaves themselves are not restored, you will claim of the British Government.

[Enclosed in the preceding.]

The Secretary of State to Mr. Baker, Chargé d'Affaires of His Britannic Majesty.

SIR: APRIL 1, 1815.

I regret to have to state that the commanders of His Britannic Majesty's naval forces in the Chesapeake, and on Cumberland island, and other islands off the southern coast, have construed the stipulation in the first article of the treaty of peace, lately concluded between the United States and Great Britain, very differently from what is thought to be a just construction of it by this Government. They comprise slaves, and other private property, under the same regulation with artillery, and other public property, and contend that none ought to be restored except such as were, at the time of the exchange of the ratifications of the treaty, in the forts and places where they were originally taken.

By the first article of the treaty it is stipulated "that all territory, places, and possessions whatsoever, taken from either party by the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

A very obvious distinction exists between private and public property; and there may be a strong and obvious motive for destroying the one, when there can be none for destroying the other. It frequently happens, in surrendering territory by a treaty of peace, that the party withdrawing stipulates a right to destroy the fortifications

in its possession, and to carry away or destroy the artillery and munitions of war in them; but it is believed that no example can be found of a stipulation to authorize the destruction of private property of any kind, especially slaves. Equally strange would a stipulation be not to destroy them.

The terms of the article preserve this distinction between public and private property in a guarded manner. All territory, places, and possessions, with a particular exception, shall be restored, without destroying or carrying away any of the artillery or other public property originally captured in the said forts or places, and which remain there upon the exchange of ratifications. So far the stipulation acts upon proper subjects, and conforms to usage. Extend it to slaves and other private property, and how inconsistent and unnatural the application! Had it been intended to put slaves and other private property on the same ground with artillery and other public property, the terms "originally captured in the said forts or places, and which shall remain therein on the exchange of the ratifications of this treaty," would have followed at the end of the sentence, after "slaves and other private property." In that case, both interests, the public and the private, would have been subject to the same restraint. But, by separating them from each other, and putting the restrictive words immediately after "artillery and other public property," it shows that it was intended to confine their operation to those objects only, excluding from it "slaves and other private property."

Other consequences, equally inconsistent with the spirit and equity of the article, would follow from the construction given of it by the British naval commanders. If the slaves and other private property are placed on the same footing with artillery and other public property, the consequence must be that all will be carried away. It is believed that none of the slaves were taken in forts or other places where the British troops happened to be at the exchange of the ratifications of the treaty. By far the greater number, if not the whole, were taken from proprietors inhabiting the country bordering on the bays and rivers which empty into the Atlantic. As this fact was well known to the commissioners of both nations, it furnishes a conclusive argument against the construction contended for by the British naval commanders. It cannot be believed that the commissioners would have agreed to a stipulation which they respectively knew would produce no effect.

In supposing that all the slaves would be carried away under the construction given to this article by the British naval commanders, I have considered the term "place," in a qualified sense, synonymous with "fort," as a military station, taken by the British forces and held by them at the peace. But if it is construed in a more enlarged sense, such as the country from which the slaves were taken, none could be carried away even under that construction. That it must be construed in this enlarged sense, if applicable to slaves and other private property, is obvious from the consideration that the act of taking them removed them from the places where they were taken.

The stipulation in this article, in relation to the point in question, by a fair and just construction, appears to me to amount to this: that each party shall restore, without delay, all the territory, places, and possessions, which had been taken by it, with the exception of certain islands; that neither shall destroy or carry away artillery or public property, provided they be, at the time of the exchange of ratifications, in the forts or places in which they were originally captured; that neither shall carry away slaves or other private property. The restraint provided against the carrying away of the latter is evidently connected with the great object of the article, the restoration of territory, places, and possessions, and not with forts and places, in the qualified sense suggested; in which sense it applies to artillery and other public property only, the ordinary and proper appurtenances of forts and other military posts.

From every view which I have been able to take of this subject, I am of opinion that the United States are entitled to all the slaves and other private property which were in the possession of the British forces, within the limits of the United States, on the exchange of the ratifications of the treaty, whether they were in forts or British ships of war.

Presuming that your Government has instructed you upon this subject, and that it concurs in this construction of the article, I flatter myself that you will give directions to the British naval commanders not to carry away any of the slaves and other private property which may thus be fairly claimed by the United States.

I have the honor to be, &c. JAMES MONROE.

ANTHONY ST. JOHN BAKER, Esq., &c.

Mr. Baker to Mr. Monroe.

SIR: WASHINGTON, *April* 3, 1815.

I have had the honor to receive your letter of the 1st instant, stating that the commanders of His Majesty's naval forces have given a different construction to that part of the first article of the treaty of peace lately concluded between the two countries which relates to the restoration of slaves and private property from what is thought by the American Government to be its just construction, by making the restriction annexed to the restoration of artillery and public property likewise apply to slaves and private property; at the same time expressing your opinion that the United States are entitled to all the slaves and other private property in possession of the British forces within the limits of the United States on the exchange of the ratifications, whether they were in forts or British ships of war, and requesting, under the supposition that His Majesty's Government concurred in this construction of the article, and had furnished me with instructions accordingly, that I would give directions to the naval commanders not to carry away any of the slaves so claimed by the United States.

As I have not received any communication on the subject from the commander-in-chief on the American station, by whose orders the several naval commanders have, no doubt, been guided, I am unacquainted with the grounds on which he rests his interpretation of the words of the first article of the treaty. It is, however, not improbable that he may have imagined that it could not have been intended by the plenipotentiaries of the two countries that there should be a general prohibition against carrying away from the places restored all private property of every description, and to whomsoever belonging, found therein on the exchange of the ratifications; and that, therefore, as some limitation must have been contemplated in the case of private as well as public property, the restriction attached by the words immediately preceding to the latter, was likewise applicable to the former.

I regret to find that, by the view taken of this part of the first article, the Government of the United States claims the negroes, originally American, on board of the British ships of war which happened to be within the limits of the United States at the time of the exchange of the ratifications, as I do not conceive that it can be satisfactorily shown that this construction is sanctioned by the words of the article; and I have no hesitation in stating my belief, founded on the best means of information, that, at the time the article was framed, it was meant that the prohibition against carrying away slaves and private property should be taken in connexion with the restoration of territory, places, and possessions; and that if it had been supposed by His Majesty's plenipotentiaries at Ghent that the words were susceptible of the construction now given to them, and that a claim would be founded upon them for the delivering up of persons who had sought refuge during the war on board of British ships, their insertion would have been decidedly objected to, and others proposed.

Not being, however, in possession of any instructions from my Government upon this subject, the only step which it is in my power to take in relation to it is to transmit to England, and to the naval commander-in-chief on this station, copies of your letter; and I have no doubt that the reasoning contained in it will, in the most perfect spirit of amity, be duly and considerately examined, with the sincere desire to give that interpretation to the article in question which may be most consonant to justice and to its true and fair meaning.

I have the honor to be, &c.

ANTHONY ST. JOHN BAKER.

To the Hon. JAMES MONROE, &c.

B.

Mr. Graham to the Secretary of State.

SIR: CITY OF WASHINGTON, *February* 28, 1815.

I now enclose a copy of the correspondence between the commissioners appointed on the part of the United States to receive and make the necessary arrangements respecting the public and private property in possession of the British forces within the Chesapeake bay, to be given up under the first article of the treaty of peace between the United States and Great Britain, and Captain John Clavelle, commanding the British forces in the Chesapeake bay.

In pursuance of the arrangements therein made, Colonel Bayly has remained to take an inventory of the property and slaves, and to endeavor to ascertain, as far as practicable, to whom they belong.

I have the honor to be, &c. GEORGE GRAHAM.

The Hon. JAMES MONROE.

Messrs. Bayly, Graham, and Skinner to Mr. Clavelle.

SIR: SCHOONER ADELINE, CHESAPEAKE BAY, *February* 23, 1815.

The undersigned, commissioners appointed on the part of the United States to receive, and make all necessary arrangements concerning, the property which may be in the possession of the forces of His Britannic Majesty in the Chesapeake, or on the shores or islands thereof, and which is to be delivered up and restored, agreeably to the first article of the treaty of peace and amity between the United States and His Britannic Majesty, concluded and signed at Ghent, on the 24th day of December, 1814, have the honor to inform you, that, having exhibited to you their powers, they are now ready to proceed to execute the trust reposed in them; and they take this occasion to observe, that, under the stipulations of the first article of the said treaty, all slaves, and other private property, which may now be in possession of the forces of His Britannic Majesty within the Chesapeake, are claimed to be delivered up forthwith, and that all such as may have been removed since the 17th instant, (the day on which the exchange of the ratifications of the treaty took place,) are claimed to be restored with all convenient despatch.

We have the honor to be, &c.

THO. M. BAYLY,
GEORGE GRAHAM,
JOHN S. SKINNER.

Captain JOHN CLAVELLE,
Commander of His Britannic Majesty's forces in the Chesapeake.

Mr. Clavelle to Messrs. Bayly, Graham, and Skinner.

GENTLEMEN: H. M. SHIP ORLANDO, IN THE PATUXENT, *February* 23, 1815.

I have just had the honor of receiving your communication of this day's date, stating that you are appointed, on the part of the United States, to receive and make all necessary arrangements concerning the property which may be in possession of the forces of His Britannic Majesty in the Chesapeake, or on the shores or islands thereof, agreeably to the first article of the treaty of peace between His Britannic Majesty and the United States; and in reply I beg to state, that I understand the first article of the treaty, relative to private and public property, thus, viz: all territory, places, and possessions whatsoever, taken from either party by the other during the war, or which may have been taken after the signing this treaty, excepting only the islands hereafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public stores, or any *slaves*, or other private property *originally* captured in the said forts or places, and which shall remain *therein* upon the exchange of the ratification of this treaty.

As none of the slaves now in Tangier were captured there, I cannot feel myself at liberty to deliver them up; far less can I give up those now serving on board His Britannic Majesty's ships, as by entering into the service they made themselves free men. I shall, however, give directions that the whole of those on board the different ships, of every description, shall be discharged into this ship until I receive instructions from Rear Admiral Cockburn, to whom I shall immediately despatch a vessel.

I have the honor to be, &c.

JOHN CLAVELLE.

To Messrs. BAYLY, GRAHAM, and SKINNER.

Messrs. Bayly, Graham, and Skinner to Mr. Clavelle.

SIR: SCHOONER ADELINE, IN THE CHESAPEAKE BAY, *February* 23, 1815.

We have the honor to acknowledge the receipt of your reply to our communication of this date, and regret to find that you do not feel yourself at liberty to deliver up all slaves and other private property of the citizens of the United States, which came under your control previously or subsequently to the date of the exchange of the ratifications of the treaty concluded by the commissioners on the part of the United States and Great Britain, and still remaining within the Chesapeake, or on the shores or islands thereof.

As, however, you have put a construction upon the first article of the treaty, which, in our estimation, the terms of it do not warrant, and difficulties have arisen in the execution of our trust which were not anticipated, it becomes our duty to ask your co-operation in taking, for the mutual satisfaction of our respective Governments, an inventory of all slaves and other private property within the waters of the Chesapeake, or on the shores or islands thereof, and now in the possession of His Britannic Majesty's forces; that the difference of construction placed

upon the first article of said treaty may be satisfactorily adjusted, and its stipulations executed in good faith. We are further satisfied you will perceive the propriety of furnishing us, for the information of the proper authorities, as far as the means in your power may render it practicable, with an account of all slaves and other private property of citizens of the United States, which may have been removed from the Chesapeake, or any of the shores or islands thereof, since the date of the ratification of the treaty; and, in like manner, with an account of all artillery or other public property, if any, which was, on the date of the ratification of the said treaty, or which may still remain, within the forts or places where the same was originally captured.

We have the honor to be, &c.

THOMAS M. BAYLY,
GEORGE GRAHAM,
JOHN S. SKINNER.

Captain JOHN CLAVELLE,
Commander of His Britannic Majesty's forces, &c.

Mr. Clavelle to the American Commissioners.

GENTLEMEN: H. B. M. ship ORLANDO, IN THE PATUXENT, *February* 24, 1815.

In reply to your communication of yesterday's date, which I had the honor of receiving last evening, I beg to state that I *do* conceive the terms of the first article of the treaty of peace between His Britannic Majesty and the United States *do* admit of the construction I put on it yesterday in my note to you, and not at all applicable to the slaves now on Tangier island, or those on board His Britannic Majesty's ships under my command, now in the Chesapeake, they not having been captured "there." But, in order that every thing may be perfectly understood, and properly arranged hereafter, I shall be most happy to meet your wishes for the mutual satisfaction of our respective Governments, by ascertaining and taking an inventory of all slaves, and other private property of the citizens of the United States, within the waters of the Chesapeake, or on the shores or islands thereof, and now in the possession of His Britannic Majesty's forces.

I further state, for your information, that no slaves, or other private property, have been removed from the Chesapeake, or any of the shores or islands thereof, since the exchange of the ratifications of the treaty; nor has any artillery or other public property.

As soon as the weather is fine I shall proceed to Tangier for the purpose of assisting you in taking an inventory of the slaves, which I certainly cannot think of giving up until I receive instructions on that head, *conceiving they do not come within the limits of the first article of the treaty.*

I have the honor to be, &c.

JOHN CLAVELLE.

To the AMERICAN COMMISSIONERS, &c.

Mr. Bayly to the Secretary of State.

SIR: ACCOMAC, *April* 18, 1815.

Yesterday Captain Clavelle, with the Orlando and Madagascar frigates, and schooner Bream, sailed from near Tangier harbor for Bermuda. I enclose to you copies of my last letter to him, and his reply, upon the subject of the slaves and other property, public and private, which ought not to have been carried away.

I have the honor to be, &c.

THOMAS M. BAYLY.

The Hon. JAMES MONROE, *Secretary of State.*

SIR: ACCOMAC, *April* 13, 1815.

I am informed that you intend to-morrow to leave the Chesapeake bay, with the ships under your command; and I wish to know your determination respecting the restoration of the slaves and other property, public and private, which were captured from the United States and citizens thereof, during the late war, and which were in the waters of the Chesapeake, and islands thereof, on the day the ratification of the treaty of peace and amity between the United States and Great Britain was exchanged.

You have informed me of your visit to Mr. Baker, chargé d'affaires of His Britannic Majesty at Washington, and that you have received from Rear Admiral Cockburn his instructions; I may, therefore, except your final determination, and I hope that your construction upon the first article of this treaty of amity is such that the slaves and other property contemplated by it will not be carried away.

I have the honor to be, &c.

THOMAS M. BAYLY.

JOHN CLAVELLE, Esq., *Commanding His Britannic Majesty's ships, &c.*

SIR: H. B. M. ship ORLANDO, IN THE CHESAPEAKE, *April* 15, 1815.

In reply to your communication of the 13th instant, I beg to state that my determination is not to restore any slaves, private or public property, captured before the exchange of the ratifications of the treaty of peace between His Britannic Majesty and the United States, agreeably to my instructions from Rear Admiral Cockburn on that head.

I have the honor to be, &c.

JOHN CLAVELLE.

To T. M. BAYLY, Esq., &c.

C.

Copy of a letter from Thomas M. Newell, captain of sea-fencibles, and Thomas Spalding, to Brigadier General Floyd, dated at

SIR: SAPELO ISLAND, *March* 16, 1815.

We left Darien on Sunday, the 5th instant, and arrived at Dungeness at 4 o'clock on Monday. As we observed British troops embarking, and as we believed many slaves and much private property would be sent off with them, we determined to call upon Admiral Cockburn immediately, and to present the letters from General Pinkney and yourself, with our letter of authority. On reading General Pinkney's letter, and discovering that,

instead of a copy of the treaty of peace from the Secretary of State's office, the National Intelligencer was enclosed, Admiral Cockburn expressed much surprise; and it appeared, from his manner, that his temper was not a little ruffled by the incident. He totally denied the authority of a treaty so communicated to him. After reminding him that the Intelligencer was the state paper of the *United States* for such purposes, that in England the publication of a treaty in the Gazette would be a proper promulgation of it, and the impossibility that there would be of furnishing to every detached squadron that floated upon the sea any more authentic copy of a treaty of peace than the public papers afforded—these were the ideas brought forward, and this the language, with the exception of its being abridged. Admiral Cockburn still denied our positions, but then proposed to us that we should make a transcript of the treaty; that we should certify it to be a true copy, and should present it to him as such on the part of General Pinkney and yourself. As forms were no object, we assented to this at once. The difficulty having been got over, we thought it proper to enter immediately on the subject-matter of our mission, and requested to know of Admiral Cockburn what public property taken at Point Petre or at St. Mary's remained upon Cumberland island, in the ships near Dungeness, or in the ships then lying in the sound, of which there were many; some of these ships taken at St. Mary's, and there loaded with property taken at the same place.

As we had no instructions as to the extent of the restitution we should demand, and were left to our own judgment on the occasion, we determined to adopt the same rule in regard to private property and to slaves that we had adopted in regard to public property. We therefore demanded all the slaves and private property, of every description, taken or received at Cumberland island, at St. Mary's, or St. Simon's, and which were then on Cumberland island, or lying in the waters contiguous to the same, on board his ships, or which had been there at the ratification of the treaty of peace by the President of the United States; and, in making this demand, we were happy to find that a very great portion of the public and private property, and almost all the slaves taken or received since the British forces had been operating in Georgia, came within the limits we had prescribed to our demand. To our inquiry as to public property, and our demand as to private, Admiral Cockburn at once replied, "he had no public property; that the guns he had removed; the munitions of war he had destroyed;" but if they were there, not having been taken at Cumberland island, which place alone remained in his possession at the ratification of the treaty, they did not come within the operation of the first article of it; that, with regard to slaves and other property, he meant to adopt the same rule; "that the property and slaves taken at Cumberland, and remaining there at the ratification, would be restored; but what were taken or received from other places, although on Cumberland, or in the ships in the river or sound, would not."

It will be understood that we do not here repeat the words, but the substance, of what Admiral Cockburn said, who appeared, during the whole of this conversation, a little warm. Having discovered the construction which Admiral Cockburn was pleased to put upon the treaty, and his manner forbidding a hope of a change of opinion, Mr. Spalding thought it proper to draw his attention to the ships then lying within a hundred yards of the wharf of Dungeness, on board of which it was known some slaves were, by observing to him that the river was taken possession of at the same time that Cumberland was occupied by the British forces; that it was equally in his possession with the soil adjacent on the ratification of the treaty, and would only be restored to the United States the moment he withdrew his forces from Dungeness; that, consequently, under his own rule, the property and slaves on board those ships, originally taken at Cumberland, it was expected would partake of the quality of the property and slaves originally found on Cumberland and remaining there. To this Admiral Cockburn replied, that wherever the British flag was, there was British territory; and, by way of elucidating his position, demanded of Mr. Spalding whether if he (Admiral Cockburn) committed a murder on board of those ships in time of peace, he believed him amenable to the laws of the United States? "No, sir," said he, "I am amenable to my own Government, and to my own sovereign." To this it was replied, he was amenable to his own Government and to his own sovereign as an officer, but he was amenable to the laws of the United States as a man. And it was in turn asked whether he believed, if a murder was committed on board an American ship in the river Thames, the laws of England would not operate upon the murderer? "No, sir." "I too, sir, have studied the laws of England in my youth, and I think they would." "Then, sir, we are at issue, and it is unnecessary to say more." "If we are at issue, Admiral Cockburn, upon an abstract principle, it is of little importance. Will you please to turn over to the first article of the treaty, and we will see if we can agree upon a practical result?" This conversation is reported in its very words, that you may be possessed of the admiral's manner of reasoning and mode of thinking at our arrival; and it was closed by observing that we should address a note to him, which we hoped he would answer as soon as possible; then took our leave. The next day, the 7th instant, we called upon him, and presented a transcript of the treaty, certified by us to be a true copy, which he accepted. We then handed him the following note, (No. 1,) which, after having read, he promised to answer the morning following. And here it is proper to observe, that at the meeting, and at the many that followed it, Admiral Cockburn was calm, and his manner courteous in a high degree. During the evening of this day we understood that Admiral Sir Alexander Cochrane had arrived, and, consequently, we should not receive any answer to our note until there had been a conference between Admiral Cochrane and himself. At this delay we felt no regret, as we hoped from him, from many causes not necessary to state, a more liberal construction of the treaty. The weather was so bad that it was the 10th before this communication took place, immediately after which Admiral Cockburn transmitted to us the following note, in answer to the one we had addressed him. (No. 2.)

Finding this note was approved of in the margin by Sir Alexander Cochrane, and understanding, and even knowing from our own sight, that he had taken his departure from the coast by the time we had received this note, all attempts at demonstrating the incorrectness of the conclusion drawn by Admiral Cockburn from the first article of the treaty seemed useless; for Admiral Cockburn no longer had the power, if he had the inclination, to correct his first opinion; and we presently understood that even the small return of slaves and property embraced by his construction of the treaty was yielded with some reluctance by Sir Alexander Cochrane. We, therefore, the same evening, addressed to Admiral Cockburn the note that follows. (No. 3.) And, in the conversation which took place after the delivery of this note, it was agreed that orders would be given to restore to the owners any slaves that were received in the British camp or ships after the ratification of the treaty; and, in consequence of this understanding, orders were given to restore some slaves so situated, by Admiral Cockburn; but every means were used by the inferior officers to prevent the due execution of these orders, particularly on board the Regulus, Captain Robert Ramsay, as we were informed, and as Captain Newell himself was witness to. It was at the same time indicated to us the course which would be pursued with the slaves that had repaired to the British camp or British ships, from Florida, namely: that they should be sent to Bermuda, and there confined in a ship until the decision of the British administration was taken on their case. We have deemed it proper to communicate this as not unimportant to our own Government and our own citizens.

On the morning of the 11th an answer to our note was received, covering a list of seventy-seven negroes, a few bales of cotton, and a few horses and cattle, which were to be restored, as having been originally taken at Cumberland island, and having remained there at the ratification of the treaty. (No. 4.)

In order to place the matter in a proper light, we the same day transmitted the following answer, which closed our joint correspondence with the admiral. (No. 5.)

And here it is necessary, for understanding the last clause of our letter, to state what led to it. Mr. Spalding had suggested to Admiral Cockburn, after every other means had failed, his giving permission to claimants to go on board his ships in the offing, to obtain the voluntary return of their slaves; this he assented to with great willingness. He sent an officer with them, and, in the presence of ourselves, gave the most positive instructions to the officer to have every facility afforded them. This produced a return of thirteen slaves; six of Captain Wylly's, five of Mr. Couper's, one of Major Butler's, and one of Major Johnston's; and would have produced the return of hundreds, if it had not been for the means employed by the inferior officers to prevent their return. On the morning of the 13th instant the British flag was struck at Dungeness, and, having consulted with the many respectable gentlemen with us as to the necessity of the occasion, we called upon Captain Massias for an officer and twenty-five men to be sent to Dungeness, to prevent, as far as possible, fugitive slaves still joining the British ships that were yet in the offing, and were to remain so for two or three days.

Mr. Spalding then addressed the following letter to Admiral Cockburn, and followed Captain Newell, who had already taken his departure. (No. 6.)

Having thus, sir, closed the mission with which we were charged by General Pinkney and yourself, it is important, in our opinion, that we should observe to you that, on our arrival at Dungeness, on the 6th instant, the United States' barge taken at St. Mary's was at the wharf, but was removed that evening; and we also understood that most of the cannon taken at Point Petre were removed, subsequent to the ratification of the treaty, from Cumberland. Five or six hundred negroes, brought from St. Simon's as late as the 15th February, were at Cumberland long after the ratification, and many of them sent off in the night of the day after our arrival.

In conversation with Mr. Spalding, it was admitted by Admiral Cockburn that Major Kinsman of the marines had continued to enter fugitive slaves into the colonial and West India regiments, after notice of the ratification of the treaty, and until he (Admiral Cockburn) had given written orders to the contrary.

Accompanying this letter, you will receive a list of such slaves as their masters have returned to us. From Mr. Hamilton, who lost two hundred and twenty odd, and from Major Butler, who lost one hundred and thirty, and from many others, whom the terror of the times had driven away, we have no returns. Nor is it to be wondered at that a thin population fled before a war which has been conducted in the spirit which this has been since January last; for it carried insurrection as its means, and, like the awful visitations of Providence, ruin has marked its course. But we state, sir, with pleasure, that the unhappy sufferers look with manly firmness to their own Government for a reparation of their injuries; and to that Government we beg leave to consign them, with a firm persuasion that they will not be disappointed in their expectations.

And we remain, sir, &c.

THOMAS M. NEWELL, *Captain of Sea Fencibles.*
THOMAS SPALDING.

No. 1.

Messrs. Newell and Spalding to Admiral Cockburn.

SIR: CUMBERLAND ISLAND, *March* 6, 1815.

We are instructed by General Floyd to call upon you, and are by him authorized to receive from you any public or private property, or any slaves, that are or were in your possession at the time of the ratification of the treaty of peace by the President of the United States. The construction put upon this article by us is, that all private property, and all slaves in your possession, whether on land or water, at the ratification of the treaty of peace, are to be restored. We place this construction upon the first article of the treaty, because it appears to have originated in the most amicable dispositions of both the American and British commissioners—amicable on the part of the American commissioners, in only demanding what might be restored without inconvenience; amicable on the part of the British commissioners, in promising to restore all that could be restored without great inconvenience; for we cannot persuade ourselves that the restoration of private property, or slaves, is to be limited to the slaves or property taken in the forts or places you occupied; for it must be obvious to you, sir, and it must be obvious to all, that there are no slaves, and that there is but little private property ever taken in forts. The limitation that appears to exist in the first part of the first article of the treaty, as to such property as may remain in the forts and places in your possession, is obviously confined to artillery and other public property taken in such forts or places, and which, if once removed, would have required much trouble and much expense to restore. And this conclusion is the more obvious, from noticing that in the following part of the same article, archives, records, deeds, and papers, which are objects of easy transport, are promised to be restored, into whosesoever hands they may have fallen, or wheresoever they may have been transferred.

Begging that we may have an answer upon this subject, so deeply interesting to the inhabitants of Georgia, as soon as possible, We remain, sir, &c.

T. NEWELL,
T. SPALDING.

Admiral COCKBURN.

No. 2.

Admiral Cockburn to Messrs. Newell and Spalding.

GENTLEMEN: HEAD-QUARTERS, CUMBERLAND ISLAND, *March* 7, 1815.

I have had the honor to receive the document which you state yourselves authorized to assure me is a true copy of the treaty of peace that has been concluded between our respective Governments, and which you have been instructed to lay before me by Generals Pinkney and Floyd.

Accompanying this document, I am likewise honored with your note of this day, informing me of your being authorized to receive from me any public or private property, or slaves, to be restored by me under the first article of the aforesaid treaty, and explaining to me the construction you are pleased to put upon that article. But I only find in the certified copy you have laid before me that "all territory, places, or possessions taken during the war, or after the signing the treaty, (excepting only as therein excepted,) shall be restored without delay, and without causing any destruction or carrying away of the artillery or other public property *originally captured in the said forts or places*, and which shall *remain therein* upon the exchange of the ratifications of this treaty, or any slaves or other private property." It becomes, therefore, alone necessary for me to state to you, that Cumberland island being the only place or possession taken from America in this neighborhood, which was retained by me at the date of the ratification alluded to, I shall, as quickly as possible, evacuate it, without causing any destruction; and I shall leave on it, or deliver to you, whatever public or private property or slaves (originally captured here) remained upon the island at the date of the ratification.

I have not the slightest reason or inclination to doubt the amicable disposition you state to have actuated the British and American commissioners in forming this treaty. It appears, however, clear to me, by the expressions they have thought proper to adopt in it, that I am only required or authorized to make the restitution I have above stated; and I must beg to decline venturing an opinion as to whether the treaty is properly worded, according to the intentions of the commissioners; but I apprehend, had they wished to imply (as you conceive) "that all private property and slaves in my possession, *whether on land or water*, were to be restored," it might have been so specified without difficulty; and although you observe there are no slaves, and but little private property ever taken in "forts," yet the continuation of the words "*or places*" may, perhaps, do away the difficulty which presented itself to you on that point. Therefore, gentlemen, in giving up *this place*, in conformity with the treaty you have done me the honor to lay before me, I must beg to be excused from entering into discussion relative to captures made *elsewhere on land or water*, and which have *been removed* from the places where captured prior to the exchange of the ratifications of the treaty.

I have the honor to be, &c. G. COCKBURN, *Rear Admiral.*

Approved: A. COCHRANE.

To Captain NEWELL, *of the U. S. Sea Fencibles*, and
THOMAS SPALDING, Esq.
Agents on the part of the United States for receiving property to be restored according to treaty, &c.

No. 3.

Messrs. Newell and Spalding to Admiral Cockburn.

SIR: CUMBERLAND ISLAND, *March* 10, 1815.

Your letter of the 7th is before us; and after the desire you have been pleased to express of declining all discussion of your construction of the first article of the treaty of peace between the United States and Great Britain, it only remains for us to call upon you for a list of the property, public or private, and the slaves "originally captured on Cumberland island," which you have declared your readiness to deliver. It is our duty to add this further and final remark, that this list will, we presume, include all slaves originally captured on the island of Cumberland, whether such slaves may have been usually resident on that island, or, having come from other sections of the country, have there first fallen under the dominion of the British arms; and, particularly, that it will include all slaves and other property taken or received since the ratification of the treaty of peace between our respective Governments. We remain, sir, &c.

T. NEWELL.
T. SPALDING.

Admiral COCKBURN.

No. 4.

Admiral Cockburn to Messrs. Newell and Spalding.

GENTLEMEN: HEAD-QUARTERS, CUMBERLAND ISLAND, *March* 11, 1815.

I have the honor to acknowledge the receipt of your note of the 10th current, the first part of which obliges me to beg your reconsideration of my letter of the 7th, as, I believe, so far from declining therein "all discussion of my construction of the first article of the treaty of peace lately concluded between our Governments," I have there quoted, *verbatim*, the major part of it, and have explicitly stated to you the line of conduct which *my construction* of the said article called upon me to adopt, in giving up the territory possessed by the forces under myorders.

I declined only entering into discussion respecting "captures made *elsewhere*, and which had been *removed* from the places *where captured prior* to the exchange of the ratifications of the treaty," such not appearing to me to come within the specified intention of the aforesaid first article of the treaty; and you will perceive, by his signature added to my letter, the commander-in-chief of His Britannic Majesty's forces on the North American station concurs with me in this opinion.

I have herewith the honor to transmit, in compliance with your request, a list of property and slaves originally captured on Cumberland island, and which appear to have remained on it at 11 P. M. of the 17th ultimo, the period at which the ratifications were exchanged.

I have the honor to be, &c.

G. COCKBURN, *Rear Admiral.*

To Captain NEWELL and THOMAS SPALDING, } *Agents for receiving restored territory and property, &c.*

A list of slaves and property to be given up with Cumberland island, in conformity with the treaty lately concluded between Great Britain and the United States.

Jacob, James Nightingale, Step, Daniel, John Miller, Harriet, Cinda, Jenny, Riva, Stephen, Peggy, Joe, Ellen, Mobeta, Leah, Betty, Stepney, George, Philly, Toby, Morris Sands, Ned Simmonds, Jacky, Phœbe Sanders, Celia, Mila, Kate, Hannah, Isaac, Die, Old Sarah, Die, Bob, Jenny, Lucy, Maria, Alfred, Sarah, Priscilla, Scipio, Bella, Jemmy, Jolly, Morris, Prime, Tom, Oscar, Andrew, Clarissa, Mary, Morris, Frank, Zak, Hetty, Bina, Kitt, Jacky, July, George, Frank, Lucy, Moll, Harry, Jack, Hesther, Sally, Monday, alias Lorenzo, Smart, James Herriott, Parling, Alexander Delony, Jack, Betty, Nanny, Betty, William Parling, Sancho.

Twenty-two bales of cotton; a number of horses and mules; some horned cattle.

G. COCKBURN, *Rear Admiral.*

No. 5.

Messrs. Newell and Spalding to Admiral Cockburn.

SIR: CUMBERLAND ISLAND, *March* 11, 1815.

We have to acknowledge the receipt of your note of the 11th instant, containing a list of slaves and other property which had been originally found on Cumberland island, and which were remaining on the island at the ratification of the treaty of peace by the President. Against this construction of the first article of the treaty of peace we must still protest; and we must still contend, sir, that all the property and all the slaves that were on Cumberland island, or in the rivers and waters adjacent to the same, at the ratification of the treaty, in the spirit of amity in which that article was concluded, should have been restored; and this construction of the first article of the treaty was the more important to the people of the United States, as a great proportion of the property taken, and a great proportion of the slaves received, were sent from the waters of the United States, or from the island of Cumberland, as late as between the period of the 2d and the 5th of March, and no inconsiderable number of

slaves have been sent on board your shipping in the offing, even since we have had the honor of addressing to you our first note, of the 7th instant. But, sir, to have pressed our construction of the treaty after your letter had been approved of by the commander-in-chief, (Sir Alexander Cochrane,) and he had retired from the station, would have been something more than useless. We have then, sir, no alternative but to prefer this affair to our Government. We cannot, however, conclude this correspondence without acknowledging the pleasure we feel at the facilities which you have offered to all claimants of slaves to obtain their voluntary return—facilities which, we are sensible, would have been productive of more effect had more time been allowed to operate.

And we are, sir, &c.

T. NEWELL.
T. SPALDING.

Admiral COCKBURN.

No. 6.

Mr. Spalding to Admiral Cockburn.

SIR: CUMBERLAND ISLAND, *March* 13, 1815.

It is with much regret I have to state that of the slaves which you have ordered to be restored, as having joined the British forces under your command, after the ratification of the treaty of peace by the President of the United States, several of them, now on board the Regulus, Captain Ramsey, have not been delivered. These slaves are two of Mr. Armstrong's, (January and Mary Stubs,) one of the slaves of Mr. Miller, and the four of Mr. Copp, which were yesterday directed to be given up. I have to add, that two of the three slaves delivered up to Mr. Armstrong, the very night they returned home made their escape, and will unquestionably attempt to reach your ships. I must therefore request that any of the above persons that can be found, or any other slaves that may join your fleet, from the United States, before they quit this station, may be delivered over to Captain Massias, at Point Petre, or to his officer at Dungeness.

I am, sir, respectfully, &c.

T. SPALDING.

Admiral COCKBURN, *Albion.*

D.

Extract of a letter from Thomas Spalding, Esq. to the Secretary of State.

ST. GEORGE'S, (BERMUDA,) *May*, 1815.

We sailed from Savannah on the 10th of May, and arrived on the 19th at Bermuda. While I was yet doubtful whether to apply to Governor Cockburn, of the Bermudas, (as I soon understood there were but few American slaves remaining in his Government, except what were in the naval arsenal at Ireland, and under the control of the naval commander,) I received from Admiral Griffith, through a lieutenant of the British navy, an intimation that he was desirous of seeing the agent who was understood to have arrived from the United States to make some demand of slaves and property. I waited, therefore, upon the admiral on the 20th instant, and found him very sick. I presented to him General Pinkney's authority, purporting to be derived from the President of the United States. He received me politely, appeared to me to be a mild and gentlemanly man; expressed much regret at the circumstance that led to the necessity of making this demand, but declared his inability to afford any relief; confirmed to me what I had before learned, of most of the slaves having been sent to Halifax. He desired me, to-morrow, to address him in writing; that he would transmit my communication to his Government, which was all that was in his power; spoke something of giving me facilities on board of his ships to see and obtain the voluntary return of slaves. Finding that he was ill, and much exhausted, I took my leave, and promised to address him a letter as soon as I could prepare one.

Governor Sir James Cockburn arrived at St. George's on Saturday evening, and on Monday, the 22d, at an early hour, I called upon him, still undetermined in my own mind whether to make my application to him on the subject of my mission or not, until I knew, at least, that there was something in his power to grant worth asking for. I, however, as I believed it to be my duty, in the event of having something to request, presented to him General Pinkney's letter of authority. He instantly lost his temper; denied my authority contained in that letter; declared he would receive nothing from any one but the Secretary of State. After giving such explanations as I believed to comport with my duty, I found his irritation increased rather than diminished. He would not permit me to proceed to detail any of the reasons for my mission, though very ready, as he said he was bound in candor to do, to declare against the American interpretation of the first article of the treaty; and vehemently added, that he would rather Bermuda, and every man, woman, and child in it, were sunk under the sea, than surrender one slave that had sought protection under the flag of England. I could add more in this spirit, but more is not necessary. I withdrew from the Governor, and transmitted my letter, which was then ready, to the admiral, and which is enclosed. (No. 1.)

I noticed the Governor came down to the wharf within a few moments after my leaving him, and embarked in a boat. I was then apprehensive the admiral's communications would change their complexion; and this I found to be too true, as the enclosed letter, (No. 2,) which I received late on Tuesday, the 23d, will show.

No. 1.

Mr. Spalding to Rear Admiral Griffith.

SIR: ST. GEORGE'S, BERMUDA, *May* 22, 1815.

I am appointed by the President of the United States the agent, and instructed by him to proceed in the first place to Bermuda, and from thence to any other of the colonies of His Britannic Majesty, for the purpose of demanding the restoration of all public or private property, and particularly of all slaves, which have been taken from the United States after the ratification of the treaty, in contravention (as my Government conceives) of the first article.

It is not my desire, nor is it the desire of my Government, to enter into any discussion on the justice or policy of taking private proverty, or of receiving slaves during the continuation of the war; but that war having terminated happily for both nations, in peace, the object of that peace unquestionably is to heal the wounds that the hand of war has inflicted. To do this effectually, there must certainly be on both sides a liberal and enlightened construction of every article of the treaty; but, above all, of that article in which individual as well as national right is concerned. I will now beg leave to invite your attention to the words of the first article of the treaty; which are—

"That all territory, places, and possessions whatsoever, taken from either party during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property

originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

After a careful perusal of this article, it very naturally and forcibly occurs to the mind that this article contains two separate and distinct principles—a restoration of public property; a restitution of private property: that there is a manner of restitution liberal and enlightened; there is a manner of restitution illiberal and unfriendly, which the British commissioners, in the spirit of amity which dictated this article, were determined to guard against, by saying, "that all territory, places, and possessions, taken during the war, should be restored without delay, and without causing any destruction, or carrying away any artillery or other public property, which shall remain therein after the exchange of the ratifications of this treaty." These conditions can, from their nature, have no relation to private property; they cannot be applied to it but by a strange perversion of language, and, by being so applied, the whole quality of the article becomes changed; and instead of being liberal and friendly, becomes limited, illiberal, and unfriendly.

The Government of the United States was, therefore, greatly surprised to find that on a demand, at the Chesapeake, at Cumberland island, and in Louisiana, of public or private property, or slaves that were remaining within the limits of the United States at the ratification of the treaty of peace, the commanding officers every where adopted the extraordinary principle, that if either public or private property, or slaves, were removed a single mile from the place of capture, they were not restorable, though still within the limits of the United States; though even under the eye of the commissioners who were instructed at the several points to demand the restoration, and, in many instances, in the presence of the original proprietors, many days after the ratification of the treaty had been notified to the officers commanding. Public and private property and slaves were shipped in a period of restored peace, in many instances to the ruin of the beholders, from the limits of the United States, because, as the commanding officers said, "the property or slaves were not taken at the particular point which the British forces occupied at the moment of the ratification of the treaty." So that all that was necessary to make the first article of the treaty, as far as regarded private property or slaves, a complete nullity, as the British commanders were morally certain of receiving the earliest intimation of the contents of the treaty, they had only to draw in their outposts, and to contract their limits to points where no property and few slaves had been taken. This was conspicuously the case in Georgia. Much property was taken at St. Mary's, and some negroes; at St. Simon's some cotton and other property, and many hundred slaves; from St. Simon's the British forces were withdrawn but four days before the ratification of the treaty, and two hundred British troops occupied St. Mary's for a day and a night even after the ratification of the treaty. Yet, sir, because these two places had not remained in the uniform possession of the British forces to the very moment of the ratification, all the property and all the slaves taken at either, and placed in deposite at Cumberland, were considered without the pale of its operation. Here I flatter myself I might rest, with assurance of your according in the justice of the construction which the Government of the United States has given to the first article of the treaty, in expecting that all public or private property, or slaves, which had been taken or received by the British forces during the war, and which remained within the limits of the United States at the ratification of the treaty of peace, whether on the land or within the acknowledged waters, would be restored.

But, not to be wanting to myself, and not to be wanting to my Government, I must reluctantly trespass upon your time while I enforce the distinction I drew in the first part of my letter, between public property, to which the limitation in the first article of the treaty relates, and which enlarges and liberalizes its operation, and its application to slaves and private property, which would limit and make null its operations.

There may be, and often is, a strong motive for destroying public, when there can be none for destroying private property. It frequently happens, in surrendering territory by a treaty of peace, that the party withdrawing stipulates a right to destroy the fortifications in its possession, and to carry away or destroy the artillery and munitions of war in them; but it is believed that no example can be found of a stipulation to authorize the destruction of private property of any kind, especially slaves. Equally strange would a stipulation be not to destroy them.

The terms of the article preserve this distinction between public and private property in a guarded manner.

All territory, places, and possessions, (with a particular exception,) shall be restored, without destroying or carrying away any of the artillery or other public property, originally captured in the said forts or places, and which remain there upon the exchange of ratifications. So far, the stipulation acts upon proper subjects, and conforms to usage. Extend it to slaves and other private property, and how inconsistent and unnatural the application! Had it been intended to put slaves and other private property on the same ground with artillery and other public property, the terms "originally captured in the said forts or places, and which shall remain therein on the exchange of the ratifications of this treaty," would have followed at the end of the sentence after "slaves and other private property." In that case, both interests, the public and the private, would have been subject to the same restraint. But, by separating them from each other, and putting the restrictive words immediately after "artillery and other public property," it shows that it was intended to confine their operation to those objects only, excluding from it "slaves and other private property."

I will now close my letter to you by stating, that at the ratification of the treaty of peace, on the 17th of February, forty thousand dollars worth of cotton, tobacco, rice, other produce, and other goods, were on Cumberland island, or in the ship Countess Harcourt and others, taken at St. Mary's and in its vicinity; and that those ships lay at that time in the Cumberland river, within a short distance of the shore; that the Countess Harcourt and the ship Maria Theresa had taken refuge in His Catholic Majesty's province of East Florida; they depended upon the neutrality of their situation for protection, and made no resistance; that about seven hundred out of seven hundred and thirty negroes that joined the British forces from Georgia were on Cumberland island, or in the ships so taken and then lying in Cumberland river. The first of these negroes, excepting a few that had departed in ships of war, left the United States in the Countess Harcourt on the 19th of February; that many hundreds of them left Cumberland island on the night of the 6th of March, and after I had had myself the honor of demanding them, on the part of the United States, from Admiral Cockburn. I have not yet been furnished by my Government with a list of slaves or private property that were either at Tangier island or in Louisiana, liable to restitution under the first article; but from the public papers we are assured of the fact, and a few days will put me in possession of the necessary evidence of the property and slaves so situated. The documents in support of the facts in relation to the property and slaves from Georgia, I shall be ready at any time to present to you.

And I beg you, sir, to believe that, if in any part of this letter I have used strong language, it is far from my intention to offend, for I feel fully assured my Government rejoices at the restoration of the relations of peace, and fondly hopes that neither time nor circumstance will again alienate two nations that manners, and customs, and language, and mutual interest should unite.

I am, &c.

THOMAS SPALDING, *Agent United States.*

Rear Admiral GRIFFITH,
Commanding His Majesty's ships and vessels on the North American station.

No. 2.

Admiral Griffith to Mr. Spalding.

His Majesty's ship Bulwark, Bermuda, *May* 23, 1815.

Sir:

I have to acknowledge the receipt of your letter of the 22d instant, informing me that you are appointed by the President of the United States the agent, and instructed by him to proceed, in the first place, to Bermuda, and from thence to any other of the colonies of His Britannic Majesty, for the purpose of demanding the restoration of all public or private property, and particularly of all slaves who have been taken from the United States after the ratification of the treaty, in contravention (as your Government conceives) of the first article.

Had I felt myself authorized or qualified to enter into a discussion of the several topics your letter embraces, it would, in the first place, have been my duty to call upon you to produce the authority under which you have come to these islands on a mission of this public nature; for I presume, as you state your appointment to be by the *President* of the United States, that the letter you put into my hand when I had the pleasure of seeing you the day before yesterday, (and which, if I recollect right, was signed "Pinkney," who you informed me was a major general in the service of the United States,) is not the only authority you are in possession of. However, sir, it is quite unnecessary to take this preliminary step, for the subject of your letter appearing to me more properly to belong to our respective Governments to discuss, than to the officers, military or naval, of either, the regular channel through which to make any applications of the nature of those alluded to in it I should suppose would be the British minister resident in the United States. Be this, however, as it may, I consider it entirely out of my province to enter into either negotiation or discussion with you on them; and the more so, from having learned, since you called upon me, that the subject of your mission to these islands had been fully discussed between Rear Admiral Cockburn (before he left the coast of Florida) and commissioners appointed by the Government of the United States; and that all persons then in possession of the British, who could possibly be considered as coming within the most liberal construction of the treaty, had been restored; and that the rear admiral's conduct and decisions had been fully approved by the late commander-in-chief, Sir Alexander Cochrane, at Cumberland island.

I shall not fail to transmit your letter to my Government; and it might, at the same time, be satisfactory for a copy of the authority under which you have come to these islands to accompany it, should you think proper to furnish me with one.

I need scarcely observe that it will be loss of time your waiting here for the documents alluded to in the last paragraph but one of your letter, or visiting any other British islands or settlements for the purposes set forth in your said letter; for I can venture to assure you that there is not any authority at either competent to deliver up persons who, during the late war, placed themselves under the protection of the British flag, or property which may have been captured during the continuance of hostilities.

I am, sir, &c.

EDWARD GRIFFITH,
Rear Admiral and Commander-in-chief.

Thomas Spalding, Esq.

E.

Extract of a letter from Mr. Adams to the Secretary of State, dated at

London, *June* 23, 1815.

I further observed that the British admiral stationed in the Chesapeake had declined restoring slaves that he had taken, under a construction of the first article of the treaty which the Government of the United States considered erroneous, and which I presumed this Government would likewise so consider; that a reference to the original draught of the British projet, and to an alteration proposed by us and assented to by the British plenipotentiaries, would immediately show the incorrectness of this construction. He said he thought it would be best to refer this matter to the gentlemen who were authorized to confer with us on the subject of a treaty of commerce. He asked me if Mr. Clay and Mr. Gallatin had communicated to me what had passed between them and this Government on that head. I said they had. After inquiring whether I was joined in that commission, he said that the same persons had been appointed to treat with us who had concluded with us the treaty at Ghent, and that Mr. Robinson, the vice president of the board of trade, had been added to them. They had already had some conferences with Messrs. Clay and Gallatin, and their powers were now made out and ready for them to proceed in the negotiation.

Extract of a letter from Mr. Adams to the Secretary of State, dated at

London, *August* 15, 1815.

Sir:

The departure of Mr. Bagot having been some time delayed, and the private accounts from the United States received here indicating the actual continuance of Indian hostilities on the Mississippi and Missouri, I have thought it my duty, by an official communication to this Government, to press for the surrender of Michilimackinac, and to apprize them that payment would be claimed for the value of the slaves carried away in contravention of the first article of the treaty of Ghent. I have the honor to enclose, herewith, a copy of my letter to Lord Castlereagh on this occasion. I had mentioned to him the subject of the slaves in my first interview, and he had then expressed an intention to refer it to the commissioners with whom we were then negotiating the commercial convention; but they received no instructions relative to it, and considered their powers as limited to the objects upon which my colleagues were authorized conjointly with me to treat.

Extract from Mr. Adams's letter to Lord Castlereagh, dated

August 9, 1815.

My Lord:

In two several conferences with your lordship, I have had the honor of mentioning the refusal of His Majesty's naval commanders, who, at the restoration of peace between the United States and Great Britain, were stationed on the American coast, to restore the slaves taken by them from their owners in the United States during the war, and then in their possession, notwithstanding the stipulation in the first article of the treaty of Ghent that such slaves should not be carried away. Presuming that you are in possession of the correspondence on this subject which has passed between the Secretary of State of the United States and Mr. Baker, it will be unnecessary

for me to repeat the demonstration that the carrying away of these slaves is incompatible with the terms of the treaty. But as a reference to the documents of the negotiation at Ghent may serve to elucidate the intentions of the contracting parties, I am induced to present them to your consideration, in hopes that the minister of His Majesty, now about to depart for the United States, may be authorized to direct the restitution of the slaves conformably to the treaty, or to provide for the payment of the value of those carried away contrary to that stipulation, which, in the event of their not being restored, I am instructed by my Government to claim.

The first projet of the treaty of Ghent was offered by the American plenipotentiaries, and that *part* of the first article relating to slaves was therein expressed in the following manner:

"All territory, places, and possessions, without exception, taken by either party from the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any artillery or other public property; or any slaves or other private property."

This projet was returned by the British plenipotentiaries with the proposal of several alterations, and, among the rest, in this part of the first article, which they proposed should be so changed as to read thus:

"All territory, places and possessions, without exception, belonging to either party, and taken by the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, or any slaves or other private property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty."

It will be observed, that in this proposal, the words "originally captured in the said forts or places, and which shall remain therein upon the ratifications of this treaty," operated as a modification of the article as originally proposed in the American projet. Instead of stipulating that no property, public or private, artillery or slaves, should be carried away, they limited the prohibition of removal to all such property as had been originally captured in the forts and places, and should remain there at the exchange of the ratifications. They included within the limitation private as well as public property; and had the article been assented to in this form by the American plenipotentiaries, and ratified by their Government, it would have warranted the construction which the British commanders have given to the article as it was ultimately agreed to, and which it cannot admit; for, by a reference to the protocol of conference held on the 1st of December, 1814, there will be found among the alterations to the amended projet, proposed by the American plenipotentiaries, the following:

"Transpose alterations consisting of the words *originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty*, after the words *public property*."

"Agreed to by the British plenipotentiaries."

It thus appears that the American plenipotentiaries admitted, with regard to artillery and public property, the limitation which was proposed by the British amended projet, but that they did not assent to it with regard to slaves and private property; that, on the contrary, they asked such a transposition of the words of limitation as would leave them applicable only to artillery and public property, and would except slaves and private property from their operation altogether; that the British plenipotentiaries and Government, by this proposed transposition of the words, had full notice of the views of the other contracting party, in adhering to the generality of the prohibition to carry away slaves and private property, while acquiescing in a limitation with respect to artillery and public property. With this notice, the British Government agreed to the transposition of the words; and, accordingly, that part of the article as ratified by both Governments now stand thus:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

From this view of the stipulation, as originally proposed at the negotiation of Ghent, as subsequently modified by the proposals of the respective plenipotentiaries, and as finally agreed to by both the contracting parties, I trust it will remain evident, that, in evacuating all places within the jurisdiction of the United States, and in departing from their waters, the British commanders were bound not to carry away any slaves, or other private property of the citizens of the United States, which had been taken on their shores. Had the construction of the article itself been in any degree equivocal, this statement of the manner in which it was drawn up would have sufficed to solve every doubt of its meaning. It would also show that the British plenipotentiaries were not unaware of its purport, as understood by those of the United States, and as I am instructed to urge its execution.

Extract of a letter from Mr. Adams to the Secretary of State, dated

AUGUST 22, 1815.

Referring then to the contents of my letter of the 9th instant to Lord Castlereagh, which he had seen, I told him [Lord Liverpool] that having expected Mr. Bagot was on the eve of his departure, I had been anxious that he might go provided with instructions which might give satisfaction to the Government of the United States with regard to the execution of two very important stipulations in the treaty of Ghent. He said that, as to the surrender of Michilimackinac, there could be no sort of difficulty. The orders for its evacuation had been long since given. It was merely the want of barracks for their troops that had occasioned a momentary delay, and he had no doubt that the fort had been before this delivered up. There never had been for a moment the intention, on the part of the British Government, to retain any place which they had stipulated to restore. But, with respect to the slaves, they certainly construed very differently from the American Government the stipulations relating to them. They thought that it applied only to the slaves in the forts and places which, having been taken during the war, were to be restored at the peace. I said that, independent of the construction of the sentence which so strongly marked the distinction between the artillery and public property, and slaves and private property, the process by which the article had been drawn up demonstrated, beyond all question, that a distinction between them was intended and understood by both parties. The first projet of the treaty had been presented by us. This had been required, and even insisted upon by the British plenipotentiaries. The article was, therefore, drawn up by us, and our intention certainly was to secure the restoration both of the public and private property, including slaves, which had been in any manner captured on shore during the war. The projet was returned to us with a limitation upon the restoration of property, whether public or private, to such as had been in the places when captured, and should remain there at the time of the evacuation. We assented to this so far as regards artillery and public property, which, by the usages of war, is liable to be taken and removed, but not with regard to private property and slaves, which we thought should, at all events, be restored, because they ought never to have been taken. We therefore proposed the transposition of the words, as stated in my letter to Lord Castlereagh. The construction upon which the Brit-

ish commanders have carried away the slaves would annul the whole effect of the transposition of the words. Artillery and public property had, of course, been found, and could, therefore, be restored almost or quite exclusively in the forts or places occupied by troops. But there was not, perhaps, a slave to carry away in all those which were occupied by the British when the treaty was concluded; and to confine the stipulation relating to slaves within the same limits as those agreed to with regard to public property, would reduce them to a dead letter. He said that perhaps the British plenipotentiaries had agreed to the transposition of the words there at Ghent, without referring to the Government here; and that, although the intention of the parties might be developed by reference to the course of the negotiations, yet the ultimate construction must be upon the words of the treaty as they stood. He would see Mr. Goulburn, and inquire of him how they understood this transposition; but certainly, for himself, (and he could speak for the whole Government here,) he had considered them only as promising not to carry away slaves from the places which were occupied by their forces, and which they were to evacuate. There were, perhaps, few or no slaves in the places then occupied by them, but there was a probability, at the time when the treaty was signed, that New Orleans and other parts of the southern States might be in their possession at the time of the exchange of the ratifications. If they had understood the words to imply that persons who, from whatever motive, had taken refuge under the protection of the British forces, should be delivered up to those who, to say the least, must feel unkindly towards them, and might treat them harshly, they would have objected to it. Something else (he could not say what) would have been proposed. I said I had referred to the progress of the negotiation and the protocol of conferences, only as confirming what I thought the evident purport of the words of the treaty. To speak in perfect candor, I would not undertake to say that the British plenipotentiaries had taken a view of the subject different from that of their Government; but certainly we had drawn up the article without any anticipation that New Orleans or other southern ports, not then in their possession, would, at the ratification of the treaty, be occupied by them. Our intentions were to provide that no slaves should be carried away. We had no thought of disguising or concealing those intentions.

Had the British plenipotentiaries asked of us an explanation of our proposal to transpose the words, we should certainly have given it; we evidently had an object in making the proposal, and we thought the words themselves fully disclosed it. Our object was the restoration of all property, including slaves, which, by the usages of war among civilized nations, ought not to have been taken. All private property on shore was of that description. It was entitled, by the laws of war, to exemption from capture. Slaves were private property. Lord Liverpool said that he thought they could not be considered precisely under the general denomination of private property; a table or a chair, for instance, might be taken and restored without changing its condition, but a living and human being was entitled to other considerations. I replied that the treaty had marked no such distinction; the words implicitly recognised slaves as private property in the article alluded to—"slaves or *other* private property." Not that I meant to deny the principle assumed by him: most certainly a living, sentient being, and still more a human being, was to be regarded in a different light from the inanimate matter of which other private property might consist. And if, on the ground of that difference, the British plenipotentiaries had objected to restore the one while consenting to restore the other, we should readily have discussed the subject; we might have accepted or objected to the proposal they would have made. But what could that proposal have been? Upon what ground could Great Britain have refused to restore them? Was it because they had been seduced away from their masters by the promises of British officers? But had they taken New Orleans, or any other southern city, would not all the slaves in it have had as much claim to the benefit of such promises as the fugitives from their masters elsewhere? How, then, could the place, if it had been taken, have been evacuated according to the treaty, without carrying away any slaves, if the pledge of such promises was to protect them from being restored to their owners? It was true, proclamations inviting slaves to desert from their masters, had been issued by British officers. We considered them as deviations from the usages of war. We believed that the British Government itself would, when the hostile passions arising from the state of war should subside, consider them in the same light; that Great Britain would then be willing to restore the property, or to indemnify the sufferers by its loss. If she felt bound to make good the promises of her officers to the slaves, she might still be willing to do an act of justice, by compensating the owners of the slaves for the property which had been irregularly taken from them. Without entering into a discussion which might have been at once unprofitable and irritating, she might consider this engagement only as a promise to pay to the owners of the slaves the value of those of them which might be carried away. Lord Liverpool manifested no dissatisfaction at these remarks, nor did he attempt to justify the proclamation to which I particularly alluded.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, *September* 5, 1815.

In compliance with your instructions, I have this day addressed Lord Castlereagh, claiming payment from the British Government for the slaves carried away from Cumberland island and the adjoining waters, after the ratification of the treaty of peace, and in contravention to one of the express stipulations of that treaty.

My preceding despatches, Nos. 9 and 10, will have informed you of the steps I had taken by an official letter to Lord Castlereagh, and by a personal interview with the Earl of Liverpool, in relation to this subject, previous to the receipt of your last instructions. The letter to Lord Castlereagh has hitherto remained unanswered, and Lord Liverpool made no attempt to answer either the reasoning of your letter on the subject to Mr. Baker, or the statement of the proof with regard to the meaning of the article, resulting from the manner in which it had been drawn up and agreed to. The substance of what he said was, that, in agreeing to the article as it stands, they had not been aware that it would bind them to restore the slaves whom their officers had enticed away by promises of freedom.

The case of these slaves, carried away from Cumberland, seems not even to admit of the distinction to which Mr. Baker and Lord Liverpool resorted; yet the prospect of obtaining either restoration or indemnity appears to me not more favorable in this case than in many others of the same class. If there were any probability that this Government would admit the principle of making indemnity, it would become necessary for me to remark that the list of slaves transmitted to me, and of which I have sent to Lord Castlereagh a copy, is not an authenticated document; it is, itself, merely a copy of a paper, under the simple signature of two persons, one of them an officer in the service of the United States, and the other apparently a private individual. It can scarcely be expected that the British Government, or, indeed, any other, would grant a large sum of indemnities upon evidence of this description. Neither could I feel myself prepared to bargain for the value of these slaves, according to a general conjectural estimate of their value. I have made the offer, under the full conviction that it will not be accepted. But if indemnity should ever be consented by this Government to be made, the claims are of a nature to be settled

only by a board of commissioners, authorized to scrutinize, in judicial forms, the evidence in support of them. I have also thought it would give a further sanction to the claim, to advance it while offering still to this Government the alternative of restoring the slaves themselves.

Mr. Adams to Lord Castlereagh.

MY LORD: LONDON, *September* 5, 1815.

In the letter which I had the honor of addressing to your lordship on the 9th of August last, I stated that I had been instructed by my Government to claim the payment of the value of the slaves carried away from the United States by the British naval commanders stationed on the American coast, notwithstanding the express stipulation to the contrary in the first article of the treaty of Ghent, in the event that such slaves should not be restored to their owners.

The enclosed is a copy of a list of seven hundred and two slaves taken in the State of Georgia by the forces under the command of Rear Admiral Cockburn, and carried away after the ratification of the treaty of peace from Cumberland island, or the waters adjacent to the same, which has been transmitted to me by the Secretary of State of the United States, with a new instruction to claim the indemnity justly due to the owners, to the full value of each slave. Should His Majesty's Government now prefer to restore the slaves, who must yet be in their possession or that of their officers, it is presumed to be still practicable; but their removal having been in contravention of the express stipulation of the treaty, it is to the faith of Great Britain, pledged by that stipulation, that the United States can alone recur for indemnification to the owners for the loss of their property, if the slaves are not restored.

If it should be deemed expedient rather to make this compensation than to restore the slaves to their owners, I am authorized to enter into such arrangements as may be thought proper for ascertaining the amount of the indemnity to be made, and settling the manner in which it may be allowed.

I have the honor to be, &c.

JOHN QUINCY ADAMS.

To the Right Hon. Lord Viscount CASTLEREAGH, &c.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, *September* 26, 1815.

I have not yet received any answer to either of those which I addressed to Lord Castlereagh in relation to the slaves carried away in violation of the first article of the treaty of Ghent.

Copy of a letter from Mr. Adams to Lord Bathurst.

MY LORD: 25 CHARLES STREET, WESTMINSTER, *October* 7, 1815.

The documents of which I have now the honor of enclosing to your lordship copies, have been transmitted to me from the Government of the United States, with instructions to apply to that of His Majesty for the restitution of the slaves referred to in them, or for indemnity to their proprietor, Raleigh W. Downman, for the loss of them. In the cases which I have heretofore presented to the consideration of His Majesty's Government, and concerning which I am yet waiting for the honor of an answer, I have deemed it sufficient to state, in support of the documents furnished, the simple fact of the taking and carrying away of the slaves, and the appeal to the plain and explicit stipulation in the treaty of Ghent, which has been thereby violated. But, in addition to these grounds of claim, it cannot escape your lordship's discernment, that in the present case there are circumstances which entitle it to peculiar regard, independent of the engagement in the treaty—these slaves having been taken and carried away by a British officer, while himself under the special and solemn protection of a flag of truce. The transaction, therefore, was in the nature of a breach of parole; marked not only with the exceptionable characters of depredation upon private property, but with the disregard of that sacred pledge of peace which is tacitly and universally understood to be given by the assumption of a flag of truce. To prescribe the restitution of property thus captured, no express stipulation could be necessary; yet the stipulation of the treaty applies likewise to the present claim in all its force. I am induced to hope it will meet with the immediate attention of His Majesty's Government.

I am happy to avail myself of the occasion to renew to your lordship the assurance of my highest consideration.

JOHN QUINCY ADAMS.

Copy of a note from Lord Bathurst to Mr. Adams.

FOREIGN OFFICE, *October* 9, 1815.

Earl Bathurst presents his compliments to Mr. Adams, and has the honor to inform him that His Majesty's Government will cause immediate inquiry to be made into the case of the slaves carried away by the officer of the flag of truce, as represented in Mr. Adams's note of the 7th instant.

Lord Bathurst requests Mr. Adams will accept the assurance of his high consideration.

Copy of a letter from Mr. Adams to the Secretary of State, dated

SIR: OCTOBER 31, 1815.

I have the honor to enclose copies of two papers received from Lord Bathurst, relative to the taking and carrying away of slaves from the United States by the British naval commanders, in violation of the first article of the treaty of Ghent, and also by an abuse of the privileges allowed to a flag of truce.

I have the honor to be, &c.

JOHN QUINCY ADAMS.

Copy of a note from Lord Bathurst to Mr. Adams, dated

FOREIGN OFFICE, *October* 24, 1815.

The undersigned, one of His Majesty's principal Secretaries of State, has the honor to acknowledge the receipt of Mr. Adams's letter of the 7th instant, with the documents therein contained, relating to eleven slaves, the property of Raleigh W. Downman, an American, stated to have been received on board and carried off in a flag of truce sent by Captain Barrie (when senior officer in the command of the British flotilla up the Rappahannock) to procure the release of a surgeon's assistant who had been made prisoner.

The undersigned has the honor to acquaint Mr. Adams, that Captain Barrie having been referred to, without loss of time, for such particulars as he might be enabled to give upon this subject, a statement to the following effect has been received from that officer, which the undersigned hastens to communicate to Mr. Adams.

Captain Barrie has not any documents with him to which he can refer, but he feels confident that he may trust to his memory on this occasion.

The letters marked A and B, transmitted by Mr. Adams, Captain Barrie believes to be copies of those which passed between the American commanding officer and himself.

He is certain that he never received the letter marked D, a copy of which is transmitted in Mr. Adams's letter, and has no recollection of any slaves ever having been received on board any flag of truce during the time he was intrusted with the command of the Chesapeake squadron; if such a circumstance did occur, it was without his knowledge or authority. Had such an event fallen under Captain Barrie's cognizance, he would (if the slaves had forcibly been taken from the shore) instantly have ordered them to be restored, and the officer so offending into confinement, till he could be brought to trial; if, however, the slaves had voluntarily sought British protection, and had once obtained a footing under the British colors, he should not have taken upon himself to allow them to be forced back into slavery, but should have waited the directions of the commander-in-chief. During the two winters that Captain Barrie was employed as senior officer in the Chesapeake, the slaves were constantly escaping from the shore, and joining the British ships; on these occasions their general practice was to show something to represent the white flag, and Captain Barrie thinks it not improbable (if any slaves were received on board the Franklin) that they may have escaped in the canoe, and have themselves hoisted the flag which has been sworn to.

Before the surgeon's mate was restored Admiral Cockburn had arrived in the Chesapeake; and, if the letter D had ever reached the admiral, Captain Barrie is of opinion it certainly would have been communicated to him.

Captain Barrie states that the masters of the slaves very frequently came off to the ships to claim them; on which occasions he uniformly left it to the slaves whether they would remain under British protection or return to their masters, and even allowed the masters to converse with their slaves apart from the ship's company.

The violation of a flag of truce was a very tender subject with Captain Barrie at the period in question, for he had a short time previous been engaged in correspondence with the commanding officer of the United States forces at Norfolk on want of respect paid to British flags of truce; one of his small four-oared boats, unarmed, with a large new white flag flying, having been wantonly fired on in open day, though the boat was proceeding to the place where the Americans had previously arranged that flags of truce should be received. One of Captain Barrie's men was killed when the boat was receding from the shore, with the flag of truce still flying. The boat was employed to land the servant of the Russian secretary of legation, who was on board the Dragon, waiting a passage to Europe. Captain Barrie remarks on Downman's memorial, that, till after the peace, a squadron was constantly in the Chesapeake; and that, though the Dragon had sailed, the letter D, if then in existence, could easily have been presented to the senior officers, either at Tangier island or Symhan bay. The Franklin (the vessel stated to have carried off the slaves) remained in the bay with the ship she was manned from—the Havana.

The undersigned trusts that, after a perusal of the above statement on the part of Captain Barrie, Mr. Adams will concur in the opinion that some mistake exists with respect to the conduct imputed to that officer. But the undersigned has the honor to acquaint Mr. Adams, that, in order to ascertain, as well as possible, the real state of the transaction, a communication will be made forthwith to Admiral Cockburn, for the purpose of obtaining further information upon the subject, with which he must have been acquainted, as it appears that he had arrived in the Chesapeake before the surgeon's mate was restored.

The undersigned requests Mr. Adams will accept the assurances of his highest consideration.

BATHURST.

Copy of a note from Lord Bathurst to Mr. Adams, dated

FOREIGN OFFICE, *October* 24, 1815.

The undersigned, one of His Majesty's principal Secretaries of State, has had the honor to receive Mr. Adams's letters of the 9th of August and 5th of September last; the first of which recites the first article of the treaty of Ghent, and requires "that His Majesty's naval commanders, who, at the restoration of peace between the United States and Great Britain, were stationed on the American coast, should restore the slaves taken by them from their owners in the United States during the war, and then in their possession." This claim is set up in consequence of the following interpretation which is given to the first article of the said treaty by the Government of the United States, in as far as it relates to slaves and private property, namely: "That, in evacuating all places within the jurisdiction of the United States, and in departing from their waters, the British commanders were bound not to carry away any slaves, or other private property of the citizens of the United States, which had been taken upon their shores;" and it takes its origin from a different construction of the same article of the treaty by His Majesty's naval officers on the coast of America, who (according to Mr. Monroe's letter to Mr. Baker of the 1st of April) contend that "slaves and other private property are comprised under the same regulation with artillery and other public property; and that none ought, in consequence, to be restored, except such as were, at the time of the exchange of the ratifications of the treaty, in the forts and places where they were originally taken."

The arguments brought forward by the American Government in support of their understanding of the first article of the treaty of Ghent rest partly upon such collateral evidence as may be deduced from the intention of the negotiators at the time they drew up that article. The undersigned need not remind Mr. Adams of the inconvenience which would result, were the parties upon whom treaties are binding to recur to the intentions of the negotiators of such treaty, instead of taking as their guide the context of the treaty itself on any point of controversy respecting it.

The undersigned is, however, willing to waive this objection. In this instance, it would appear that the alteration in the original article proposed by the British commissioners was introduced by a verbal amendment suggested by the American plenipotentiaries. Many alterations of this kind took place, sometimes at the suggestion of one

party, and sometimes of the other; but it surely is not meant to be inferred from this that a change of phrase, professedly verbal, is to be taken as necessarily denoting or importing an admitted change of construction. It is certainly possible that one party may propose an alteration with a mental reservation of some construction of his own, and that he may assent to it on a firm persuasion that the construction continues to be the same; and that, therefore, he may conciliate, and yet concede nothing by giving his assent. The proposed alteration was considered as merely verbal; no suspicion appears to have been entertained that it changed the stipulation as originally introduced; and it is not averred that the American plenipotentiaries then thought of the construction now set up by their Government. The meaning of the British negotiators is admitted to have been made quite apparent by their projet; and as nothing passed indicative of any objections to it on the part of the American commissioners, or of any departure from it by the British negotiators when the alterations were suggested by one party and acceded to by the other; and as there was no discussion on the propriety of making the restitution more extensive as to slaves and other private property than as to the other property mentioned, the undersigned cannot subscribe to the conclusions which Mr. Adams and his Government have drawn from this manner of viewing the subject. The undersigned will now proceed to examine that part of the subject which regards the construction that has been given to the context of the article in question by the Government of the United States.

By the first article of the treaty it is stipulated that "there shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made, in conformity with the fourth article of this treaty.

"No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall in any manner whatsoever be construed to affect the right of either."

The main purport of the first article, in the former part of it, relates to the general pacification, and, in the latter part of it, to some of the direct consequences on the territorial possessions of the two countries, and the property within such possessions. As to the public property in the posts or places to be restored, it provides that, if it shall have the double condition annexed to it of having been originally captured therein, and of remaining therein when the ratifications are exchanged, then such property is to be restored, and it is not to be destroyed or carried away. It would surely have been unusual and unreasonable to have stipulated for the restitution of any property which never had belonged to the fort or place, or which had been already destroyed or carried away, so as no longer in fairness to have been considered as belonging to it; for it would seem to have no connexion with the subject-matter of that part of the article in which the stipulation concerning it must be supposed to occur. As to public property, it appears quite plain that the carrying away here spoken of is *from* the fort or place to which it belonged, and from no other; for the condition which is admitted to apply to that would otherwise have no application at all; and no sound reason can be given why the condition might not, in both its branches, apply as well to private as to public property, provided the construction would fairly admit of it. Both parties appear to agree as to the conditions which relate to public property. But then immediately follow, in the same sentence, the words "or any slaves or other private property;" and here the question is, whether slaves and other private property are to be restored under the same limitation provided in the same article, and in that part of it which immediately precedes the words in question, or whether they are to be restored under different provisions? In the first place, the words do not admit of, nor is it contended by either party that there is, any distinction whatever made in this article between slaves and other private property. They are incontestably placed on the same footing; and whatever stipulations in this article apply to slaves, as one description of private property, must, of necessity, apply equally to all other private property referred to in the article. The question then is, under what conditions is it stipulated that private property (slaves inclusive) is to be restored? If it be contended that, by the position of the words in this article, private property is released from all the conditions under which it is admitted that public property is to be restored, the restitution becomes in that case unconditional. But Mr. Monroe does not contend for an unconditional restitution, and, therefore, seems to admit that the stipulation respecting private property is not a new and substantial stipulation, independent of preceding words; but that the words "carrying away," which, in the preceding part of the sentence, apply to the restitution of public property, apply equally to the restitution of private property. But, if the words "carrying away" apply to private as well as public property, how entirely arbitrary it is to say that the intervening words do apply to the one, and do not apply to the other, although the words "carrying away" grammatically govern both.

Admitting, however, this arbitrary construction, still it would be more extensive than that for which Mr. Monroe contends; for, in that case, there would be no limitation assigned as to the place where the private property was originally captured, nor any limitation as to the place from whence the private property was not to be carried away. All merchant vessels, therefore, captured on the high seas, and their effects, must, according to this construction, be restored, even if they should not be within the limits of the United States at the time of the exchange of the ratifications. Neither would there be any limitation as to the time subsequent to which the carrying away is not to take place. It might be from the commencement of the war, or from the signature of the treaty, or from the exchange of the ratifications: whereas Mr. Monroe contends that the places where they had been originally captured, the places from whence they must not be carried away, and the period to which this limitation applies, are well ascertained by the first article. According to the construction of this article by the American Government, the private property in contemplation is limited to such as had been originally captured within the territories of the United States; and such property, so captured, must not be carried away after the exchange of the ratifications, nor from any place within the limits of the United States, whether this private property be at that period in American ports, or British ships of war, or British vessels. But if the first article provide for all these stipulations, one of them placing private property on the same footing as that on which, by the same, public property is placed, and the others establishing dissimilar conditions, it is impossible to look at those passages in this first article, which can alone be made to apply to such provisions, and not be at once satisfied that these limitations cannot be extracted, without such omissions and interpolations as the undersigned is persuaded that it is not the intention of the

American Government to maintain. As to the application of this article to private property on shipboard, neither does the first article itself, not did any discussion respecting it, express or refer to any such restitution of property remaining in British ships of war or British vessels. There are not only no words in the article which stipulate such a provision, but there is a provision in the second article which stipulates the contrary. By the second, the conditions are stipulated on which vessels and their effects are to be restored: they are to be restored if the vessels be not captured until after a given time from the exchange of the ratifications. If the vessels were captured previous to the time limited, neither they nor their effects are to be restored, wherever such vessels with their effects may be, although they should be within the limits of the United States; yet, according to the stipulations of the second article, which have a direct application to private property on shipboard, if they have been captured within a limited time, they may be carried away at any subsequent period, without reference to the exchange of the ratifications. To Mr. Monroe's observation, that destruction, in the first article, cannot apply to slaves, it might be sufficient to answer, that the expression may certainly apply to other private property, and that the stipulations which apply to one must apply to the other; but the observation is, in truth, not material to the question at issue, because the point in dispute is not with reference to private property destroyed, but to private property carried away; which words, it is admitted, do apply to slaves and other private property. The question, then, seems to be this: Is that construction the true one which is the most simple and is grammatically correct, and was that which it is admitted one of the contracting parties intended, and against which the other did not at the time object? or is that construction to be adopted which was not at the time professed which the words of the article do not express, and which is in contravention of the article which immediately follows it?

In this alternative, the undersigned has no hesitation in communicating to Mr. Adams that the British Government is under the necessity of adhering to the construction of the disputed point in the first article of the treaty of Ghent, as set forth in this note, much as it has to regret that the construction should differ so widely from that of the Government of the United States.

The undersigned requests Mr. Adams to accept the assurances of his high consideration.

BATHURST.

Extract of a letter from the Secretary of State to Mr. Adams, dated

NOVEMBER 16, 1815.

It cannot be doubted that the British Government will make a just indemnity to the owners for the slaves who were carried from the United States by the British officers, in violation of the treaty of peace. The construction of the article, relating to this subject, given in my letter to Mr. Baker, and maintained with so much reason and force in your conference with Lord Liverpool, is that alone which can be admitted here. The palpable violation of the treaty by the British officers, in carrying those persons off, after the peace was proclaimed, from the presence of their owners, excited a sensibility which need not be described. A vigorous effort of the Government to obtain justice is claimed, and expected by them. Lists of the slaves taken from Cumberland island and Tangiers have already been forwarded, and lists of those taken from other parts will be forwarded when obtained.

Extract of a letter from the Secretary of State to Mr. Adams, dated

NOVEMBER 20, 1815.

It is not expected that the British Government will pay for any slaves who were carried from the United States, in violation of the treaty, of which satisfactory proof is not adduced. The proof applicable to those who were taken from Cumberland and Tangier islands will, I presume, be placed on the strongest ground; and I have no doubt that proof equally strong may be obtained of the removal of many others, who were carried off after the peace in British ships from other quarters. It is important that the principle be first established that the British Government will pay for the slaves carried off in violation of the treaty. The manner of liquidating the claims is the next point to be arranged. The mode suggested by you, the appointment of a board of commissioners, with full powers to investigate every case, is thought the most eligible—indeed, the only one that could do justice to the parties. This board ought to consist of one or more commissioners, to be appointed in equal number by each Government, and to hold its session in the United States.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *February* 8, 1816.

In adverting to the subject of the slaves, I reminded him [Lord Castlereagh] that there were three distinct points relating to them, which had been under discussion between the two Governments. The first, regarding the slaves carried away by the British commanders from the United States, contrary, as the American Government holds, to the express stipulation of the treaty of Ghent. After referring to the correspondence which has taken place on this topic at Washington and here, I observed that the last note concerning it, which I had received from Lord Bathurst, seemed to intimate that this Government had taken its final determination on the matter; that I hoped it was not so; I hoped they would give it further consideration; it had been the cause of so much anxiety to my Government; it was urged so constantly and so earnestly in my instructions. The language of the treaty appeared to us so clear and unequivocal; the violation of it, in carrying away the slaves, so manifest; and the losses of property occasioned to our citizens so considerable, and so serious, that I would not abandon the hope that further consideration would be given to it here, and ultimately that satisfaction would be made to the United States on this cause of complaint. Lord Castlereagh said that he had not seen the correspondence to which I referred, but that he would have it looked up, and examine it. There was, I told him, a special representation concerning eleven slaves taken from Mr. Downman by the violation of a flag of truce sent ashore by Captain Barrie. I had also received from Lord Bathurst an answer relative to this complaint, stating that it had been referred to Captain Barrie for a report, and giving the substance of that which he had made. It did not disprove any of the facts alleged by Mr. Downman; but I must remark that Captain Barrie was himself the officer who had sent the flag of truce, and who was responsible for the violation of it; and that, as a general principle, it was scarcely to be expected that satisfaction for an injury could ever be obtained, if the report of the person upon whom it was charged should be received as a conclusive answer to the complaint. He said he supposed the complaint itself was only the allegation of an individual, and that, naturally, reference must be made to the officer complained of for his answer to the charge.

I replied that the documents I had furnished copies of, in Mr. Downman's case, did not consist merely of his allegations; there were affidavits of several other persons—taken, indeed, *ex parte*, because they could not be taken otherwise—but they were full and strong to the points, both of the violation of the flag, and of the carrying away of the slaves. He said he did not know how they could proceed otherwise, unless the affair were of sufficient importance for the appointment of commissioners by the two Governments; but he had not seen the papers, and would look into them.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, *February* 17, 1816.

The note respecting the slaves carried away is a reply to that which I received from Earl Bathurst in October last, as an answer to your letter to Mr. Baker, and to my letters of the 9th August and 5th September last to Lord Castlereagh. A copy of Lord Bathurst's note was transmitted to you immediately after it was received. The determination to refuse all satisfaction for this glaring violation of the treaty appeared, by the note, to be so settled and peremptory, that I thought it would be most prudent to allow some interval of time to elapse previous to exposing all the distortion of facts and perversion of argument with which it abounded. I found, upon the conversation with Lord Castlereagh, that he had seen none of the papers which had passed on this question during his absence in France, and this circumstance has afforded a proper occasion for urging the discussion again.

Mr. Adams to the Right Honorable Lord Viscount Castlereagh, His Majesty's principal Secretary of State for the Department of Foreign Affairs.

No. 13 CRAVEN STREET, *February* 17, 1816.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States of America, requests the attention of Lord Castlereagh to the letters which he had the honor of addressing to his lordship on the 9th of August and 5th of September last, in relation to the slaves belonging to the citizens of the United States, carried away by the naval commanders of the British forces from places within the United States subsequently to the peace between the two countries, and in violation of the engagement in the first article of the treaty of Ghent.

In pressing this subject once more upon the consideration of His Majesty's Government, the undersigned deems it necessary to state the terms of the stipulation in the treaty, and the facts in breach of it, constituting the injury for which he is instructed to ask redress from the justice and good faith of the British Government.

The stipulation of the treaty is as follows:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

The facts in violation of this stipulation are, that, inevacuating sundry places within the United States which had been taken by the British forces during the war, the British naval commanders did carry away great numbers of slaves belonging to citizens of the United States. In his letter of the 5th of September the undersigned had the honor of enclosing a list of seven hundred and two slaves carried away, after the ratification of the treaty of peace, from Cumberland island and the waters adjacent, in the State of Georgia, by the forces under the command of Rear Admiral Cockburn, with the names of the slaves and those of their owners, citizens of the United States. A number, perhaps still greater, were carried away from Tangier island, in the State of Virginia, and from other places, lists of whom and of their proprietors the undersigned expects to be enabled in like manner to produce. The only foundation which these naval commanders have alleged for this procedure was a construction of the paragraph containing this stipulation, so contrary to its grammatical sense and obvious purport, that the undersigned is well assured if the same phrase had occurred in any municipal contract between individuals, no judicial tribunal in this kingdom would entertain for a moment a question upon it; a construction under which the whole operation of the words "slaves or other private property" was annihilated, by extending to them the limitation confined by the words of the treaty to artillery and public property.

In addition to the unequivocal import of the words, the undersigned, in his letter of the 9th of August, adduced the manner in which the article had been drawn up, discussed, and finally agreed upon, at the negotiation of the treaty, to prove that the intention of the parties had been conformable to the plain letter of the article. It was intimated in the answer to his two letters which he had the honor of receiving from Earl Bathurst, that some inconvenience might result if the parties upon whom treaties are binding were to recur to the intentions of the negotiators of such treaty, instead of taking as their guide the context of the treaty itself on any point of controversy respecting it. In reply to which, the undersigned observes that his letter did not recur to the intentions of the negotiators, but to the intentions of the parties to the treaty, as manifested in the process of drawing up and agreeing to the article; and not even to them instead of the context of the treaty itself, but to support and maintain the context of the treaty against what he deemed a misconstruction equally at variance with the rules of grammar and the intentions of the parties.

It is observed, in Lord Bathurst's answer, that, in this instance, the article as it stands was agreed to by a verbal amendment suggested by the American plenipotentiaries to the original article proposed by the British commissioners. Far otherwise; the original article was proposed by the American, and not by the British plenipotentiaries. The original article proposed that, in evacuating the places to be restored, no property, public or private, artillery or slaves, should be carried away. An alteration was proposed by the British plenipotentiaries, and its object was to limit the property to be restored with the places, to such as had been originally captured in the places, and should be remaining there at the time of the exchange of the ratifications. The reason alleged for this alteration applied only to public property. It might be impracticable to restore property which, though originally captured in the places, might have been removed from it before the exchange of the ratifications.

But private property, not having been subject to legitimate capture with the places, was not liable to the reason of the limitation; to which the American plenipotentiaries, therefore, assented only so far as related to artillery and public property; they did not assent to it as related to slaves and other private property. It was not a mere verbal alteration which they proposed: they adhered, in relation to slaves and other private property, to their original draught of the article, while they consented to the proposed alteration with regard to artillery and public property. To this qualified acceptance the British commissioners agreed. Nor need the undersigned remind Lord Castlereagh

that the British plenipotentiaries did not sign the treaty of Ghent until this article, as finally agreed to, and every other important part of the treaty, had been submitted to the British Government itself, and received their sanction and approbation.

If Lord Bathurst had taken this which is presented as the true view of the circumstances under which the article in question was drawn up and adopted, the undersigned is persuaded that he would have been spared the necessity of adverting to the following passage of his lordship's answer, in which the undersigned trusts that some error of a copyist has left its meaning imperfectly expressed.

"It is certainly possible that one party may propose an alteration, with a mental reservation of some construction of his own, and that he may assent to it on the firm persuasion that the construction continues to be the same; and that, therefore, he may conciliate, and yet concede nothing by giving his assent."

The only sense which the undersigned can discover in this sentence, as it stands, is that a party may conciliate, and yet concede nothing, by assenting to an alteration insidiously proposed by himself. Impossible as it is that such could have been Lord Bathurst's real meaning, the undersigned is equally unwilling to believe that his lordship intended to insinuate that, in the case of the stipulation now in question, an alteration was, on the part of the United States, proposed with a mental reservation of a construction not then avowed, which was assented to by Great Britain with a firm persuasion that, under the alteration, the construction would remain the same. The undersigned must be allowed to say that there was nothing in the transaction referred to which could justify such an insinuation; that the article, as originally drawn by the American plenipotentiaries, and presented to the British Government, was plain and clear; that it admitted of no other construction than that for which the American Government now contends; that it avowedly and openly contained a stipulation that, in the evacuation of all the territories, places, and possessions to be restored, no slave should be carried away; that an alteration was proposed by the British plenipotentiaries, which was accepted only in part; that in this partial acceptance the British Government acquiesced—the undersigned will certainly not say with a mental reservation to make up, by a subsequent construction of their own, for the part to which the United States did not assent; but he does deem it his duty to say, that when Great Britain proposed an alteration to that, of the meaning of which there could be no doubt, and when the alteration was accepted conditionally, and under a modification to which she agreed, she was bound to perceive that the modification, thus insisted upon by the other party, was not a mere verbal change in the phraseology of her proposal, but, so far as it extended, a substantial adherence to the original draught of the article.

It is further urged, in Lord Bathurst's answer, that the construction contended for by the American Government is inconsistent with another article of the treaty; for that it would require the restoration of the merchant vessels, and their effects, captured on the high seas, even if they should not be within the limits of the United States at the time of the exchange of the ratifications. The undersigned is not aware how such an inference can be drawn from any thing that has passed between the two Governments on the subject. Merchant vessels and effects captured on the high seas are, by the laws of war between civilized nations, lawful prize, and, by the capture, become the property of the captors. It was never asserted by the American Government that the stipulation in question could mean that, in evacuating the places taken, within the territorial jurisdiction of either party, the other should be precluded from carrying away his own property. But as, by the same usages of civilized nations, private property is not the subject of lawful capture in war upon the land, it is perfectly clear that, in every stipulation, private property shall be respected, or that, upon the restoration of places taken during the war, it shall not be carried away; the meaning of the expressions is defined by the subject-matter to which they relate, and extends only to the property of the party from whom the place was taken, or of persons under his allegiance. But in the present case it will not be pretended that the slaves, whose removal is complained of as a breach of the compact, were the property either of His Majesty, of the naval officers in his service who carried them away, or of any of his subjects. They were the property of citizens of the United States—precisely the species of property which it was expressly stipulated should not be carried away; and, far from setting up now, as is suggested in Lord Bathurst's note, a construction not thought of when the treaty was formed, the American Government do but claim the performance of the stipulation in the only sense which could be applied to it at that time. That the British Government gave it then any other construction, was not only never communicated to the Government of the United States, but was impossible to be foreseen by them. When Great Britain had solemnly agreed, without hinting an objection, to the principle of restoring captured slaves, it could not be foreseen that the engagement would be narrowed down to nothing by a strained extension of them—of a condition limited, by the words of the treaty, to another species of property. It was impossible to anticipate a construction of an important stipulation which should annihilate its operation. It was impossible to anticipate that a stipulation not to carry away *any slaves* would, by the British Government, be considered as faithfully executed by British officers in carrying away all the slaves in their possession.

The undersigned concludes with the earnest hope that His Majesty's Government, reviewing the subject in the spirit of candor and of justice, will accede to the proposal which he has been instructed to offer, and make provision to indemnify the owners of slaves which were carried away in contravention to the engagement of the treaty.

He is happy to avail himself of the occasion to renew to Lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, *March* 13, 1816.

I now enclose a copy of the note sent to Lord Castlereagh, concerning the slaves taken from Mr. Downman, by the violation of a flag of truce sent by Captain Barrie. You will have seen, by Lord Bathurst's note, a copy of which was transmitted to you immediately after it was received, that Captain Barrie disclaims all knowledge of the fact that the slaves were taken. As it appears by the documents that one of the slaves escaped from Bermuda and returned to his master, it may probably be in Mr. Downman's power to furnish many further particulars which may be of essential use in the prosecution of this inquiry, such as the name of the vessel to which they were first sent from the flag; how, and by what vessel, and when, they were afterwards sent to Bermuda, and into whose charge they were delivered there; perhaps, even the name of the officer who bore the flag; and whether Jeffery, the surgeon's mate, for whom the flag was sent, was on board the Franklin while the slaves were there; or whether they had already been sent on board another vessel before he embarked. Barrie's statement and Lord Bathurst's note seem intended to cast doubts upon the very fact of the slaves having been taken.

[N. B. A copy of the above was sent to Mr. Downman, but no answer has been received.]

Mr. Adams to the Right Honorable Lord Viscount Castlereagh, His Majesty's principal Secretary of State for the Department of Foreign Affairs.

13 CRAVEN STREET, *March* 12, 1816.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States of America, has the honor of inviting the attention of Lord Castlereagh to a letter which, on the 7th of October last, the undersigned addressed to Earl Bathurst, in relation to eleven slaves, the property of Raleigh W. Downman, a citizen of the United States, alleged to have been taken and carried away by the violation of a flag of truce sent by Captain Barrie, commander of His Majesty's ship Dragon. With this letter were enclosed copies of Mr. Downman's memorial to the President of the United States, representing the facts, and of several other documents to substantiate them; to all which the undersigned now begs leave to refer Lord Castlereagh.

The undersigned had the honor of receiving from Lord Bathurst an answer to this letter, acquainting him that Captain Barrie himself had been immediately referred to for such particulars as he might be enabled to give upon this subject, and communicating the substance of his report upon this reference.

There are many particulars in this statement of Captain Barrie, which, appearing to have no bearing upon the special object of inquiry, and tending rather to draw the attention from it to other points of discussion, might with propriety be left unnoticed, but for the insinuations that they convey. He remarks, for instance, that, at the period in question, the violation of a flag of truce was a very tender subject with him; and he refers to a previous correspondence in which he had been engaged with the commanding officer of the United States forces at Norfolk, on want of respect paid to British flags of truce, upon occasion of one of his own having been fired upon. The undersigned might deem it sufficient to say, that this was not the subject upon which Captain Barrie was called for information. As the captain does not recollect the violation, by his own people, of the flag sent by himself, he did not mean to allege it as a retaliation upon that of which another flag sent by him had been the sufferer. Yet he avows that, if slaves, fugitives from their masters, had been received on board a flag sent by himself, he would not have restored them to their owners without an express order from his commander-in-chief: a tenderness for a flag of truce upon which the undersigned forbears to comment.

Of the particular incident asserted by Captain Barrie, the undersigned has no cognizance; but, so far as this part of that officer's narrative may be understood as intending an imputation upon American officers or the American Government, of disrespect to the sacred character of a flag, the undersigned will only remind Lord Castlereagh of the repeated offers made by the Government of the United States during the war, and by the American plenipotentiaries at the negotiation of peace, to punish every infraction of the most liberal laws of war, on their part, and to indemnify, as far as possible, every sufferer under them. It was in the power of Great Britain to have accepted these offers, on the single condition of reciprocity. The correctness of two of the documents transmitted by the undersigned to Lord Bathurst, and marked A and B, is admitted by Captain Barrie. He declares that he never received the document marked D—a circumstance acknowledged in Mr. Downman's memorial, and accounted for by the statement, that before a vessel could be procured to bear the flag with this letter, the British vessels had left the Chesapeake.

With regard to the violation of the flag of truce, and the taking and carrying away of the slaves, Captain Barrie states, in general terms, that he has no recollection of any slaves ever having been received on board *any* flag of truce, during the time he was intrusted with the command of the Chesapeake squadron; and that if such a circumstance did occur, it was without his knowledge or authority.

The fact of the violation of the flag, and of the taking and carrying away of the slaves, is testified in the papers transmitted to Earl Bathurst, by the depositions, upon oath, of four witnesses; and His Majesty's Government did not consider the transaction as duly investigated, or that justice had been done to the complaining party, merely because Captain Barrie had stated the fact not to be within his recollection or knowledge. It was mentioned in Lord Bathurst's note that a communication would forthwith be made to Admiral Cockburn, for the purpose of obtaining further information upon the subject, with which, it is added, he must have been acquainted, as it appears that he had arrived in the Chesapeake before the surgeon's mate was restored.

The undersigned can urge no objection to any source of information to which His Majesty's Government may deem it expedient to resort for ascertaining the facts to their own satisfaction; but he thinks it proper to suggest that there are other sources which might also tend to the elucidation of the facts. Perhaps Captain Barrie could indicate the name of the officer by whom he sent the flag. Mr. Jeffery, the surgeon's mate, whose restoration was the object of the flag, and who actually returned with it, might give some light upon the subject. The captain and officers of the Havana must be supposed to know something of the affair. But, independently of the recollection of all officers, themselves so materially and so pointedly interested in the result of the inquiry, from the documents transmitted by the undersigned, it appears that one of the slaves *made his escape* from the island of Bermuda, and returned to his master. Information respecting the others might, then, be easily obtained by the British Government from Bermuda. That the slaves were taken, the undersigned believes cannot admit of a doubt. How they were disposed of, is a question interesting to the solicitude which His Majesty's Government have felt upon an allegation which has been considered as implicating the character of British officers. The violation of a flag constitutes, in this instance, an aggravation which seems to call, with peculiar energy, for a complete and unequivocal investigation. The undersigned is persuaded that His Majesty's Government will feel it to be due to the complaint of the individual, to the honor of their officers, and to their own sense of justice.

He has the honor of renewing to Lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *March* 30, 1816.

I have the honor to enclose copies of a note which I have received from Lord Castlereagh, with a report from Sir George Cockburn to the Secretary of the Admiralty, Mr. Croker, concerning the taking and carrying away of Mr. Downman's slaves. You will not fail to perceive that the admiral, like Captain Barrie, disclaims all knowledge of the transaction whatever, and that the effort and tendency of both their letters is to excite doubts with regard to the truth of Mr. Downman's statement in his memorial to the President. I have no doubt it will be easy, and beg leave to suggest it may be very important to Mr. Downman, to furnish additional evidence of the facts and particulars which may lead to the disclosure how and why the transportation, in broad day, of eleven slaves, to the British squadron, and by them to Bermuda, could be effected without the knowledge of either of the British commanding officers.

Lord Castlereagh to Mr. Adams.

FOREIGN OFFICE, *March* 26, 1816.

The undersigned has had the honor of receiving Mr. Adams's note of the 11th instant, respecting the slaves asserted by Mr. Downman to have been carried away from his estates by a flag of truce, contrary to the usages of war.

The undersigned has now the honor of transmitting to him a report which has been recently received from Rear Admiral Sir George Cockburn; and as soon as the further reports which the admiral has promised to make upon the arrival of Captain Hamilton at the anchorage off St. Helena shall be received, the undersigned will not fail to communicate it to Mr. Adams, being not less anxious than himself upon a case in which a flag of truce is stated to have been violated.

The undersigned begs to renew to Mr. Adams the assurance of his high consideration.

CASTLEREAGH.

JOHN QUINCY ADAMS, Esq., &c.

Admiral Cockburn to Mr. Croker.

SIR: NORTHUMBERLAND, ST. HELENA ROADS, *February* 9, 1816.

With reference to Mr. Barrie's letter (No. 15) of the 3d of November, and its enclosures, respecting certain slaves stated to have been carried away from the American shore, within the Chesapeake, by a British flag of truce, in the month of December, 1814, I lose no time in begging you to acquaint their lordships that I have no knowledge whatever of such transaction, nor is mention made of any such in my various documents of that period, though His Majesty's ships then in the Chesapeake, and on the adjacent coasts, were all acting under my immediate orders, and, consequently, made all their reports to me.

Mr. Downman's memorial to Mr. Madison induces me, however, to mention to their lordships, that, from my first entering the Chesapeake, in March, 1813, until the conclusion of the war, the said inland navigation was never left without several of His Majesty's ships; and when I quitted it in December, 1814, with a part of the squadron, I left there three frigates and two sloops under the orders of Captain Clavelle, of the Orlando, with whom communications from the land were held by means of flags of truce, from one extremity of its shores to the other, as will appear by two of the paragraphs extracted from letters I received about the same period from that officer, (herewith enclosed;) and the first paragraph will show (in reply to a part of Colonel Chawning's letter) that it was not uncustomary to trust the tender in question (which was the one attached to and manned from the Havana) up the Rappahannock river with hostile views. After the proclamation which was issued on this subject, the slaves were constantly coming, at all risks, to our ships, tenders, and boats, &c. for protection, which occasioned our squadron to be visited by Americans under flags of truce, asking the restoration of these unhappy people, under various pleas; and I cannot help thinking that, if the transactions in question had *really* taken place, as set forth by Mr. Downman, it would have come before me, either through Captain Clavelle, or through some other channel, previous to quitting the station, as I continued not only upon the coast, but *actually on shore in America*, until after the ratification of the treaty of peace, and was to the last in the habit of receiving letters on such subjects from all parts of the country, Washington not excepted.

The Havana being now upon this station, and it being possible that some of the officers and people who were in the tender may be still on board the frigate, I will, whenever she returns to this anchorage, cause Captain Hamilton to make every inquiry and report to me thereupon; and I shall not fail to transmit it to their lordships by the earliest opportunity afterwards, at which time I will also return the several papers which have been transmitted to me referring thereto.

I have the honor to be, &c.

GEORGE COCKBURN.

Extract of a letter from Mr. John Quincy Adams, Minister Plenipotentiary of the United States at London, to the Secretary of State, dated

LONDON, *April* 15, 1816.

Since this interview with Lord Castlereagh I have received from him a note respecting the slaves carried away from the United States after the ratification of the peace. A copy of it is enclosed. To reply to it at present would be to no purpose. I shall wait for your further instructions.

Copy of a letter from Lord Castlereagh to Mr. Adams.

APRIL 10, 1816.

The undersigned has the honor to acknowledge the receipt of Mr. Adams's note of the 17th of February, claiming, on behalf of the United States, all such slaves belonging to their citizens as had been carried away by the naval commanders of the British forces from places within the United States, subsequently to the peace between the two countries.

The grounds upon which His Majesty's Government felt themselves compelled to withhold their acquiescence in the claim of the United States, as preferred in Mr. Adams's former note of the 9th of August, have been already fully explained by Lord Bathurst in his communication of the 2d of October. It does not, therefore, appear to the undersigned to be requisite again to discuss at any length the construction of the first article of the treaty of Ghent. Agreeing entirely in the arguments urged by Earl Bathurst on this subject, the undersigned can never admit that construction of the article to be the true one which would apply to the restoration of slaves a different rule from that applicable to private property; or which, admitting that the restoration of private property, slaves inclusive, is to be subjected to some limitations, applies to it a different degree of limitation from that conveyed in the words immediately preceding.

His Majesty's Government have always been ready to admit the most liberal construction of the article in question. They have never pretended to resist the claim of the United States to indemnification for slaves or private property belonging to their citizens, which can be proved to have been in places directed to be restored by the treaty of Ghent, at the date of the exchange of the ratifications, and to have been afterwards removed. But they do, and must ever, deny that the United States can have any claim to property not actually in the places which, by the stipulations of the treaty, were to be restored at the time specified therein; because such a claim is utterly inconsistent with the provisions of the treaty, and is equally unsupported by any thing which passed in the discussion of that treaty, or even by the original projet of that treaty as offered by the American negotiators.

That projet, indeed, required that the places should be restored without carrying away any private property. If it had been, then, intended to provide for the restoration of all private property originally captured in the places, instead of prohibiting its removal, the article would have positively enjoined the restoration. What had been previously removed could not become the subject of the prohibition; for not being in the place to be restored, it could not be carried away. Under this projet, therefore, a removal previous to the ratification of the treaty was admitted to bar the claim of the United States, without reference either to the distance to which the property had been removed, to the actual state of the property, whether on shipboard or on British territory, or to the length of time which had elapsed since its removal.

The undersigned, therefore, considers it impossible to maintain that the insertion of the words "originally captured in the said places which shall remain therein upon the exchange of the ratifications of this treaty," (words which must be admitted, at least, of a restrictive nature,) can have given to the original proposition of the American plenipotentiaries a greater latitude than it originally possessed.

The undersigned trusts that the Government of the United States will, upon these considerations, not be disposed further to urge the general claim to indemnification which was the subject of Mr. Adams's former notes. Animated with a sincere disposition to act towards all Powers with the strictest justice and good faith, His Majesty's Government will be most happy to attend to any representation on the part of the United States which may have for its object the restoration or indemnification for the loss of property of her citizens actually removed from places within the territory of the United States subsequent to the ratification of the treaty of Ghent. But, at the same time, the undersigned cannot consider any property which had been, previous to the ratification of the treaty, removed on shipboard, as property forming a subject of such representation.

The undersigned begs to renew to Mr. Adams the assurances of his high consideration.

CASTLEREAGH.

Extract of a letter from the Secretary of State to Mr. Adams, dated

MAY 21, 1816.

Should the British Government persevere in its construction of the first article of the late treaty of peace, respecting slaves carried off in violation, as we presume, of its obvious import, the President is willing to refer the question to the decision of some friendly Power which you will propose. A reference is suggested, by provisions in the treaty, applicable to anticipated differences in other instances; indeed, where such differences exist, no better mode can be adopted for settling them in a satisfactory manner. In this instance the interest is too important to be neglected. It is impossible that the opinion of the British Government can be more decided than that of the United States. There is no reason, therefore, why the United States should yield to the opinion of Great Britain, more than that Great Britain should yield to that of the United States.

Extract of a letter from Mr. Adams to Lord Castlereagh, dated

SEPTEMBER 17, 1816.

"4th. Slaves carried away from the United States by British officers after the peace."

As the construction given by His Majesty's Government to the first article in the treaty of Ghent, in reference to the slaves carried away from the United States by British officers, after the ratification of the peace, is so directly at variance with the construction which the American Government think alone applicable to it, the undersigned has been further instructed to propose that this question should be submitted to the decision of some friendly sovereign. This reference is suggested by provisions in the treaty of Ghent itself, applicable to the contingency of differences in other instances; and it is conceived that when such differences exist, no better mode can be adopted for settling them in a satisfactory manner.

Viscount Castlereagh to Mr. Adams.

SIR: SEPTEMBER 28, 1816.

I very much regret that the absence from London, at this season of the year, of several of the Prince Regent's ministers will preclude me from returning as early an answer to your note of the 17th as I should wish, under the sense I entertain of the great importance of the several objects to which it invites the attention of this Government.

I have myself obtained the permission of the Prince Regent to make a short excursion to Ireland on my private affairs; but I shall certainly return to London by the middle of November, and shall lose no time, as soon after that period as my colleagues shall be reassembled, to bring the various objects referred to in your note under their deliberation.

I request you will accept the assurance of the high consideration with which I have the honor to be, &c.

CASTLEREAGH.

JOHN QUINCY ADAMS, Esq., &c.

No. 288.

INAUGURAL ADDRESS OF JAMES MONROE, PRESIDENT OF THE UNITED STATES.

MARCH 4, 1817.

I should be destitute of feeling, if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence, in calling me to the high office whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification which those who

are conscious of having done all that they could to merit it can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties, with the proper discharge of which the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating, with confidence, that, in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the chief executive office, it has been the practice of the distinguished men who have gone before me to explain the principles which would govern them in their respective administrations. In following their venerated example, my attention is naturally drawn to the great causes which have contributed, in a principal degree, to produce the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

From the commencement of our revolution to the present day almost forty years have elapsed, and from the establishment of this constitution twenty-eight. Through this whole term the Government has been what may emphatically be called self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens, individually, have been happy, and the nation prosperous.

Under this constitution our commerce has been wisely regulated with foreign nations, and between the States; new States have been admitted into our Union; our territory has been enlarged, by fair and honorable treaty, and with great advantage to the original States; the States, respectively, protected by the National Government, under a mild parental system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity, which are the best proofs of wholesome laws well administered. And if we look to the condition of individuals, what a proud spectacle does it exhibit! On whom has oppression fallen in any quarter of our Union? Who has been deprived of any right of person or property? Who restrained from offering his vows, in the mode which he prefers, to the Divine Author of his being? It is well known that all these blessings have been enjoyed in their fullest extent; and I add, with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason.

Some, who might admit the competency of our Government to these beneficent duties, might doubt it in trials which put to the test its strength and efficiency as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favor. Just as this constitution was put into action, several of the principal States of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have of late only been terminated. In the course of these conflicts the United States received great injury from several of the parties. It was their interest to stand aloof from the contest; to demand justice from the party committing the injury; and to cultivate, by a fair and honorable conduct, the friendship of all. War became at length inevitable, and the result has shown that our Government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people, and of the heroic exploits of the army, the navy, and the militia, I need not speak.

Such, then, is the happy Government under which we live; a Government adequate to every purpose for which the social compact is formed; a Government elective in all its branches, under which every citizen may, by his merit, obtain the highest trust recognised by the constitution; which contains within it no cause of discord; none to put at variance one portion of the community with another; a Government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign Powers.

Other considerations of the highest importance admonish us to cherish our union, and to cling to the Government which supports it. Fortunate, as we are, in our political institutions, we have not been less so in other circumstances, on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great lakes, and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed, too, with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus for the wants of our fellow-men in other countries. Such is our peculiar felicity, that there is not a part of our Union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow-citizens of the north, engaged in navigation, find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States; while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force thus formed and reared up for the support of our common rights. Our manufactures find a generous encouragement, by the policy which patronises domestic industry, and the surplus of our produce a steady and profitable market, by local wants in less favored parts, at home.

Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

In explaining my sentiments on this subject, it may be asked, what raised us to the present happy state? How did we accomplish the revolution? How remedy the defects of the first instrument of our Union, by diffusing into the National Government sufficient power for national purposes, without impairing the just rights of the States, or affecting those of individuals? How sustain and pass with glory through the late war? The Government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust, is the credit due. Had the people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and a usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us, then, look to the great cause, and endeavor to preserve it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war, and it may, in that event, be the object of the adverse party to overset our Government, to break our Union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our Government, may form some security against these dangers; but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of

them are, in a certain degree, dependant on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other Powers, and we should disregard the faithful admonition of experience if we did not expect it. We must support our rights, or lose our character, and with it, perhaps, our liberties. A people who fail to do it, can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen is national strength; it ought, therefore, to be cherished.

To secure us against these dangers, our coast and inland frontiers should be fortified; our army and navy, regulated upon just principles as to the force of each, be kept in perfect order; and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence as to secure our cities and interior from invasion will be attended with expense, but the work, when finished, will be permanent; and it is fair to presume that a single campaign of invasion, by a naval force superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes: the former, to garrison and preserve our fortifications, and to meet the first invasions of a foreign foe, and, while constituting the elements of a greater force, to preserve the science as well as all the necessary implements of war in a state to be brought into activity in the event of war; the latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other Powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination.

But it ought always to be held prominently in view, that the safety of these States, and of every thing dear to a free people, must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our Government or the circumstances of the United States to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency. The arrangement should be such as to put at the command of the Government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure, and not the laws, which provide a remedy for it. This arrangement should be formed, too, in time of peace, to be the better prepared for war. With such an organization of such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion.

Other interests, of high importance, will claim attention; among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the States, we shall add much to the convenience and comfort of our fellow-citizens; much to the ornament of the country; and, what is of greater importance, we shall shorten distances, and, by making each part more accessible to and dependant on the other, we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States—a territory so vast and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts.

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. While we are thus dependant, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as, by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our revenue, and the flourishing state of the treasury, are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow-citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement and preparation of every kind; it is in peace that our commerce flourishes most, that taxes are most easily paid, and that the revenue is most productive.

The Executive is charged, officially, in the departments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The Legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the Executive to enable it to bring the public agents intrusted with the public money strictly and promptly to account. Nothing should be presumed against them; but if, with the requisite facilities, the public money is suffered to lie long and uselessly in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the administration, which will be felt by the whole community. I shall do all I can to secure economy and fidelity in this important branch of the administration, and I doubt not that the Legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the Executive, on just principles, with all nations—claiming nothing unreasonable of any, and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our Government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family, with a common interest. Experience has enlightened us on some questions of essential inportance to the country. The progress has been slow, dictated by a just reflection, and a faithful regard to every interest connected with it. To promote this harmony, in accord with the principles of our republican Government, and in a

manner to give them the most complete effect, and to advance in all other respects the best interests of our Union, will be the object of my constant and zealous exertions.

Never did a Government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid—so gigantic; of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy when he reflects how near our Government has approached to perfection; that, in respect to it, we have no essential improvement to make; that the great object is, to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and, as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights, and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the administrations of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy, in his retirement, the affections of a grateful country—the best reward of exalted talents and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of the Government, I enter on the trust to which I have been called by the suffrages of my fellow-citizens, with my fervent prayers to the Almighty that he will be graciously pleased to continue to us that protection which he has already so conspicuously displayed in our favor.

JAMES MONROE.

15th Congress.] No. 289. [1st Session.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES AT THE COMMENCEMENT OF THE FIRST SESSION OF THE FIFTEENTH CONGRESS.

COMMUNICATED TO CONGRESS, DECEMBER 2, 1817.

Fellow-citizens of the Senate and of the House of Representatives: DECEMBER 2, 1817.

At no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our revenue. The public credit has attained an extraordinary elevation. Our preparations for defence, in case of future wars, from which, by the experience of all nations we ought not to expect to be exempted, are advancing, under a well-digested system, with all the despatch which so important a work will admit. Our free Government, founded on the interest and affections of the people, has gained, and is daily gaining, strength. Local jealousies are rapidly yielding to more generous, enlarged, and enlightened views of national policy. For advantages so numerous and highly important, it is our duty to unite in grateful acknowledgments to that Omnipotent Being from whom they are derived, and in unceasing prayer that he will endow us with virtue and strength to maintain and hand them down, in their utmost purity, to our latest posterity.

I have the satisfaction to inform you that an arrangement, which had been commenced by my predecessor, with the British Government, for the reduction of the naval force, by Great Britain and the United States, on the lakes, has been concluded; by which it is provided that neither party shall keep in service on Lake Champlain more than one vessel; on Lake Ontario, more than one; and on Lake Erie, and the upper lakes, more than two; to be armed each with one cannon only; and that all the other armed vessels, of both parties, of which an exact list is interchanged, shall be dismantled. It also agreed that the force retained shall be restricted, in its duty, to the internal purposes of each party; and that the arrangement shall remain in force until six months shall have expired, after notice given by one of the parties to the other of its desire that it should terminate. By this arrangement, useless expense on both sides, and, what is of still greater importance, the danger of collision between armed vessels in those inland waters, which was great, is prevented. I have the satisfaction also to state that the commissioners under the fourth article of the treaty of Ghent, to whom it was referred to decide to which party the several islands in the bay of Passamaquoddy belonged, under the treaty of one thousand seven hundred and eighty-three, have agreed in a report, by which all the islands in the possession of each party before the late war have been decreed to it. The commissioners acting under the other articles of the treaty of Ghent for the settlement of boundaries, have also been engaged in the discharge of their respective duties, but have not yet completed them. The difference which arose between the two Governments under that treaty, respecting the right of the United States to take and cure fish on the coast of the British provinces north of our limits, which had been secured by the treaty of 1783, is still in negotiation. The proposition made by this Government, to extend to the colonies of Great Britain the principle of the convention of London, by which the commerce between the ports of the United States and British ports in Europe had been placed on a footing of equality, has been declined by the British Government. This subject having been thus amicably discussed between the two Governments, and it appearing that the British Government is unwilling to depart from its present regulations, it remains for Congress to decide whether they will make any other regulations, in consequence thereof, for the protection and improvement of our navigation.

The negotiation with Spain, for spoliations on our commerce and the settlement of boundaries, remains essentially in the state it held by the communications that were made to Congress by my predecessor. It has been evidently the policy of the Spanish Government to keep the negotiation suspended; and in this the United States have acquiesced, from an amicable disposition towards Spain, and in the expectation that her Government would, from a sense of justice, finally accede to such an arrangement as would be equal between the parties. A disposi-

tion has been lately shown by the Spanish Government to move in the negotiation, which has been met by this Government; and, should the conciliatory and friendly policy which has invariably guided our councils be reciprocated, a just and satisfactory arrangement may be expected. It is proper, however, to remark that no proposition has yet been made from which such a result can be presumed.

It was anticipated at an early stage that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable, also, that the prosecution of the conflict along our coast, and in contiguous countries, would occasionally interrupt our commerce, and otherwise affect the persons and property of our citizens. These anticipations have been realized. Such injuries have been received from persons acting under the authority of both the parties, and for which redress has, in most instances, been withheld. Through every stage of the conflict the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest, not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, as to neutral Powers, equal rights. Our ports have been open to both; and every article, the fruit of our soil, or of the industry of our citizens, which either was permitted to take, has been equally free to the other. Should the colonies establish their independence, it is proper now to state that this Government neither seeks nor would accept from them any advantage in commerce or otherwise which will not be equally open to all other nations. The colonies will, in that event, become independent States, free from any obligation to or connexion with us, which it may not then be their interest to form on the basis of a fair reciprocity.

In the summer of the present year, an expedition was set on foot against East Florida, by persons claiming to act under the authority of some of the colonies, who took possession of Amelia island, at the mouth of the St. Mary's river, near the boundary of the State of Georgia. As this province lies eastward of the Mississippi, and is bounded by the United States and the ocean on every side, and has been a subject of negotiation with the Government of Spain as an indemnity for losses by spoliation, or in exchange for territory of equal value westward of the Mississippi, (a fact well known to the world,) it excited surprise that any countenance should be given to this measure by any of the colonies. As it would be difficult to reconcile it with the friendly relations existing between the United States and the colonies, a doubt was entertained whether it had been authorized by them, or any of them. This doubt has gained strength, by the circumstances which have unfolded themselves in the prosecution of the enterprise, which have marked it as a mere private, unauthorized adventure. Projected and commenced with an incompetent force, reliance seems to have been placed on what might be drawn, in defiance of our laws, from within our limits; and of late, as their resources have failed, it has assumed a more marked character of unfriendliness to us; the island being made a channel for the illicit introduction of slaves from Africa into the United States, an asylum for fugitive slaves from the neighboring States, and a port for smuggling of every kind.

A similar establishment was made, at an earlier period, by persons of the same description in the Gulf of Mexico, at a place called Galvezton, within the limits of the United States, as we contend, under the cession of Louisiana. This enterprise has been marked, in a more signal manner, by all the objectionable circumstances which characterized the other, and more particularly by the equipment of privateers which have annoyed our commerce, and by smuggling. These establishments, if ever sanctioned by any authority whatever, which is not believed, have abused their trust, and forfeited all claim to consideration. A just regard for the rights and interests of the United States required that they should be suppressed, and orders have been accordingly issued to that effect. The imperious considerations which produced this measure will be explained to the parties whom it may in any degree concern.

To obtain correct information on every subject in which the United States are interested, to inspire just sentiments in all persons in authority, on either side, of our friendly disposition, so far as it may comport with an impartial neutrality, and to secure proper respect to our commerce in every port, and from every flag, it has been thought proper to send a ship of war, with three distinguished citizens, along the southern coast, with instruction to touch at such ports as they may find most expedient for these purposes. With the existing authorities, with those in the possession of and exercising the sovereignty, must the communication be held; from them alone can redress for past injuries, committed by those persons acting under them, be obtained; by them alone can the commission of the like, in future, be prevented.

Our relations with the other Powers of Europe have experienced no essential change since the last session. In our intercourse with each, due attention continues to be paid to the protection of our commerce, and to every other object in which the United States are interested. A strong hope is entertained, that, by adhering to the maxims of a just, a candid, and friendly policy, we may long preserve amicable relations with all the Powers of Europe, on conditions advantageous and honorable to our country.

With the Barbary States and the Indian tribes our pacific relations have been preserved.

In calling your attention to the internal concerns of our country, the view which they exhibit is peculiarly gratifying. The payments which have been made into the treasury show the very productive state of the public revenue. After satisfying the appropriations made by law for the support of the civil Government, and of the military and naval establishments, embracing suitable provision for fortifications, and for the gradual increase of the navy, paying the interest of the public debt, and extinguishing more than eighteen millions of the principal within the present year, it is estimated that a balance of more than six millions of dollars will remain in the treasury on the 1st day of January next, applicable to the current service of the ensuing year. The payments into the treasury during the year 1818, on account of imposts and tonnage, resulting principally from duties which have accrued in the present year, may be fairly estimated at twenty millions; internal revenues, at two millions five hundred thousand; public lands, at one million five hundred thousand; bank dividends and incidental receipts, at five hundred thousand; making, in the whole, twenty-four millions five hundred thousand dollars.

The annual permanent expenditure for the support of the civil Government, and of the army and navy as now established by law, amounts to eleven millions eight hundred thousand dollars, and for the sinking fund to ten millions; making, in the whole, twenty-one millions eight hundred thousand; leaving an annual excess of revenue beyond the expenditure of two millions seven hundred thousand dollars, exclusive of the balance estimated to be in the treasury on the 1st day of January, 1818.

In the present state of the treasury, the whole of the Louisiana debt may be redeemed in the year 1819; after which, if the public debt continues as it now is, above par, there will be annually about five millions of the sinking fund unexpended until the year 1825, when the loan of 1812 and the stock created by funding treasury notes will be redeemable.

It is also estimated that the Mississippi stock will be discharged during the year 1819, from the proceeds of the public lands assigned to that object; after which the receipts from those lands will annually add to the public revenue the sum of one million five hundred thousand dollars; making the permanent annual revenue amount to twenty-six millions, and leaving an annual excess of revenue, after the year 1819, beyond the permanent authorized expenditure, of more than four millions of dollars.

By the late returns of the Department of War, the militia force of the several States may be estimated at eight hundred thousand men, infantry, artillery, and cavalry. Great part of this force is armed, and measures are taken to arm the whole. An improvement in the organization and discipline of the militia is one of the great objects which claim the unremitted attention of Congress.

The regular force amounts nearly to the number required by law, and is stationed along the Atlantic and inland frontiers.

Of the naval force, it has been necessary to maintain strong squadrons in the Mediterranean and in the Gulf of Mexico.

From several of the Indian tribes, inhabiting the country bordering on Lake Erie, purchases have been made of lands, on conditions very favorable to the United States, and, as it is presumed, not less so to the tribes themselves. By these purchases the Indian title, with moderate reservations, has been extinguished to the whole of the land within the limits of the State of Ohio, and to a part of that in the Michigan Territory and of the State of Indiana. From the Cherokee tribe a tract has been purchased in the State of Georgia, and an arrangement made by which, in exchange for lands beyond the Mississippi, a great part, if not the whole of the land belonging to that tribe eastward of that river, in the States of North Carolina, Georgia, and Tennessee, and in the Alabama Territory, will soon be acquired. By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our settlements from the inhabited parts of the State of Ohio, along Lake Erie, into the Michigan Territory, and to connect our settlements, by degrees, through the State of Indiana and the Illinois Territory, to that of Missouri. A similar and equally advantageous effect will soon be produced to the south, through the whole extent of the States and territory which border on the waters emptying into the Mississippi and the Mobile. In this progress, which the rights of nature demand and nothing can prevent, marking a growth rapid and gigantic, it is our duty to make new efforts for the preservation, improvement, and civilization of the native inhabitants. The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form, and greater force of civilized population; and, of right, it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know that the reservations of land made by the treaties with the tribes on Lake Erie were made with a view to individual ownership among them, and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply their other wants. It will merit the consideration of Congress whether other provisions, not stipulated by treaty, ought to be made for these tribes, and for the advancement of the liberal and humane policy of the United States towards all the tribes within our limits, and more particularly for their improvement in the arts of civilized life.

Among the advantages incident to these purchases, and to those which have preceded, the security which may thereby be afforded to our inland frontiers is peculiarly important. With a strong barrier, consisting of our own people thus planted on the lakes, the Mississippi, and the Mobile, with the protection to be derived from the regular forces, Indian hostilities, if they do not altogether cease, will henceforth lose their terror. Fortifications in those quarters, to any extent, will not be necessary, and the expense attending them may be saved. A people accustomed to the use of fire-arms only, as the Indian tribes are, will shun even moderate works which are defended by cannon. Great fortifications will, therefore, be requisite only in future along the coast, and at some points in the interior connected with it. On these will the safety of our towns, and the commerce of our great rivers, from the Bay of Fundy to the Mississippi, depend. On these, therefore, should the utmost attention, skill, and labor be bestowed.

A considerable and rapid augmentation in the value of all the public lands, proceeding from these and other obvious causes, may henceforward be expected. The difficulties attending early emigrations will be dissipated even in the most remote parts. Several new States have been admitted into our Union to the west and south, and Territorial Governments, happily organized, established over every other portion in which there is vacant land for sale. In terminating Indian hostilities, as must soon be done in a formidable shape at least, the emigration, which has heretofore been great, will probably increase, and the demand for land and the augmentation in its value be in like proportion. The great increase of our population throughout the Union will alone produce an important effect, and in no quarter will it be so sensibly felt as in those in contemplation. The public lands are a public stock, which ought to be disposed of to the best advantage for the nation. The nation should, therefore, derive the profit proceeding from the continual rise in their value. Every encouragement should be given to the emigrants, consistent with a fair competition between them; but that competition should operate in the first sale to the advantage of the nation rather than of individuals. Great capitalists will derive all the benefit incident to their superior wealth, under any mode of sale which may be adopted; but if, looking forward to the rise in the value of the public lands, they should have the opportunity of amassing, at a low price, vast bodies in their hands, the profit will accrue to them and not to the public. They would also have the power, in that degree, to control the emigration and settlement in such manner as their opinion of their respective interests might dictate. I submit this subject to the consideration of Congress, that such further provision may be made in the sale of the public lands, with a view to the public interest, should any be deemed expedient, as in their judgment may be best adapted to the object.

When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connexion of its parts, and other circumstances on which their prosperity and happiness depend, we cannot fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at the present, I have brought it into view, for the purpose of communicating my sentiments on a very important circumstance connected with it, with that freedom and candor which a regard for the public interest and a proper respect for Congress require. A difference of opinion has existed from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required; and the result is, a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incident to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the constitution which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that if it appears to their satisfaction that the power is necessary, it will always be granted. In this case I am happy to observe, that experience has

afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony which now manifests itself throughout our Union promises to such a recommendation the most prompt and favorable result. I think proper to suggest, also, in case this measure be adopted, that it be recommended to the States to include in the amendment sought a right in Congress to institute likewise seminaries of learning, for the all-important purpose of diffusing knowledge among our fellow-citizens throughout the United States.

Our manufactories will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge acquired in the machinery and fabric of all the most useful manufactures is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the nation.

Although the progress of the public buildings has been as favorable as circumstances have permitted, it is to be regretted that the capitol is not yet in a state to receive you. There is good cause to presume that the two wings, the only parts as yet commenced, will be prepared for that purpose at the next session. The time seems now to have arrived when this subject may be deemed worthy the attention of Congress, on a scale adequate to national purposes. The completion of the middle building will be necessary to the convenient accommodation of Congress, of the committees, and various offices belonging to it. It is evident that the other public buildings are altogether insufficient for the accommodation of the several Executive Departments, some of whom are much crowded, and even subjected to the necessity of obtaining it in private buildings, at some distance from the head of the Department, and with inconvenience to the management of the public business. Most nations have taken an interest and a pride in the improvement and ornament of their metropolis, and none were more conspicuous in that respect than the ancient republics. The policy which dictated the establishment of a permanent residence for the National Government, and the spirit in which it was commenced and has been prosecuted, show that such improvement was thought worthy the attention of this nation. Its central position, between the northern and southern extremes of our Union, and its approach to the west, at the head of a great navigable river, which interlocks with the western waters, prove the wisdom of the councils which established it. Nothing appears to be more reasonable and proper than that convenient accommodation should be provided, on a well-digested plan, for the heads of the several Departments, and for the Attorney General; and it is believed that the public ground in the city, applied to those objects, will be found amply sufficient. I submit this subject to the consideration of Congress, that such further provision may be made in it as to them may seem proper.

In contemplating the happy situation of the United States, our attention is drawn, with peculiar interest to the surviving officers and soldiers of our revolutionary army, who so eminently contributed by their services to lay its foundation. Most of those very meritorious citizens have paid the debt of nature and gone to repose. It is believed that, among the survivors, there are some not provided for by existing laws, who are reduced to indigence, and even to real distress. These men have a claim on the gratitude of their country, and it will do honor to their country to provide for them. The lapse of a few years more, and the opportunity will be forever lost: indeed, so long already has been the interval, that the number to be benefited by any provision which may be made will not be great.

It appearing in a satisfactory manner that the revenue arising from imposts and tonnage, and from the sale of the public lands, will be fully adequate to the support of the civil Government, of the present military and naval establishments, (including the annual augmentation of the latter to the extent provided for,) to the payment of the interest on the public debt, and to the extinguishment of it at the times authorized, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal. To impose taxes, when the public exigencies require them, is an obligation of the most sacred character, especially with a free people. The faithful fulfilment of it is among the highest proofs of their virtue and capacity for self-government. To dispense with taxes, when it may be done with perfect safety, is equally the duty of their representatives. In this instance we have the satisfaction to know that they were imposed when the demand was imperious, and have been sustained with exemplary fidelity. I have to add, that, however gratifying it may be to me, regarding the prosperous and happy condition of our country, to recommend the repeal of these taxes at this time, I shall nevertheless be attentive to events, and, should any future emergency occur, be not less prompt to suggest such measures and burdens as may then be requisite and proper.

JAMES MONROE.

15th Congress.] **No. 290.** [1st Session.

SUPPRESSION OF PIRATICAL ESTABLISHMENTS.

REPORTED ON JANUARY 10, 1818.

The Committee on Foreign Relations, to whom was referred so much of the President's message as relates to the illicit introduction of slaves from Amelia island, having carefully taken the matter committed to them into consideration, respectfully report:

That, having applied to the Department of State for information respecting the illicit introduction of slaves into the United States, they were referred by the Secretary of State to the documents transmitted to this House by the President's message of the 15th of December last, consisting of various extracts of papers on the files of the Departments of State, of the Treasury, and of the Navy, relative to the proceedings of certain persons who took possession of Amelia island in the summer of the past year, and also relative to a similar establishment previously made at Galvezton, near the mouth of the river Trinity.

Upon a full investigation of these papers, with a view to the subject committed to them, your committee are of opinion that it is but too notorious that numerous infractions of the law prohibiting the importation of slaves into the United States have been perpetrated with impunity upon our southern frontier; and they are further of opinion that similar infractions would have been repeated, with increasing activity, without the timely interposition of the naval force, under the direction of the Executive of our Government.

In the course of their investigation, your committee have found it difficult to keep separate the special matter given into their charge from topics of a more general nature, which are necessarily interwoven therewith; they

therefore crave the indulgence of the House while they present some general views connected with the subject, which have developed themselves in the prosecution of their inquiry.

It would appear, from what can be collected from these papers, that numerous violations of our laws have been latterly committed by a combination of freebooters and smugglers of various nations, who located themselves, in the first instance, upon an uninhabited spot, near the mouth of the river Trinity, within the jurisdictional limits of the United States, as claimed in virtue of the treaty of cession of Louisiana by France. This association of persons organized a system of plunder upon the high seas, directed chiefly against Spanish property, which consisted frequently of slaves from the coast of Africa; but their conduct appears not always to have been regulated by a strict regard to the national character of vessels falling into their hands, when specie, or other valuable articles, formed part of the cargo. Their vessels generally sailed under a pretended Mexican flag, although it does not appear that the establishment at Galvezton was sanctioned by, or connected with, any other Government. The presumption, too, of any authority ever having been given for such an establishment is strongly repelled, as well by its piratical character, as its itinerant nature; for the first position at Galvezton was abandoned on or about the 5th of April last, for one near Matagorda, upon the Spanish territory; and at a later period, this last was abandoned and a transfer made to Amelia island, in East Florida, a post which had been previously seized by persons who appear to have been equally unauthorized, and who were, at the time of the said transfer, upon the point, it is believed, of abandoning their enterprise, from the failure of resources, which they expected to have drawn from within our limits, in defiance of our laws. There exists on the part of these sea rovers an organized system of daring enterprise, supported by force of arms; and it is only by a correspondent system of coercion that they can be met, and constrained to respect the rights of property and the laws of nations. It is deeply to be regretted that practices of such a character, within our immediate neighborhood, and even within our jurisdictional limits, should have prevailed unchecked for so long a time; the more especially as one of their immediate consequences was to give occasion to the illicit introduction of slaves from the coast of Africa into these United States, and thus to revive a traffic repugnant to humanity, and to all sound principles of policy, as well as severely punishable by the laws of the land.

By the seventh section of the act prohibiting the importation of slaves, passed in 1807, the President is fully authorized to employ the naval force to cruise on any part of the United States, or territories thereof, where he may judge attempts will be made to violate the provisions of that act, in order to seize and bring in for condemnation all vessels contravening its provisions, to be proceeded against according to law.

By the joint resolution of the Senate and House of Representatives, of the 15th of January, 1811, and the act of the same date, the President is fully empowered to occupy any part or the whole of the territory lying east of the river Perdido, and south of the State of Georgia, in the event of an attempt to occupy the said territory, or any part thereof, by any foreign Government or Power; and by the same resolution and act he may employ any part of the army and navy of the United States which he may deem necessary for the purpose of taking possession of and occupying the territory aforesaid, and in order to maintain therein the authority of the United States.

Among the avowed projects of the persons who have occupied Amelia island was that of making the conquest of East and West Florida, professedly for the purpose of establishing there an independent Government; and the vacant lands in those provinces have been, from the origin of this undertaking down to the latest period, held out as lures to the cupidity of adventurers, and as resources for defraying the expenses of the expedition. The greater part of West Florida being in the actual possession of the United States, this project involved in it designs of direct hostility against them; and, as the express object of the resolution and act of January 15, 1811, was to authorize the President to prevent the province of East Florida from passing into the hands of any foreign Power, it became the obvious duty of the President to exercise the authority vested in him by that law. It does not appear that among these itinerant establishers of republics and distributers of Florida lands there is a single individual inhabitant of the country where the republic was to be constituted, and whose lands were to be thus bestowed. The project was, therefore, an attempt to occupy that territory by a foreign Power. Where the profession is in such direct opposition to the fact; where the venerable forms by which a free people constitute a frame of government for themselves are prostituted by a horde of foreign freebooters, for purposes of plunder; if, under color of authority from any of the provinces contending for their independence, the Floridas, or either of them, had been permitted to pass into the hands of such a Power, the committee are persuaded it is quite unnecessary to point out to the discernment of the House the pernicious influence which such a destiny of the territories in question must have had upon the security, tranquillity, and commerce of this Union.

It is a matter of public notoriety, that two of the persons who have successively held the command at Amelia island, whether authorized themselves by any Government or not, have issued commissions for privateers, as in the name of the Venezuelan and Mexican Governments, to vessels fitted out in the ports of the United States, and chiefly manned and officered by our own countrymen, for the purpose of capturing the property of nations with which the United States are at peace. One of the objects of the occupation of Amelia island, it appears, was to possess a convenient resort for privateers of this description, equally reprobated by the laws of nations, which recognise them only under the denomination of pirates, and by several of the treaties of the United States with different European Powers, which expressly denominate them as such.* It was against the subjects of Spain, one of the Powers with which the United States have entered into stipulations prohibiting their citizens from taking any commission from any Power with which she may be at war, for arming any ships to act as privateers, that these vessels have been commissioned to cruise; though, as the committee have observed, no flag, not even that of our own country, has proved a protection from them.

The immediate tendency of suffering such armaments, in defiance of our laws, would have been to embroil the United States with all the nations whose commerce with our country was suffering under these depredations, and, if not checked by all the means in the power of the Government would have authorized claims from the subjects of foreign Governments for indemnities at the expense of this nation, for captures by our people in vessels fitted out in our ports, and, as could not fail of being alleged, countenanced by the very neglect of the necessary means of suppressing them.

The possession of Amelia island, as a port of refuge for such privateers, and of illicit traffic in the United States of their prizes, which were frequently, as before stated, slave ships from Africa, was a powerful encouragement and temptation to multiply these violations of our laws, and made it the duty of the Government to use all the means in its power to restore the security of our own commerce, and of that of friendly nations upon our coasts, which could in no other way more effectually be done than by taking from this piratical and smuggling combination their place of refuge.

*See the treaty of peace with France, 1778, art. 21st, United States' Laws, vol. 1, p. 88; with the Netherlands, 1782, art. 19, vol. 1, p. 162; with Sweden, 1783, art. 23, vol. 1, p. 190; with Great Britain, 1794, art. 21, vol. 1, p. 218; with Prussia, 1785, art. 20, vol. 1, p. 238, and 1797, art. 20, p. 256; with Spain, 1795, art. 14, vol. 1, p. 270.

In order, therefore, to give full effect to the intentions of the Legislature, and in pursuance of the provisions of the above-recited resolution and acts, it became necessary, as it appears to the committee, to suppress all establishments of the hostile nature of those above described, made in our vicinity, the objects of which appear to have been the occupation of the Floridas, the spoliation of peaceful commerce upon and near our coasts by piratical privateers, the clandestine importation of goods, and the illicit introduction of slaves within our limits. Such establishments, if suffered to subsist and strengthen, would probably have rendered nugatory all provisions made by law for the exclusion of prohibited persons. The course pursued on this occasion will strongly mark the feelings and intentions of our Government upon the great question of the slave-trade, which is so justly considered by most civilized nations as repugnant to justice and humanity, and which, in our particular case, is not less so to all the dictates of a sound policy.

Your committee anticipate beneficial results from the adoption of these measures by the Executive, in the promotion of the security of our southern frontier and its neighboring seas, and in the diminution of the evasions, latterly so frequent, of our revenue and prohibitory laws. The experience of ten years has, however, evinced the necessity of some new regulations being adopted, in order effectually to put a stop to the further introduction of slaves into the United States. In the act of Congress prohibiting this importation, the policy of giving the whole forfeiture of vessel and goods to the United States, and no part thereof to the *informer*, may justly be doubted. This is an oversight which should be remedied. The act does, indeed, give a part of the *personal* penalties to the informer, but these penalties are generally only *nominal*, as the persons engaged in such traffic are usually poor. The omission of the States to pass acts to meet the act of Congress, and to establish regulations in aid of the same, can only be remedied by Congress legislating directly upon the subject themselves, as it is clearly within the scope of their constitutional power to do.

[The following documents are extracted from those referred to in the aforegoing report.]

Letter from the Secretary of the Treasury to the Secretary of State, dated

NOVEMBER 21, 1817.

The Secretary of the Treasury presents his respects to the Secretary of State, and has the honor of transmitting to him copies of the communications which have been received at this Department concerning the occupation of Galvezton and Amelia island by persons sailing under the various flags of the independent Governments of North and South America, late Spanish provinces.

Extracts of a letter from Beverly Chew, Esq., collector at New Orleans, to Mr. Crawford, dated

AUGUST 1, 1817.

As it is your wish that every attempt to evade the provisions of the existing laws should be communicated to the Department, accompanied by suggestions of the measures necessary to repress the evil, I deem it my duty to state that the most shameful violations of the slave act, as well as our revenue laws, continue to be practised, with impunity, by a motley mixture of freebooters and smugglers, at Galvezton, under the Mexican flag, and being, in reality, little else than the re-establishment of the Barrataria band, removed somewhat more out of the reach of justice; and, unless the officers of the customs are provided with more effectual means for the enforcement of the laws, the treasury must suffer incalculably. To give you a more correct idea of this establishment, it will be necessary to be a little prolix, which I beg you will excuse. Galvezton is a small island or sand-bar, situate in the bay of St. Bernard, on the coast of Texas, about ninety miles west of the Sabine, within the jurisdictional limits claimed by the United States, in virtue of the cession of Louisiana to them by France. The establishment was recently made there by a Commodore Aury, with a few small schooners from Aux Cayes, manned, in a great measure, with refugees from Barrataria and mulattoes. This establishment was reinforced by a few more men from different points of the coast of Louisiana, the most efficient part of them being principally mariners, (Frenchmen or Italians,) who have been hanging loose upon society in and about New Orleans, in greater or smaller numbers, ever since the breaking up of the establishment at Barrataria. Colonel Perry commanded one party of about eighty or ninety men of this new community, who had been enlisted principally as soldiers within our jurisdiction; and Mr. Herarra, coming with a few followers from New Orleans, brought up the rear; and then announced the establishment to the world by a proclamation, attested by a Frenchman by the name of Morin, very recently a bankrupt auctioneer in New Orleans, as Secretary of State. From this new station, fed and drawing all its resources from New Orleans, and keeping up a regular intelligence, through a variety of channels, with their friends here, an active system of plunder was commenced on the high seas, chiefly of Spanish property, but often without much concern as to the national character, particularly when money was in question. The captures made by their numerous cruisers (many owned by citizens of the United States) were condemned by a pretended court of admiralty there as prizes, and the cargoes introduced into this State, principally in a clandestine manner. The vessels thus condemned have generally come here under new names, and with the Mexican flag. Some of them have been detained by the United States naval force for hovering in our waters, and others have been libelled for restitution by the Spanish consul, in behalf of the original owners; and though several trials have come on before the honorable the United States district court for the district of Louisiana, and the claimants have never been able to produce proof of the Government of Galvezton having ever been authorized by the Mexican republic, restitution has been decreed in several instances. There is no evidence of the establishment having been made or sanctioned by, or connected with, a Mexican republic, if one be now existing; and the presumption of such an actual establishment under such an authority is strongly repelled by the illegal and piratical character of the establishment, and its ambulatory nature. It is not only of very recent origin, but is clothed with no character of permanency; for it was abandoned about the 5th of April, and transferred to Matagorda, leaving at Galvezton only an advice boat, to advertise such privateers and prizes which might arrive there of the spot on which they had fixed their new residence. Some days after the abandonment of Galvezton, several privateers arrived there, and among the rest the General Artigas, commanded by one G. Champlin, of New York, with two schooners, her prizes, the Patronila, with one hundred and seventy-four slaves, and the Enrequita, with one hundred and thirteen slaves; and also a Spanish and a Portuguese vessel, and the American schooner Evening Post, of New York, Calvin Williams, master, prizes to the ———, Captain Maurice Nicholas Jolly.

Among the most conspicuous characters who happened to be then at Galvezton were many of the notorious offenders against our laws who had so lately been indulged with a remission of the punishment, who, so far from gratefully availing themselves of the lenity of the Government to return to or commence an orderly and honest life, seem to have regarded its indulgence almost as an encouragement to a renewal of their offences. You will readily perceive I allude to the Barratarians, among whom the Lafittes may be classed foremost, and most actively engaged

in the Galvezton trade, and owners of several cruisers under the Mexican flag. Many of our citizens are equally guilty, and are universally known to be owners of the same kind of vessels. A number of these characters being at Galvezton after the abandonment, readily saw the advantages that would result in the re-establishment of a Government at that place; its situation, so immediately in the vicinity of our settlements, being much preferable to Matagorda; their views being entirely confined to introducing their captures into this State. Accordingly, a meeting was called on the 15th of April, and it was resolved to re-establish the Government; and a true copy of their deliberations you have enclosed. I can vouch for the correctness of the copy, having received it from a person of undoubted veracity. And thus, without even the semblance of authority from the Mexican republic, they immediately proceeded to condemn vessels and cargoes as good prizes, and to introduce them into this port, and, among the rest, the cargo of the Evening Post. It was some time before this was known here, great pains having been taken to keep it secret. Since it has been known, I have felt it my duty to report all vessels and cargoes which have arrived here from Galvezton to the district attorney, who has had them arrested under the Spanish treaty; but, owing to the unfortunate absence of the judge, no decision can be had thereon. These steps of the officers of the port have irritated the Barratarian gentlemen and their connexions in a high degree; and representations filled with falsehoods will probably be made against them, particularly on the score of enmity to the patriotic cause. As well might a man be accused of being an enemy to personal liberty who arrests and confines a robber, as that the officers of the port of New Orleans should be accused of being unfriendly to the revolution in the Spanish provinces because they attempted to prevent a lawless establishment at Galvezton from violating the laws. The prizes made by the privateers under the Mexican flag are to a very large amount of merchandise, such as jewelry, laces, silks, linens, britannias, muslins, seersuckers, calicoes, &c.; all of which are repacked in small bales, of convenient size for transportation on mules, and the greatest part introduced clandestinely. Other articles, such as iron, nails, tallow, leather, glass ware, crockery, cordage, beef, &c., are brought here in their prizes. It is stated, and universally believed, that Captain Champlin sold the slaves captured in the Patronila and Enrequita to the Lafittes, Sauvinet, and other speculators in this place, who have or will resell to the planters; and the facility offered to smugglers by the innumerable inlets are too obvious, on a view of the map, to doubt; but they either are or will be all introduced into this State, without the possibility of the officers of the revenue being able to prevent or punish them; more especially as a great portion of the population are disposed to countenance them in violating our laws. A few days ago, information having been given that one of our citizens had gone to the W. with a very considerable sum in specie, to purchase slaves for himself and two other planters, I determined to make an effort to arrest him on his return, and immediately purchased a fine boat on account of the Government, (which had been lately captured by a party I had sent on Lake Ponchartrain, and condemned for a violation of the slave act,) which I have sent under the command of an active, enterprising inspector, with a military guard of twelve men, and am in great hopes of his falling in with and capturing the party. I am persuaded you will approve of my not writing for instructions, at the risk of seeing the laws violated with impunity; and I cannot but hope the Government will see the necessity of giving instructions to the naval force on this station to prevent the re-establishment of Galvezton; otherwise the bay will no longer be safe for any flag. Since they have been denied shelter in Port au Prince, they have no other asylum than Galvezton. On the part of these pirates we have to contend with, we behold an extended and organized system of enterprise, of ingenuity, of indefatigability, and of audacity, favored by a variety of local advantages, and supported always by force of arms; and, unless they be met by correspondent species of resistance, the results of the contest are of very simple calculation.

You will, I trust, see the necessity of either granting a certain number of revenue cutters, of the description I have mentioned, or that the naval force on this station may be enjoined strictly to prevent these privateers from hovering in our waters and violating our laws. It is a fact you may rely on, all the cruises of these privateers commence and end at this port; they enter in distress, comply with the formalities of the law, and if they do not augment their force and renew their crews in port, they do it in our waters, and it is not in my power to prevent it.

Mr. Chew, collector at New Orleans, to Mr. Crawford.

SIR: AUGUST 30, 1817.

In the communication which I had the honor to make you, under date of 1st instant, I gave such information respecting the establishment at Galvezton as I had collected; since then, the depositions of Messrs. J. Ducoing and V. Garros, (ex-judges of admiralty at that place, and now here,) have been taken; and I herewith transmit you copies, which go to substantiate the material fact stated by me, and I make no doubt but you will be satisfied of the correctness of the assertion, that the establishment of Galvezton is nothing more or less than one of privateersmen, without even the shadow of a connexion with a Mexican republic, (if such a republic exists,) and, as such, will not, I presume, be countenanced by the Government of the United States. It has been reported to me, and from a source deserving credit, that the principal part of the force from Matagorda and Soto de la Marina had returned to Galvezton, and that two prizes with slaves have recently arrived—one a schooner, with a full cargo, said to be three hundred, (probably exaggerated;) that a contagious fever having made its appearance among the slaves, the privateersmen, apprehensive of its communicating to the other prize, cut the cables and sent the schooner adrift with the unfortunate beings on board!—the other prize, a ship, with four hundred slaves, was lying there; and they have, altogether, about six hundred and fifty slaves on hand, all of whom are intended to be introduced into this State.

The United States brig Boxer has sent in two small schooners, with thirty slaves on board, captured in our waters; and the deputy collector of the district of Teche writes me that he has seized fifteen, and was in pursuit of a larger number. At this moment I have sent two confidential inspectors to examine three plantations on this river, near Baton Rouge, information having been given me that one hundred had been purchased for the three at Galvezton. This activity has occasioned some alarm, and I am informed (and place complete confidence in it) that the privateersmen and others interested have resolved to remove the slaves to the neighborhood of the Sabine, build barracks, and keep them there during the winter, or till the purchasers appear, and leave the risk of introducing the slaves to the planters, whose eagerness to procure them will induce them to run every hazard. They imagine that, fixing themselves to the west of the Sabine, they will be without the jurisdiction of the United States; but I trust they will find their mistake only when the whole party will be seized.

In addition to the foregoing, I beg leave to refer you to the documents lately forwarded by Commodore Patterson to the honorable Secretary of the Navy, with the memorial of some of the most respectable merchants of this place, praying him to furnish convoy to protect their vessels trading with the Spanish ports from the piratical cruisers, who respect no flag when specie is in question.

I have lately sent an inspector of confidence to examine La Fourche, from the Mississippi to the sea, and he reports it as thickly settled for eighty miles from the river; has eight to ten feet water, and six feet on the bar at

the mouth, or entrance into the sea. There is no obstacle whatever to craft entering it from the sea, and ascending to the Mississippi, and trading freely as high up as they please. I mentioned in my last the necessity of appointing an inspector for that place, if you decide not to have revenue cutters on this station. I cannot but repeat, that I am firmly persuaded the measure is more necessary for this than any other district in the United States. Bartholomew Lafon, of this place, who acted as secretary to the meeting of the 15th April, (copy of deliberation forwarded in my last,) is mentioned as the Governor of the new establishment near the Sabine. Lafitte is now purchasing a large quantity of provisions, and the first cargo will soon sail; a copy of the manifest will accompany this, or soon follow. These persons, and a long list of others I could add if necessary, have no other profession, occupation, or mode of livelihood, than privateering and violating our laws, and openly threaten revenge against any officer of the revenue that may molest or impede their pursuits. They are now preparing a memorial to the Department, with the double view to misrepresent the conduct of the officers of the port, and to obtain permission to introduce their illegally-captured property, under the false pretext that they (the memorialists) have made heavy advances; the truth is, the only advances they allude to is the equipment and fitting out privateers, contrary to our laws. The exports from this place to Galvezton and Matagorda have consisted principally of provisions; a cargo of arms was sent some time in the fall of last year, which has long since been given up as lost, and no return whatever can ever be expected from the Mexican Government, from all present appearances. The imports (without taking into consideration the large amount of goods introduced clandestinely) have been very large, as you will observe by the enclosed abstract of duties secured at this office on these importations.

I have felt it my duty to give you this information for your correct understanding the nature of the establishment at Galvezton, and cannot but hope you will be pleased to instruct me implicitly how to act. My conduct has been governed by a sense of duty, and from a conviction of its propriety; if I have erred, I hope it will be ascribed to an honest zeal.

I am, &c. BEVERLY CHEW.

P. S. The brig with provisions and lumber for the winter quarters of the slaves attempted to clear to-day; but, owing to the informality of her papers, it is postponed till Monday. I enclose a list of private armed Mexican and Venezuelan vessels now in port.

List of Mexican armed vessels now in the port of New Orleans, commissioned by Aury.

Bellona, Dewatre, 6 guns, 55 men; commissioned March 4, 1817.
Calibra, Deverge, 1 gun, 30 men; commissioned April 4, 1817.
Diana, Requete, 6 guns, 40 men; commissioned May 9, 1817.
Esperanza, Goits, 2 guns, 18 men; commissioned November 24, 1816.
Mosquito, Jaret, 7 tons, 17 muskets; commissioned June 23, 1817.
Victory, Dewatre, 5 guns, 60 men; commissioned July 5, 1817.

The following commissioned by General Bolivar, (Venezuela.)

General Arismanda, Beleriche, 5 guns, 114 men; commissioned May 8, 1816.
Guerera, Rustique, 3 guns; commissioned August 20, 1816.
Hidalgo, Sauvenet, 1 gun, 50 men; commissioned January 24, 1817.
Josefina, Quere, 1 gun; commissioned May 19, 1816.
Eugenia, Lemeson, 3 guns, 60 men; just sailed on a cruise.

Mr. Chew to Mr. Crawford.

SIR: OCTOBER 17, 1817.

My communications of the 1st and 30th of August last, relative to the establishment at Galvezton, and the numerous cruisers under the Mexican flag that infest our waters, will, I trust, have reached your hands. I deem it my duty to trouble you once more upon the same subject, and to enclose copies of additional testimony of Mr. John Ducoing, late judge of admiralty, and of Mr. Raymond Espagnol, late Secretary of State, which will, I trust, satisfactorily prove my assurances of the piratical nature of the establishment, and justify, in your opinion, the officers of this port in the steps taken by them to put an end to it; for such, it appears, has been the effect of the measures adopted here. Late advices from that place state that Aury and Champlin, with their privateers and prizes (said to be thirteen sail) evacuated the place, and, it is believed, they have steered their course for Amelia island. Before their departure, they disposed of about three hundred Africans to the agents of some planters on this river; the remainder they have taken with them. The deputy collector of the district of Teche writes me that a large gang of Africans passed near the church of Attacapas on the night of the 14th ultimo, bound for the Mississippi. He heard of it too late to seize them. I have sent a confidential agent to watch the plantations of Joseph Erwin, James Still, and Christopher Adams; it being reported that the latter had been to Galvezton to purchase slaves for himself and the others. I received, a few days ago, a letter from the person called Commodore Aury, dated at sea, 31st July last, on board the privateer Mexican Congress, (late Calypso, of Baltimore,) enclosing a duplicate of a letter which, it appears, he had thought proper to write to me on the 28th of the same month, (the original of which has never come to hand.) In this letter he gives me a kind of official information that it has been determined to abandon Galvezton, and that he had taken with him the judge of the admiralty, the collector, and all his other constituted authorities; and that whatever may be done at the place, after that date, will be without his approbation or consent, and any clearances or other official acts at that place illegal. I have no doubt, however, but that a new establishment will be soon made there. The advantages are too great to be voluntarily abandoned by persons who have so long enjoyed the profits. Early in September, two vessels, the Carmelite, belonging to B. Lafon, and the Franklin, belonging to J. B. Laforte, (both unregistered vessels, formerly prizes,) cleared at this office for Laguna, but really bound to Galvezton, with provisions and materials for erecting buildings. On their arrival they found the place deserted, and the Franklin has returned to this port with her outward cargo. By her, accounts have been received that the Carmelite was lying there, and that Lafitte (who had been pardoned for the crimes committed at Barrataria) and Lafon had arrived there, with about forty other persons, and, it is believed, intended to form an establishment, and will, no doubt, soon replace the judge and other authorities carried off by Aury. Private armed vessels, under the Mexican flag, and one or two under that of Venezuela, continued to frequent this port, and uniformly report in distress, (one case only excepted,) make protest, and obtain a certificate from the wardens of the port that there is necessity to unlade their armament and heave down. They have been thus admitted to an entry, free of any charge other than fees to the officers of the customs,

under the sixtieth section of the collection law. This course seems to have been adopted by my predecessor, and has been followed by me, in compliance with the instructions from the Department of 3d July, 1815. These armed vessels being admitted, great care has been taken not to permit any violation of the acts of 5th June, 1794, and 3d March last, by augmenting their force or enlisting American citizens; but, in defiance of every vigilance on the part of the officers of the customs, they violate the law, not whilst they remain in port, but before they leave our waters. Nothing is easier, when the privateer is completely repaired and ready for sea, than to send both men and guns, if they need them, to Barrataria, or any other convenient place, which the privateer repairs to, and takes them on board, and sails on a cruise with an augmented force, to commit hostilities against the persons and property of a nation with whom the United States are at peace.

It is universally reported, and believed, that many of these vessels (under the Mexican flag, and commissioned by Aury) are owned by persons resident here, and enjoying the privileges of American citizens. At the end of the cruise the same farce is played over again; and it may with truth be said that each cruise commences and ends at this port. Attempts have been made to convict them, but as yet without success. They easily exculpate themselves. Witnesses, on their part, are never difficult to be procured in a place where there are a vast number of people with whom the solemnity of an oath has little weight. This you will believe when I add that two witnesses were produced in the United States district court, in the month of May last, who swore that Galvezton was a considerable and well-built town, with coffee-houses, shops, &c., and that the then constituted authorities (Durier, Ducoing, Espagnol, &c.) had been appointed and commissioned by Aury. The testimony of the two latter, as well as many other persons now here, will fully refute that falsehood.

I hope you will be pleased to give me some instructions relative to the cruisers, that I may act in a way to meet the views of the Executive.

I have the honor to be, &c.

BEVERLY CHEW.

To the Honorable Dominic A. Hall, judge of the district court of the United States in and for the district of Louisiana: The petition of Beverly Chew, collector of the district of Mississippi, and one of the officers of the port of New Orleans, respectfully showeth

The facts set forth in the annexed affidavit, and prays an order pursuant thereto, commissioning some judge or justice of the peace in the city of New Orleans to take the depositions of the said witnesses in the said cause, at such time and place as to your honor shall seem meet.

And, as in duty bound, &c.

BEVERLY CHEW.

Signed and sworn to before me, this 6th day of October, 1817,

JOHN NIXON,
Justice of the peace for the fifth section of New Orleans.

The United States district court, Louisiana district:

The United States, in behalf, &c., *vs.* cargoes of Juana, Eliza, Carmelita, and Diana.
The same, *vs.* brigs Diana and Juana, schooners Eliza and Carmelita.
The same, *vs.* ninety boxes sugar.
The same, *vs.* sundry goods, &c., part of schooner Mount Vernon's cargo.

City of New Orleans, to wit:

Beverly Chew, collector, one of the officers of the port of New Orleans, being duly sworn, deposes and says: That Raymond Espagnol and John Ducoing, as this deponent is advised and believes, are material witnesses on the part of the prosecution in the above cases, and without the benefit of whose testimony the trial on the said behalf cannot safely be proceeded in; that the said witnesses are, as this deponent is informed and believes, about permanently to depart the United States, and before, in the common course of proceeding, the said causes can be brought to trial; so that, unless a commission issue for taking the depositions of the said witnesses prior to their intended departure from the United States, as aforesaid, the prosecution, he apprehends and believes, will be deprived of the evidence of the said witnesses.

BEVERLY CHEW.

Additional testimony taken in sundry causes depending in the United States district court for the Louisiana district, on behalf of the United States, against sundry vessels and cargoes from Galvezton.

John Ducoing being duly sworn, the deponent further says: That the establishment at Galvezton was composed, as before stated, by persons of various nations, and that the sole view and object of the persons comprising the said establishment was to capture Spanish vessels and property, without any idea of aiding the revolution in Mexico, or that of any other of the Spanish revolted colonies, as far as this deponent knows and believes. And the deponent says, that during the time he exercised the functions of judge at Galvezton, he had no knowledge of or belief in the existence of a Mexican republic, or other Government, independent of the Spanish Government.

The deponent further says, that the Government established on the 15th day of April had no connexion whatever with any other government, state, or people; that Galvezton stands on a small island, or rather a small sand-bar, a few miles long and broad, and was a desert when taken possession of by Aury, known by the name of Snake island, without a port or harbor, and no buildings, except a few huts or cabins, probably three or four, made of boards and sails of vessels.

And further this deponent saith not.

JOHN DUCOING.

Sworn and subscribed before me, this 7th day of October, 1817,

R. CLAIBORNE, *Clerk.*

Mr. Raymond Espagnol, being duly sworn, says: That, on the 16th day of March last, this deponent went from this place to Galvezton, in the province of Texas, in the brig Devorador, for the purpose of disposing of merchandise. Aury was acting as governor. This deponent accepted of no office or employment under Aury,

nor had he any acquaintance with him; never took any oath of allegiance to Aury; that, on the 5th of April last, Aury and General Mina abandoned Galvezton, burned the huts and cabins there were standing, and left no person, authorized by them or otherwise, to form a Government. After their departure, to wit, on the 15th of April, 1817, the persons then at Galvezton consisted of about thirty or forty in number, including sailors, &c., six of whom assembled on board of the schooner Carmelita, (belonging to Mr. Bartholomew Lafon, late of New Orleans, and engineer in the service of the United States,) to wit, Durier, John Ducoing, Pereneau, said B. Lafon, Rousselin, and this deponent, who formed the new Government. The proceedings were drawn up and signed by those present, by which certain persons aforesaid took upon themselves offices, namely:

Durier, governor; John Ducoing, judge of admiralty; this deponent, notary public and secretary; Pereneau, major du place; Rousselin, collector.

At the meeting on the 15th April, there was no paper or document produced, authorizing the same, or giving them power to form a Government.

The deponent further says, that the sole object and view of the persons comprising the establishment at Galvezton was, as far as he knows and believes, to capture Spanish property under what they called the Mexican flag, but without an idea of aiding the revolution in Mexico, or that of any of the Spanish revolted colonies; and further, that during the time that this deponent acted as notary public and secretary to the new Government at Galvezton, he had no knowledge or belief in the existence of a Mexican republic, or any Government in Mexico, independent of the Spanish authorities; further, the deponent says, that the new Government established at Galvezton on the 15th of April, 1817, had no connexion whatever with any other nation, state, or people.

That Galvezton stands on a small sand-bar, a few miles long and broad, and was a desert when taken possession of by Aury, known by the name of Snake island; without a port or harbor, and no buildings, except three or four cabins, built of boards and sails of vessels.

Further, this deponent says, that some time in the month of May last, when some of the merchandise and vessels from Galvezton were libelled by the Spanish consul in behalf of the Spanish owners, application was made to this deponent to appear before the Honorable Judge Hall, and to prove that the authorities appointed by the meeting at Galvezton, on the 5th of April last, were appointed and commissioned by Aury. This application was explicitly stated to be on behalf of those interested in the Galvezton establishment, particularly of Mr. Bartholomew Lafon and Mr. J. Bte. Laporte, the former of whom was known to be indebted to this deponent in a sum of 10 or $1200; this deponent refused informing the person by whom the application had been made; that if the deponent appeared, he would tell the truth, and should prove that the persons forming the Government at Galvezton (after 15th April) were not named by Aury. This deponent was not summoned as a witness, though it was known he was in the city, and has continued since to reside here. The deponent says that this is the true reason why he was not summoned to appear before the judge at the time when Messrs. Rieux and Pereneau appeared.

RICHARD ESPAGNOL.

Sworn and subscribed before me, this 7th day of October, 1817,

R. CLAIBORNE, *Clerk.*

Extract.—Mr. McIntosh to Mr. Crawford.

DEAR SIR: THE REFUGE, NEAR JEFFERSON, CAMDEN COUNTY, *October* 30, 1817.

The last letter I had the honor to address you was on the 9th of August; shortly after which the public papers announced that you had left Washington on a visit to Georgia. A few weeks after, I thought it not imprudent to venture out to my swamp plantation on the Sotillo, and since have been very little at St. Mary's. Since General McGregor and the greater part of his officers (some of whom were men of respectable standing in the United States) have left Amelia island, there has not been so much ingenuity made use of in misrepresenting the conduct and intentions of the invaders of East Florida; and the accounts which are published of them are, for the most part, generally correct. The present chief, Commodore Aury, got the command very much against the inclinations of Sheriff Hubbert and Colonel Irwin. When he arrived at Fernandina with his squadron of privateers and prizes, they were entirely without money. He declared "that if he gave them any aid, it must be on the condition of being made commander-in-chief; and that, as General McGregor never had any commission whatever, the flag of the Florida republic must be struck, and that of the Mexican hoisted; and that Fernandina should be considered as a conquest of the Mexican republic, (under which he was commissioned,) without its being necessary that any other part of the province of East Florida should be conquered." Hubbert and Irwin reluctantly agreed to the mortifying condition of resigning the command. They were never friendly with the commodore, and endeavored, but in vain, to gain over by intrigue a part of his men. Their own party considerably increasing shortly after, they were several times on the point of coming to open war with Aury and his followers, and under the pretence that Aury's forces were composed chiefly of brigand negroes. A few days before Mr. Hubbert's death, (who was called Governor, without having any power,) Aury marched to his quarters with a body of armed men, and obliged him to make such concessions as drove him to an act of intemperance, which soon after terminated his existence.

Since the death of this gentleman there has been little or no disturbance among them. But it would appear as if the suspicions of the Frenchman did not die with Hubbert, as none of his privateers have yet left Fernandina.

The parties are designated as the American and French: and I have been assured, by individuals belonging to them both, that each is anxiously looking for reinforcements. Aury has a number of Frenchmen, who were, it is said, officers of Bonaparte. They find it their interest, as well as inclination, to support their countryman. His great dependance, however, is on about one hundred and thirty brigand negroes, a set of desperate bloody dogs.

The American party, which is rather more numerous than the other, consists generally of American, English, and Irish sailors; but now has no declared leader. Irwin wants either spirit or popularity to assume that character. For my own part, I believe that, in point of morals, patriotism, and intentions, they are exactly on a par. Aury's blacks, however, make their neighborhood extremely dangerous to a population like ours; and I fear that if they are not expelled from that place, some unhappy consequences may fall on our country. It is said that they have declared, that if they are in danger of being overpowered, they will call to their aid every negro within their reach. Indeed, I am told that the language of the slaves in Florida is already such as is extremely alarming. The patriots at Fernandina had, about ten days ago, an unexpected and strange reinforcement. Twenty half-pay British officers, by the way of Turk's island, arrived at St. John's river, and, mistaking it for Amelia, a colonel and a couple of others were made prisoners by the Spaniards. The others got safe to Fernandina; but, finding that General Sir Gregor McGregor had abandoned it, they determined immediately on doing so too.

[The following message and documents relating to this subject were communicated to Congress January 13, 1818.]

To the Senate and House of Representatives of the United States: JANUARY 13, 1818.

I have the satisfaction to inform Congress that the establishment at Amelia island has been suppressed, and without the effusion of blood. The papers which explain this transaction I now lay before Congress.

By the suppression of this establishment and of that of Galvezton, which will soon follow, if it has not already ceased to exist, there is good cause to believe that the consummation of a project fraught with much injury to the United States has been prevented. When we consider the persons engaged in it, being adventurers from different countries, with very few, if any, of the native inhabitants of the Spanish colonies; the territory on which the establishments were made—one on a portion of that claimed by the United States westward of the Mississippi, the other on a part of East Florida, a province in negotiation between the United States and Spain; the claim of their leader, as announced by his proclamation on taking possession of Amelia island, comprising the whole of both the Floridas, without excepting that part of West Florida which is incorporated with the State of Louisiana; their conduct while in the possession of the island, making it instrumental to every species of contraband, and in regard to slaves of the most odious and dangerous character, it may fairly be concluded that, if the enterprise had succeeded on the scale on which it was formed, much annoyance and injury would have resulted from it to the United States.

Other circumstances were thought to be no less deserving of attention. The institution of a Government by foreign adventurers in the island, distinct from the colonial Governments of Buenos Ayres, Venezuela, or Mexico, pretending to sovereignty, and exercising its highest offices, particularly in granting commissions to privateers, were acts which could not fail to draw after them the most serious consequences. It was the duty of the Executive either to extend to this establishment all the advantages of that neutrality which the United States had proclaimed and have observed in favor of the colonies of Spain, who, by the strength of their own population and resources, had declared their independence, and were affording strong proof of their ability to maintain it, or of making the discrimination which circumstances required. Had the first course been pursued, we should not only have sanctioned all the unlawful claims and practices of this pretended Government in regard to the United States, but have countenanced a system of privateering in the Gulf of Mexico and elsewhere, the ill effects of which might, and probably would, have been deeply and very extensively felt. The path of duty was plain from the commencement, but it was painful to enter upon it while the obligation could be resisted. The law of 1811, lately published, and which it is therefore proper now to mention, was considered applicable to the case, from the moment that the proclamation of the chief of the enterprise was seen; and its obligation was daily increased by other considerations of high importance already mentioned, which were deemed sufficiently strong in themselves to dictate the course which has been pursued.

Early intimations having been received of the dangerous purposes of these adventurers, timely precautions were taken, by the establishment of a force near the St. Mary's, to prevent their effect, or it is probable that it would have been more sensibly felt.

To such establishments, made so near to our settlements, in the expectation of deriving aid from them, it is particularly gratifying to find that very little encouragement was given.

The example so conspicuously displayed by our fellow-citizens that their sympathies cannot be perverted to improper purposes, but that a love of country, the influence of moral principles, and a respect for the laws, are predominant with them, is a sure pledge that all the very flattering anticipations which have been formed of the success of our institutions will be realized. This example has proved that, if our relations with foreign Powers are to be changed, it must be done by the constituted authorities, who alone, acting on a high responsibility, are competent to the purpose; and, until such change is thus made, that our fellow-citizens will respect the existing relations by a faithful adherence to the laws which secure them.

Believing that this enterprise, though undertaken by persons some of whom may have held commissions from some of the colonies, was unauthorized by and unknown to the colonial Governments, full confidence is entertained that it will be disclaimed by them, and that effectual measures will be taken to prevent the abuse of their authority, in all cases, to the injury of the United States.

For these injuries, especially those proceeding from Amelia island, Spain would be responsible, if it were not manifest that, although committed in the latter instance through her territory, she was utterly unable to prevent them. Her territory, however, ought not to be made instrumental, through her inability to defend it, to purposes so injurious to the United States. To a country over which she fails to maintain her authority, and which she permits to be converted to the annoyance of her neighbors, her jurisdiction for the time necessarily ceases to exist. The territory of Spain will, nevertheless, be respected, so far as it may be done consistently with the essential interests and safety of the United States. In expelling these adventurers from these posts, it was not intended to make any conquest from Spain, or to injure in any degree the cause of the colonies. Care will be taken that no part of the territory contemplated by the law of 1811 shall be occupied by a foreign Government of any kind, or that injuries of the nature of those complained of shall be repeated; but this, it is expected, will be provided for, with every other interest, in a spirit of amity, in the negotiation now depending with the Government of Spain.

JAMES MONROE.

From the Secretary of War to the President of the United States.

SIR: JANUARY 12, 1818.

I have the honor to transmit copies of the orders which have been given by the acting Secretary of War to Major Bankhead, in relation to taking possession of Amelia island, and copies of the communications which have been made to this Department by that officer, which embrace all the information in my possession.

I have the honor to be, &c.

J. C. CALHOUN.

SIR: UNITED STATES SHIP JOHN ADAMS, OFF AMELIA, *December* 22, 1817.

We have received orders from our Government to take possession of Amelia island, and to occupy the port of Fernandina with a part of our force, which will be moved over as soon as it will be convenient for your troops to evacuate it.

To avoid unnecessary delay, we think proper at this time to inform you, in the event of your acquiescence in this demand, that you will be at liberty to depart with the forces under your command, and such property as belongs unquestionably to them will be held sacred.

You are to leave the public property found by General McGregor at Fernandina in the same condition it was taken, and the property of the inhabitants of Amelia island must be restored to them, where they have been forcibly dispossessed of it; and no depredations on private property, from this period, will be permitted with impunity.

Should you, contrary to the expectations of the President of the United States, refuse to give us peaceable possession of the island, the consequences of resistance must rest with you.

We have the honor to be, &c.

J. D. HENLEY, *Captain in the navy, and Commander-in-chief of the naval forces of the United States, off Amelia.*

JAMES BANKHEAD, *Major 1st battalion artillery, United States army, and commanding military forces.*

General AURY, *Commander-in-chief of the forces at Fernandina.*

HEAD-QUARTERS, FERNANDINA, ISLAND OF AMELIA,
December 22, 1817, *(8th of the Independence.)*

GENTLEMEN:

I have had the honor to receive your official letter of this day. The nature of its contents requiring mature deliberation, I have submitted the same to the representatives of the republic, and, as soon as I shall have obtained their opinion, it shall be immediately sent to you.

I can, however, state to you, gentlemen, that no opposition will be made to surrender the island of Amelia on the part of this Government.

I have the honor to remain, &c.

AURY, *Commander-in-chief.*

Commodore J. D. HENLEY, Major BANKHEAD, *&c.*
On board the United States ship John Adams.

HEAD-QUARTERS, FERNANDINA, ISLAND OF AMELIA,
December 22, 1817, *(8th of the Independence.)*

GENTLEMEN:

I have received your official letter of this day, by which, in the name of the Government of the United States, you summon us to evacuate this place with the troops under my command, as possession thereof is to be taken by the forces under your commands, under certain conditions therein specified.

This republic, that of Mexico, nor any other of South America, being at war with the United States, obliges me to state to you that the contents of your letter have greatly surprised this Government and the people of the state. You have, nevertheless, intimated that, in case of our acquiescence to your demand, we shall be permitted to evacuate this is land, which never was nor ever has been a part of the United States. Allow me, gentlemen, to observe to you, that, from the moment we took Fernandina by the force of our arms, we entered into the full possession of all the rights appertaining to our enemy, and that to this day we have supported these rights at the risk of our lives and fortunes. The boundaries of the Floridas and the United States having been fairly settled by the treaty of friendship, limits, and navigation, on the 22d of October, 1795, leaves us at a loss to ascertain your authority to interfere in our internal concerns.

Our surprise increases when we reflect that your communication comes as authorized by the Government of a people who glory in their respect for the rights of nations, whether great or small, and who, no doubt, sympathize and wish success to their southern brethren in the struggle for liberty and independence in which they are engaged, as were the United States forty years ago.

On the other side, you promise to hold sacred such of our property as *unquestionably* belongs to our citizens. Who is to be the judge in this case? The United States, who can by no means claim any kind of jurisdiction from the source of the river St. Mary's down to the ocean, on this side of the centre of the channel! We entertain too much veneration for your constitution to believe for a moment that you, supposed already in possession of this island, which has never been ceded bythe King of Spain, or by its inhabitants, to the United States, can bring with you a competent tribunal to decide upon this question. The only law you can adduce in your favor is that of force, which is always repugnant to republican Governments and to the principles of a just and impartial nation. The same observation may be applied to your interference with the property of the inhabitants, which we have always respected and considered as sacred.

You order us, also, as if we were subjects of your Government, to leave behind, when Fernandina is evacuated, all the public property that was found at its surrender. This demand is directly contrary to the public rights by which all public property captured by the enemy is avowedly that of the captors, when not otherwise stipulated. Are you acting in the name of the King of Spain or his allies? As we consider the people of the United States as unquestionably the only free people on the surface of the globe, we cannot admit that you have now become the adherents of a tyrant; otherwise, your demand is inadmissible and unjustifiable in the eyes of the world; and if we must yield to it, all the blame rests with you.

Permit me, therefore, gentlemen, to request of you to lay before the President of the United States these remarks, in order that a matter of so serious a tendency may be reconsidered. We have read his excellency's message at the opening of Congress with the utmost concern, and I have concluded that the political situation of this republic has been greatly misrepresented in the United States, through the intrigues of our enemies. We have certainly a right to be heard, for which purpose I shall have the honor of forwarding to your Government the necessary documents. If you are not disposed to let things remain *in statu quo* until the President's further determination be known, I am authorized to assure you that we respect and esteem too highly the people of the United States to carry matters to extremities.

I have the honor to remain, &c.

AURY, *Commander-in-chief.*

J. D. HENLEY, Esq., *Captain in the United States navy, &c.*
JAMES BANKHEAD, Esq., *Major of the 1st battalion of artillery, &c.*

UNITED STATES SHIP JOHN ADAMS,
OFF AMELIA ISLAND, *December* 23, 1817.

SIR:

We have had the honor to receive your communication of the 22d instant, and will briefly remark, that, as officers in the service of the United States, we are bound to obey the orders emanating from the authorities of our

Government, without any discussion or animadversion on our part as to the correctness of them. We have been ordered by the President of the United States to take possession of Amelia island; and as the President has expressed his solicitude that the effusion of blood may be avoided, if possible, it must be gratifying to us to be informed by you that no resistance will be made to us.

We will again remark, that private property will be sacred, and that our orders extend only to the public property captured by General McGregor at Fernandina.

We propose to land a force to-day, and to hoist the American flag; under that flag, no oppression or unjust measures will ever be witnessed. And we feel assured that there will be no difficulties in the arrangement made by us.

The squadron will immediately sail into the harbor, when the commanding officer of the land forces will wait on the commander-in-chief to make the necessary arrangements for the landing of the troops.

We have the honor to be, &c.

J. D. HENLEY, *Captain in the navy, &c.*
J. BANKHEAD, *Major 1st battalion artillery, &c.*

Gen. AURY, *Commander-in-chief of the forces at Fernandina.*

HEAD-QUARTERS, FERNANDINA, ISLAND OF AMELIA,
December 23, 1817, *and 8th of the Independence.*

I have had the honor to receive your letter of this date. I am ready to surrender this place to the forces under your command, whenever you may judge proper to come and take possession thereof.

I have the honor to be, &c.

AURY.

J. D. HENLEY, Esq., *Captain in the navy, &c.*
JAMES BANKHEAD, Esq., *Major 1st battalion U. S. artillery, &c.*

SIR: DEPARTMENT OF WAR, *July* 17, 1817.

Circumstances having made it necessary to occupy, without delay, Point Petre and the St. Mary's river, by a military and naval force, I have to request that you will instruct the officer whom, in pursuance of the order issued through the adjutant general, you may detail to take command at Point Petre, to co-operate with the officer commanding the naval force on that station, in such measures as may be deemed necessary for the preservation of the peace and tranquillity of that section of the country, which there is reason to apprehend may be disturbed in consequence of the contest between the Spanish royalists and patriots for the occupation of the adjacent territory. The officer will also be instructed to use due vigilance to prevent the violation of the revenue laws of the United States, and in particular to prevent the illicit introduction of slaves into the United States; and, in order to do this the more effectually, he will prohibit all vessels freighted with slaves from entering the river St. Mary's.

I have the honor to be, &c.

GEORGE GRAHAM.

The OFFICER *commanding at Charleston, S. C.*

Extract of a letter from George Graham, acting Secretary of War, to Major James Bankhead, Charleston, South Carolina, dated

NOVEMBER 12, 1817.

I am instructed by the President to direct you to repair immediately to Point Petre, with the effective force under your command, leaving only an officer and a few men as a guard at Forts Moultrie and Johnson. Captain Wilson has been ordered to repair with his company now at Fort Johnson, North Carolina, to Point Petre; and a detachment of new recruits, under the command of Captain Hook, who was on his route to join the 4th infantry, has also been ordered to that place. The troops enumerated above, and those now stationed at Point Petre, will constitute a force of more than two hundred men, of which you will take the command, until the arrival of General Gaines. A remittance of five thousand dollars has been made to your battalion quartermaster, whom you will take with you; and you will make requisitions for the necessary supply of provisions on the contractor's agents. It will be advisable to take from Charleston, a supply of salted meat, and a sufficient quantity of flour and hard bread to serve two hundred and fifty men for thirty days at least.

SIR: DEPARTMENT OF WAR, *November* 12, 1817.

It appearing to the satisfaction of the President that the persons who have lately taken possession of Amelia island have done it without the sanction of any of the Spanish colonies, or of any organized Government whatever, and for purposes unfriendly to and incompatible with the interests of the United States, he has decided to break up that establishment, and take temporary possession of Amelia island. For this purpose the troops ordered to assemble at Point Petre will co-operate with the naval force which has been ordered to St. Mary's under the command of Captain Henley.

It is the anxious wish of the President that this should be accomplished without the effusion of blood; and he confidently hopes that the force destined for the purpose will be of such an imposing character as to induce those persons who now have the military occupation of the island to abandon it without the exercise of force; but if it should be found to be indispensably necessary, force must be used. You will, therefore, immediately on the arrival of Captain Henley at St. Mary's, and in conjunction with him, despatch an officer to demand the abandonment of the island by those who now exercise authority there, and take such other measures as may be deemed proper to obtain the peaceable possession of it; also for the preservation of the property of those persons who were residents of the island when it was first captured by General McGregor. Should your demand for the evacuation of Amelia be complied with, you will then occupy with a part of your force the position of Fernandina, and take care that the cannon and other implements of war which belonged to the port, when captured by General McGregor, are not taken off.

If peaceable possession of the island, however, cannot be obtained, and it should be the opinion of Captain Henley and yourself that your joint forces are not competent to the prompt and certain reduction of the naval and military forces which may then occupy the harbor and post of Fernandina, you will, in that event, make a requisi-

tion on General Floyd, or such other officer as may command that division of the militia of Georgia in which Point Petre is situated, for a force not exceeding five hundred men, to be held in readiness to march at a moment's warning, and await the arrival of General Gaines, who has been ordered to Point Petre, for ulterior measures.

You will take with you from Charleston the necessary military stores, and such heavy cannon as may be required for the reduction of the fort on Amelia island, in the event of resistance.

As no answer has been received to the communication addressed to you from this Department on the 17th July last, it becomes necessary to request that the receipt of this may be acknowledged, and that you also advise this Department regularly of your movements.

I have the honor to be, &c.

GEORGE GRAHAM.

Major JAMES BANKHEAD, *commanding at Charleston, S. C.*

SIR: FERNANDINA, AMELIA ISLAND, *December* 24, 1817.

I have the honor to lay before you the correspondence held with General Aury, the late commander of this place, and to inform you that the American flag was raised here yesterday afternoon.

Several days will elapse before General Aury can withdraw his followers; but I have taken every measure to insure tranquillity, by ordering all his black soldiers to be embarked on board one of the ships lying in the port, and by not suffering any person to appear in the town with arms, but his officers; and the moment their vessels are prepared to receive the whole of them, they shall depart.

Most of the inhabitants of this place, at this time, are followers of Aury, and those persons who have been drawn here from motives of speculation, who are, I suspect, of that profligate character generally engaged in the violation or evasion of our revenue laws. I shall, therefore, consult with Commodore Henley, and will enforce such regulations as may be most likely to preserve order, until I receive instructions from the Government.

Until this place is completely evacuated by this band of negroes and privateersmen, I have deemed it prudent to keep the whole of my force here. On their departure I shall move all but one company to Point Petre.

I have the honor to be, &c.

JAS. BANKHEAD,

Major 1st battalion artillery, S. D., commanding detachment U. S. troops.

GEORGE GRAHAM, Esq., *acting Secretary of War.*

SIR: FERNANDINA, AMELIA ISLAND, *December* 27, 1817.

I had the honor to forward to the War Department, on the 24th instant, a copy of the correspondence with General Aury, previous to the landing of the troops under my command; and I herewith send a duplicate of the same.

Some difficulty has arisen from a want of competent authority to settle the disputed claims of the residents of this place against the late Government and the followers of Aury, who do not seem disposed to comply with their engagements.

One or two vessels have arrived here with cargoes, which the owners are desirous to land; and it might be improper to permit it, without obtaining security for the duties which the laws of the United States require; and other vessels, loaded in this port, have met with some delay in clearing for their destination; but the counsel of General Gaines, who arrived here last night, will regulate my conduct, and will, in a great measure, relieve my anxiety.

I have been obliged to exercise my authority, as commanding officer at this place, to preserve order; and I am happy to say that nothing unpleasant has occurred. I cannot say when General Aury and his party will sail. Their vessels are much out of order, and their arrangements to that effect progress but slowly. The morning after I landed I ordered all the black and French troops to be embarked on board some of their vessels; but the crews of their privateers, and many others of all nations, whom it is difficult to restrain from violence and excess, are still here.

Until I am honored with your instructions, I hope that the course I may pursue may meet the approbation of the President.

General Gaines leaves this for the western frontier of Georgia the day after to-morrow.

I have the honor to be, &c.

JAS. BANKHEAD,

Major 1st battalion artillery, and commanding this port.

To the honorable the SECRETARY OF WAR.

SIR: NAVY DEPARTMENT, *January* 13, 1818.

I have the honor to enclose, herewith, copies of orders to Captain John H. Elton and Commodore John D. Henley, in relation to Amelia island; also a letter from the latter officer, communicating information of the surrender of that place to the military and naval force of the United States, together with the correspondence which took place on that occasion.

I have the honor to be, &c.

B. W. CROWNINSHIELD.

To the PRESIDENT OF THE UNITED STATES.

SIR: NAVY DEPARTMENT, *July* 16, 1817.

Proceed immediately with the United States brig Saranac under your command to the river St. Mary's in Georgia, and inform the military commander of your arrival, and of the objects specially designated to you in these orders.

The recent occupation of Amelia island by an officer in the service of the Spanish revolutionists occasions just apprehensions that, from the vicinity to the coast of Georgia, attempts will be made to introduce slaves into the United States contrary to the existing laws, and further attempts at illicit trade in smuggling goods, in violation of our revenue laws.

You are hereby directed to detain and search every vessel, under whatever flag, which may enter the river St. Mary's, or be found hovering upon the coast under suspicious circumstances, and seize every vessel freighted with slaves, or whose doubtful character and situation shall indicate an intention of smuggling.

In the execution of these orders, you will take special care not to interrupt or detain any vessels sailing with regular papers, and of a national character, upon lawful voyages to or from a port or ports of the United States.

The traffic in slaves is intended to be restrained, and in the performance of this duty you will exercise your sound judgment in regard to all vessels you may visit.

Communicate frequently to this Department every event connected with this service; and if it shall be found necessary, a further naval force will be sent, either to strengthen your command, or to relieve you so as to pursue your original destination. If you find it necessary, upon your arrival at St. Mary's, to employ a good pilot well acquainted with the coast, rivers, and inlets, you are authorized to do so.

I am, very respectfully, &c.

B. W. CROWNINSHIELD.

Captain JOHN H. ELTON,
Commanding United States brig Saranac, New York.

SIR: NAVY DEPARTMENT, *November* 14, 1817.

Having been appointed to the command of the United States ship John Adams, you are hereby ordered, in conformity to the wishes of the President of the United States, to proceed *forthwith* to the port of St. Mary's, in Georgia, taking with you the United States brigs Enterprise and Prometheus, and the shooner Lynx, if the two latter have arrived in New York, and are in a state of readiness to accompany you; but you will not procrastinate the departure of the ship John Adams on account of these vessels, as any of them not fully prepared to proceed with you shall be ordered to join you as soon as practicable at St. Mary's, at which place you will find the United States brig Saranac, Captain John H. Elton, and gun-boat No. 168, Lieutenant Commandant R. McCall; both of which vessels will act under your orders.

The object of the President of the United States in ordering this naval force to St. Mary's is to remove from Amelia island the persons who have lately taken possession thereof, and, as it is understood and believed, without authority from the colonies, or any organized Government whatever, and to the great annoyance of the United States. It has therefore been determined that these persons shall be removed from that island, and that possession shall be taken, for the present, by the land and naval forces of the United States.

On your arrival at St. Mary's, you will consult with the officer commanding the military force, who is instructed to co-operate with you in the performance of this service.

It is hoped that these persons will withdraw without bloodshed; and you will, for this purpose, should your relative rank be superior to that of the commanding officer of the land forces, make known to the chief commanding in Amelia the determination of the Government of the United States to take possession of the island; and if the said chief, and the armed forces under his command, will peaceably quit the island, you will permit them so to do, taking special care that no depredations be committed on the inhabitants, whom it will be your duty to protect from violation or injury, either in their persons or property.

Should the force, however, now in command of the island, contrary to all expectations, resist and refuse absolutely to give up and abandon the same, you are, in co-operation with the military force of the United States, to proceed and take possession of the island in the name and by the authority of the United States.

Should you fall in with, on your way to St. Mary's, or find in Amelia, any vessels from the United States, armed and equipped by American citizens, acting as privateers, contrary to the laws of the United States, you will capture such, and send them to Savannah, in Georgia, to be dealt with according to law.

You will detain all prizes, or other vessels having slaves on board, as the presumption is strong that they are intended to be smuggled into the United States. You will report, from time to time, to this Department the operations of the force under your command.

I am, very respectfully, &c.

Commodore J. D. HENLEY. B. W. CROWNINSHIELD.

P. S. These orders are not to be delivered to any person.

SIR: UNITED STATES SHIP JOHN ADAMS, OFF AMELIA, *December* 24, 1817.

I have the honor to transmit a copy of the correspondence with General Aury, late commander of this place, and to inform you that the American flag was yesterday hoisted at Fernandina, and the island of Amelia taken possession of by the land forces under Major Bankhead, of the United States artillery.

The black troops of General Aury have been embarked on board one of their ships lying in the port, and the remainder of his followers will be sent off the island as soon as the necessary arrangement can be made for the purpose. They are now engaged in watering their ships, and in the course of a week I hope to see all of them over the bar.

Most of the respectable inhabitants of this place retired on its capture by McGregor, and those now here are principally adventurers, who have been attracted by motives of speculation, and, as I suspect, and have every reason to believe, been engaged in the violation of our revenue laws; to prevent which in future, such precautions will be taken as are within my power, and which will, I presume, be adequate to the purpose.

I have not yet been able to examine the ship, and therefore can give you but little further information than was contained in my last communication. The leaks (the principal of which is about two feet under water) still continue, so that we make twenty inches of water per hour—and this lying in port. We are obliged to examine the magazine twice a day, to clear it of the water. I shall land all the powder immediately, to prevent any further damage. The bread, except a very small quantity, is entirely ruined, and unfit for use. I shall order a survey to ascertain the exact quantity of stores damaged, and inform you as early as circumstances will admit.

I shall also inform you by the next mail (which leaves St. Mary's on Saturday next) more particularly of the state of the ship than has heretofore been in my power; the object of the expedition not having been effected rendering it impracticable to examine her thoroughly. I am, however, entirely convinced, in my own mind, that the battery now on the ship is too heavy for her; so much so, that I should deem her unsafe for a long cruise.

This will be sent by an express to Darien, the mail leaving this place but once a week.

I have the honor to be, &c.

J. D. HENLEY.

The Hon. B. W. CROWNINSHIELD, *Secretary of the Navy.*

SIR: UNITED STATES SHIP JOHN ADAMS, OFF AMELIA, *December* 30, 1817.

Since my arrival here, I have been so much engaged that I have not had one moment to write to my friends. You, no doubt, however, have some idea of my situation, and, from my official reports, know that the American flag is now flying on Amelia island. As there are many novel cases which must present themselves, I should have been better pleased had my instructions been full; but we are now left to act as circumstances may require, and I am fearful that Aury and his followers will give us much trouble before they quit the island. I am sorry to add that the Americans appear to be much worse than any others. Should we be able to get through this business, so as to meet the approbation of the Department, I shall feel much gratified; but I trust, should I err in any steps that I may take, that it will be considered by the President as an error of judgment; for I do assure you that nothing would be so pleasing to me as to have my conduct here approved by the Executive. I have endeavored to keep as close to the letter of my instructions as possible, and have avoided every difficulty that I possibly could. I regret very much the difficulty of communicating with the Government. We have only one mail per week, and that does not remain in St. Mary's long enough to enable us to answer letters that we may receive by it.

The situation of my ships you are no doubt acquainted with, as I have written several times to the Secretary on that subject. I, however, do not wish to leave this place until every thing is settled, and the Government have established some kind of police for the better government of this place, which, I am in hopes, will take place ere long. I am fearful that Aury expects that the American Government will relinquish Amelia, which impression will retard his departure.

I have the honor to be, sir, &c.

J. D. HENLEY.

Hon. B. W. CROWNINSHIELD, *Secretary of the Navy, Washington.*

Extract from the capitulation of the island of Amelia, dated at Fernandina, June 29, 1817, *and signed by Francisco Morales and Joseph de Yribarren, attested by Bernardo Segin, and approved by Gregor McGregor.*

"Brigadier General McGregor, commander-in-chief of all the forces, both naval and military, destined to effect the independence of the Floridas, duly authorized by the constituted authorities of the republics of Mexico, Buenos Ayres, New Granada, and Venezuela, offers to Don Francisco Morales, *capitan del regimiento de Cuba*, and commandant civil and military of the island of Amelia, the following terms," &c.

Extract from a proclamation of Gregor McGregor, dated head-quarters, Amelia island, June 30, 1817, *and signed Gregor McGregor, attested by Joseph Yribarren, secretary.*

PROCLAMATION.

"Gregor McGregor, brigadier general of the armies of the United Provinces of New Granada and Venezuela, and general-in-chief of the armies for the two Floridas, commissioned by the supreme directors of Mexico, South America," &c.

Extract from an address of Gregor McGregor, dated at head-quarters, San Fernandina, July 1, 1817, *and signed Gregor McGregor, and attested by Jos. Yribarren.*

"Gregor McGregor, general of brigade to the armies of the United Provinces of New Granada and Venezuela, and general-in-chief of that destined to both the Floridas, with commission from the supreme Governments of Mexico and South America," &c.

"In the name of the independent Governments of South America, which I have the honor to represent, I thank you for this first proof of your ardor and devotion to her cause; and I trust that, impelled by the same noble principles, you will soon be able to free the whole of the Floridas from tyranny and oppression."

15th CONGRESS.] No. 291. [1st SESSION.

CLAIM OF THE REPRESENTATIVES OF CARON DE BEAUMARCHAIS.

MESSAGE AND DOCUMENTS COMMUNICATED JANUARY 16, 1818.

[For the various documents relating to this claim, see Claims, vol. 1, pp. 168, 174, 179, 181, and 183.]

15th CONGRESS.] No. 292. [1st SESSION.

SPAIN—IMPRISONMENT OF RICHARD W. MEADE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 29, 1818.

To the House of Representatives of the United States: JANUARY 29, 1818.

In compliance with a resolution of the House of Representatives of the 23d of December last, requesting information relative to the imprisonment and detention in confinement of Richard W. Meade, a citizen of the United States, I now transmit to the House a report from the Secretary of State containing the information required.

JAMES MONROE.

DEPARTMENT OF STATE, *January* 28, 1816.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 23d of December last, requesting the President to cause to be laid before the House any information he may be able to communicate relative to the imprisonment and detention in confinement of Richard W. Meade, a citizen of the United States, has the honor of submitting to the President the accompanying papers received at the Department on that subject; with a letter addressed to the minister of Spain, residing here, since the resolution of the House, and the answer received from him.

JOHN QUINCY ADAMS.

[Correspondence concerning Richard W. Meade, communicated to the Department of State by Mr. Erving.]

No. 1.

Mr. Erving to Mr. Monroe.

MADRID, *September* 28, 1816.

SIR:

Perceiving by the public papers that the case of R. W. Meade, a citizen of the United States, for many years established at Cadiz in commerce, and now suffering in prison by order of this Government, has excited considerable sensation in America, it seems to be proper that I should submit to you my correspondence with Mr. Cevallos on this subject.

I have herewith the honor to enclose my note to that minister of August 27th, his reply of September 10th, and my further note of September 16th. To this last I have not yet received an answer.

I have the honor to be, &c.

GEORGE W. ERVING.

No. 2.

Mr. Erving to his excellency Don Pedro Cevallos, First Minister of State, &c.

MADRID, *August* 27, 1816.

SIR:

It is my duty to recall the attention of His Majesty's Government to the case of Richard W. Meade, a citizen of the United States, who is imprisoned by the authorities at Cadiz, under semblance of law and of His Majesty's authority, but, as must be presumed, against his will, and, as can be substantiated, against his orders issued on the 10th August, 1815.

A particular statement of circumstances of the case was transmitted to your excellency by the secretary of this legation, in a note of July 8th last; it is, therefore, needless that I should now recite them.

I propose to refer to your documents only, each of them of principal importance, and which, taken in their connexion, point out most distinctly and indisputably the illegality of the proceedings against Mr. Meade, and the course which consistency, as well as justice, requires to be now taken for his relief.

The documents to which I refer, and copies of which are herewith enclosed, are, viz:

No. 1. An order of the consulado of Cadiz, dated February 18th, 1814, directing Meade to deposite in the office of the Treasury General of the province a certain sum of money, respecting which a process was then pending in the said consulado.

No. 2. The receipt of the Intendant of the Treasury for the deposite made by Meade, pursuant to the order of the consulado.

No. 3. The reply of the Intendant of the Consulado, when that tribunal inquired as to the nature of the deposite made.

No. 4. A royal decree of August 10, 1815, suspending the further proceedings of the consulado, till the Treasury should be able to collect funds for the purpose of restoring the sum deposited by Meade.

It is not my intention, for it would be altogether useless, to enter into a history of the original transactions upon which, finally, a suit was brought before the consulado of Cadiz against Mr. Meade, and is now continued in the name of Mr. John McDermot.

Meade always held the moneys in question, to be paid over in legal form as the competent authorities should direct.

Your excellency will, I am persuaded, now examine the affair with impartiality, and free from the impressions unfavorable to this American with which it has been attempted to pre-occupy your judgment. If it were my duty, on the other hand, to state what ought to be his personal merits in the view of this Government, I should dwell upon the very extensive and important services which, as a merchant and a capitalist, he rendered to Spain in the crisis of her affairs the most trying and difficult. It ought surely to be known to your excellency that he contributed most essentially to the cause of this country, by giving large credits to its occasional Governments, and that for these services he is not yet reimbursed. But I have not to ask any favor for him. I desire but strict and impartial justice; and I found my claim to his immediate release from prison on the acts of the Government in whose name, and of the very tribunal by which, he is now imprisoned.

By the first two of the enclosed documents, your excellency will perceive that Mr. Meade, submitting to the orders of the consulado, paid the amount of the moneys in suit into the treasury of the province. The payment is said to have been effected in "libramientos," or receipts for libramientos of the Treasury General, or Intendant; credits of Meade with the Treasury, which were payable in specie, and which were to be paid in specie within a few days. The Intendant, therefore, readily gave to Meade the receipt (No. 2) for a deposite in specie, the libramientos being cancelled, and passed to the several accounts to which they belonged. Thus, therefore, every legal and formal requisite being complied with, Meade was exonerated from all responsibility; and, to make his irresponsibility still more perfect, if that were possible, the Intendant wrote to the consulado, (No. 3,) stating expressly that the deposite had been made in specie, and that he would respond to the consulado for specie.

After such conclusive proceedings, it would seem impossible that Mr. Meade could be again questioned by the tribunal in the same matter.

Was the tribunal wrong in ordering him to make the deposite? *Sibi imputent*—let it answer for its own errors. Was the Intendant culpable in receiving the libramientos as specie? He is then to be censured. But he has expressly made himself responsible to the consulado for specie; let him then be held to that responsibility. These may be questions between the Government and its officers, but it is certainly highly unjust that an individual should be sacrificed to repair their errors. Will it be said that the libramientos delivered to the Treasury, and credited to Meade as cash, and held by the Treasury in deposite, and promised by the Intendant to be paid over as cash, are not, in fact, equivalent to cash? Certainly not. The Government will not pass this condemnation on its own

securities. But if the contrary supposition were admissible, even then Mr. Meade remains exempt from all responsibility; for the libramientos in question have been already passed into account, as paid in specie, and have been cancelled by the officer who had the competent authority to do so. Nevertheless, the consulado, which, by its own act, had precluded itself from all further jurisdiction over Mr. Meade in this matter, still persisted in its process against him, and decreed that he should pay over to that tribunal the sum which he had previously deposited, by its own order, in the treasury. Against this injustice, Mr. Meade appealed to the superior tribunal of the province; but its interference was overruled by the tribunal of war at Madrid; and this latter confirmed the sentence of the consulado of Cadiz.

Mr. Meade was then obliged to resort to the sovereign, who issued the decree of August 10, 1815. This decree is, in all its parts, perfectly just. It suspends the proceedings of the consulado against Meade, and acknowledges the validity of the deposite made, by directing as it were funds to be collected for effecting the return of the money by the Intendant, to the end that it might be paid into the consulado; and that, in the mean time, till funds be collected for the purpose of effecting the return of this deposite, the tribunal of commerce shall suspend all proceedings against Meade, &c.

Of this decree neither party can complain; how, then, has it been reversed? If there has been any delay in the payment to be made by the Treasury, that is not Meade's fault; the decree is illimited; it orders all proceedings against him to be suspended till that object be effected.

It is not my purpose to call into question the justice of Mr. McDermot's demand, or to blame any of his proceedings; but what I state with confidence is, that his claim is now properly on the treasury or Intendant. If the consulado or Intendant have, in the course of their proceedings, changed the situation of Mr. McDermot's case for the worse, they have done him wrong, and it is of them that he should complain; but they have acted in virtue of their regular faculties, and have exonerated Mr. Meade; or had their conduct been even illegal, yet Meade cannot be made responsible for it: he had not any control over them, or any means of resisting them.

It was very natural for him to offer the deposite in libramientos, but he did not force the Intendant to receive them; that was his own act. Nor, indeed, does there appear to have been any thing irregular in that act, since payment was due by the treasury on the libramientos. The transaction was then the same, in effect, as though the intendant had paid to Meade the amount of the libramientos in specie, and then received back that specie in deposite; and it was effected in that form also; so that, if there was any fault in the Intendant, it was that of paying Meade what was due to him. But this, I presume, cannot be called a fault, or, if so, the transaction cannot be vitiated by it. The Intendant, then, having informed the consulado that the deposite had been made in specie, and that he was responsible to the consulado for specie, Mr. Meade is of course exempt from all further process; and the royal decree above cited considered him so to be.

But now, sir, a second time this consulado, which, as I have shown, having ordered Mr. Meade to deposite in the treasury, did thus, by its own act, absolve him from its jurisdiction, renews its demand on him for another deposite to the same amount, and, in defiance of His Majesty's decree, on Meade's non-compliance, has thrown him into a dungeon.

Surely there cannot be any law to authorize the imprisonment, as a condemned felon, of a defendant in an action for debt yet pending; much less can it be permitted that any authority should amend its own faults and errors by sacrificing the liberty, property, and domestic happiness of an individual; and still less is it possible that His Majesty should allow the continuance of such proceedings in a case where his own treasury is the depository of the funds in question, which, by his own decree, have been ordered to be paid over in satisfaction of the judgment. It is with entire confidence, therefore, that I request your excellency to lay this representation before the King; not doubting but that he will order that Mr. Meade be immediately released from confinement, and that the royal decree of August 10, 1815, be maintained and observed.

I have, &c.

GEORGE W. ERVING.

No. 3.

Don Pedro Cevallos to Mr. Erving, Minister Plenipotentiary of the United States, Madrid.

SIR: PALACE, *September* 10, 1816.

I have given an account to His Majesty of your note of the 27th of last month, relative to Mr. Richard Meade; and it is His Majesty's pleasure that I should inform you, that as his case is pending before the supreme council of war, he must have recourse to it.

By His Majesty's orders, the council of war presented to His Majesty a report on the affair pending in the tribunals of Spain between the creditors of a commercial house in London, in a state of failure, and Mr. Richard Meade.

It states the restitution of a deposite of upwards of $50,000 in specie, made to Meade by the said house in failure at London, and that he attempted to restore the money demanded of him in credits of the Treasury.

The council reports against Meade, and states that he availed himself of this circumstance with a view to surprise the equity of the sovereign to the very great injury of strict justice, of the interests of the bankrupt house and of its creditors; and afterwards gave it as their opinion *(dictamen)* that His Majesty ought not, in opposition to the laws, to agree to the petition of Meade, who should deliver up the aforesaid deposite, in like manner, and in the same specie as he had received it, or give full, clear, and sufficient security, to the satisfaction of the tribunal of commerce of Cadiz; and, in default thereof, to be removed to a public prison, to prevent all evasion of the sentence against him.

His Majesty thereupon assented to the opinion *(dictamen)* of the council, to which Meade is to conform.

I renew, &c.

PEDRO CEVALLOS.

No. 4.

Mr. Erving to Mr. Cevallos.

SIR: MADRID, *September* 16, 1816.

On the 13th instant I received your excellency's note of the 10th instant, in reply to mine of 27th August, respecting the case of R. W. Meade, a citizen of the United States, now detained in a felons' prison at Cadiz. I had required that Mr. Meade should be released from his confinement, because, on a review of the proceedings against him, and reference to the documents enclosed in my note of August 27, I found that those proceedings were unjust, since the object of them was to compel him to pay a sum of money which he had already paid in virtue of

a judicial decree; and illegal, as well for that reason as because they were in violation of His Majesty's own decree of August 14, 1815.

Your excellency has not thought proper to revert to these antecedents, but you have been pleased to confine yourself to a simple narrative of what has passed in the council of war subsequent to the date of His Majesty's decree, and upon this ground to refer the party aggrieved to this same council of war. If I understood your excellency's note aright, it states that a posterior decision of the council of war has declared His Majesty's decree of August 14, 1815, to be unjust and illegal, and has advised His Majesty to reverse it, and to put Mr. Meade in prison, until he shall have paid the sum demanded of him; and further, that His Majesty has complied with this extraordinary *dictamen;* that thus Meade is actually in prison, with the knowledge and consent of His Majesty, who has thought proper to render his own decree a dead letter. These are facts which I could not suppose to have existed, and to which I should have found it very difficult to have given credit, had I not thus received them from your excellency. In truth, they may be considered as determining the perpetual imprisonment of Mr. Meade; for it cannot be imagined, even if he be able to pay, that he will ever consent to pay a second time that sum which he has before deposited in His Majesty's treasury, and for which the treasury has formally made itself responsible.

In this last consulta of the council of war, it is stated that Mr. Meade attempted to restore the money demanded of him in credits of the Treasury, (*intenta devolver en papeles de credita contra Tesoreria.*) By this phraseology the fact has been concealed from His Majesty of the payment which was actually made by Meade to the Treasurer General, for the amount of which, in specie, the said Treasurer General formally made himself responsible to the consulado.

This fact, I say, was not stated to His Majesty, as it should have been, by the council of war. If your excellency will take the trouble of reverting to my note of the 27th ultimo, you will see that it is therein specially set forth, supported by conclusive documentary proof, and that upon it is very principally founded the reclamation which I have made in favor of Mr. Meade.

This remains, then, in all its former force, and altogether unanswered by your excellency's note. But to simplify the case as much as possible, to disembarrass it of all legal questions and discussions arising out of Mr. McDermot's claim, or belonging to the antecedent proceedings; in fine, that both parties may have justice in a mode comporting with the good faith and consistency of the Government, I now place my demand in another form.

Considering that Mr. Meade, in pursuance of a judicial decision of the consulado of Cadiz, did, on the 19th of February, 1814, pay into the office of the Treasurer General of the province the sum of 1,050,327*v.;*

Considering that the said Treasurer General did acknowledge the said payment to have been made in specie, and did promise to repay specie whenever called upon;

Finally, considering that the funds in question are actually in the royal treasury;

For these reasons, I require that the Treasurer General be ordered immediately to pay over the same funds, in specie, to whomsoever the consulado of Cadiz shall appoint to receive them.

I renew, &c.

G. W. ERVING.

No. 5.

Don Pedro Cevallos to Mr. Erving.

SIR: OCTOBER 17, 1816.

Having laid before the King your note of the 16th of September last, relative to Mr. Richard Meade, I have received His Majesty's commands to inform you that the affair of this individual being under the especial cognizance of the supreme council of war, it is to this tribunal that his reclamations must be addressed.

I renew to you, &c.

PEDRO CEVALLOS.

No. 6.

Mr. Erving to Mr. Cevallos.

SIR: MADRID, *October* 21, 1816.

In a note of September 16, upon the case of R. W. Meade, an American citizen in prison at Cadiz, I required that the Treasurer General of that district should be ordered to pay over to such person as the consulado of Cadiz should appoint to receive the same the moneys which have been deposited with the said Treasurer General by said Meade, in obedience to a judicial order of the said consulado.

In your excellency's reply of the 17th instant, you are pleased to tell me that the affairs of Mr. Meade being rooted *(radicados)* in the supreme council of war, to that tribunal he ought to resort.

In this your excellency has reference, I presume, to a certain suit brought against Mr. Meade by Mr. John McDermot; you certainly do not mean to be understood that all affairs whatever of Mr. Meade are to be subjected to the decision of the council of war, nor can I conceive that any such connexion between the suit of Mr. McDermot and the demands of Mr. Meade on His Majesty's treasury can be established as can bring these last within the cognizance of that tribunal.

Permit me to ask whether the supreme council of war has the faculty of ordering the Treasurer General of Andalusia to pay over the funds which Mr. Meade deposited with him to such persons as the consulado of Cadiz may appoint to receive them?

If so, I will request your excellency to lay before that tribunal the demand made in my last note, according to the practice in similar cases; but if the tribunal of war has no such faculty, then the order which I have requested can be given only by the Executive Government. My application for its interference was perfectly correct, and your excellency's reference to the tribunal is, as to any useful object, perfectly nugatory; for Mr. Meade must necessarily be answered that the tribunal has not any control over His Majesty's treasury. I had flattered myself with a hope that, in our conference on the 5th instant, I had succeeded in convincing your excellency that the case between Mr. Meade and Mr. McDermot, and that between Mr. Meade and His Majesty's treasury, were altogether distinct. I do not solicit any act of injustice against Mr. McDermot, and I ought to presume that it is His Majesty's desire to do justice to Mr. Meade. In acceding to my demand in his favor, your excellency will accomplish that desire; and so far from impugning the claims of Mr. McDermot, the effect of the measure will be to satisfy them by payment, and to extinguish all the processes to which they had given rise.

I do trust, then, on reconsidering the case, your excellency will perceive that only two inquiries are necessary, viz: whether Mr. Meade did, by order of the consulado, deposite the funds in question with the Treasurer General; and whether they yet exist in the hands of the Treasurer. Of these facts I have already laid before you

indisputable proofs in the papers marked Nos. 1, 2, 3, transmitted to you with my note of August 27, viz: No. 1. The order of the consulado, directing Meade to deposite. No. 2. The receipt of the Treasurer General for the deposite made. No. 3. The acknowledgment of the Treasurer that he holds said deposite in specie, subject to the orders of the consulado. It is for want of these funds now in His Majesty's treasury, that Mr. Meade is in prison; the payment of them to the order of the consulado will quiet all claims, and satisfy all parties, and will not interfere with the jurisdiction, or require the intermediation of any tribunal whatever.

He recurs, then, to the King, whose power to enforce is as indisputable as his disposition to do right; and I, on his part, require only the plainest act of justice when I demand that an express royal order be issued for his immediate liberation from prison, and for the payment of the funds deposited by him in the royal treasury of the province to the consulado of Cadiz, or to such person as it may appoint to receive the same.

I renew, &c.

GEORGE W. ERVING.

No: 7.

Don José Pizarro to the minister of the United States.

SIR: PALACE, *November* 7, 1816.

I have laid before His Majesty your note of the 21st of last month, in which you insist that the sums deposited by Mr. R. Meade in the royal treasury should be paid over to the tribunal of commerce of Cadiz, or to whomsoever it may authorize to receive them. This affair appertaining to the Ministry of the Treasury, His Majesty has been pleased to determine that your said note be transmitted to the Secretary of that Department, that, through his channel, it may again be submitted to His Majesty's decision.

I renew, &c.

JOSÉ PIZARRO.

No. 8.

Extract of a letter from Mr. Erving to the Secretary of State, dated

MADRID, *May* 12, 1817.

By my despatches Nos. 20, 23, 26, I had the honor to submit to you copies of the first part of my correspondence with the Spanish Secretary of State, on the case of Richard W. Meade. As that gentleman, despairing of the success of my efforts in his favor, desires that the whole of his case may be laid before you, I now transmit copies of all the notes which have passed on it since the month of November.

No. 9.

Mr. Erving to Mr. Pizarro.

SIR: MADRID, *December* 25, 1816.

On the 7th November your excellency replied to my note of 21st of October, on the case of R. W. Meade, an American citizen in prison at Cadiz, that you had transmitted the same to the Minister of Hacienda, that the royal resolution might be given through that ministry. In consequence, as I presume, of your excellency's communication to the Minister of Hacienda, Mr. Navarrete, the Treasurer General, wrote to the consulado of Cadiz on the 19th November; the answer of that tribunal is dated on the 29th November. It is completely satisfactory and in perfect accord with what I have stated to you on the case. Why a copy of it has not been already transmitted to you, I will not undertake to conjecture; but seeing that this document, as well as others in the cause, do virtually confess that the proceedings against Mr. Meade are of the unjust and violent character which I have attributed to them, and that every unnecessary delay is an augmentation of the injustice, as I ought to believe, and am persuaded, entirely contrary to the disposition of His Majesty—for these reasons I pray your excellency to demand from the Minister of Hacienda a copy of Mr. Navaretti's aforesaid correspondence with the consulado, and to lay it, in conjunction with my representations, before His Majesty.

GEORGE W. ERVING.

No. 10.

Mr. Erving to Mr. Pizarro.

SIR: MADRID, *March* 14, 1817.

In a note of September 16, 1816, to your excellency's predecessor, I required that the Treasurer General of the district of Cadiz should be ordered to pay, to such person as the consulado of Cadiz should appoint to receive the same, a certain sum of money, which had been deposited with said Treasurer by R. W. Meade, an American citizen, in obedience to an order of said consulado, and for which sum said Meade then was, as he still is, held in prison.

Having been answered by Mr. Cevallos, generally, that the affair of Mr. Meade was before the council of war, I insisted on my former demand, (in a further note of October 21,) showing to the minister that it had no necessary connexion with any process depending before the council of war; and further, that it was not possible for the council to satisfy my reclamation, even if it should be disposed to do so, because it had no faculty to give such orders to His Majesty's Treasurer as I had desired.

In answer to that note, your excellency was pleased to inform me, on the 7th November, that as my demand related to the duties of the Minister of Hacienda, His Majesty had resolved that my note of 21st October should be passed to that minister, *to the end that through that department the royal resolution should be given.* ("Se pasa la citada nota al señor Secretario de dicho Departimiento para que por su conducto recayga la real resolucion.")

In consequence, I presume, of this measure, the Treasurer General, Señor Navarrete, wrote to the consulado of Cadiz, on the 19th November, requiring that tribunal to inform him particularly as to the aforesaid deposite. The consulado replied to the Treasurer on the 29th November that the deposite had been made by its order; that it had been made "in effective specie," ("*en libramientos de plata effectiva;*") that it existed at the treasury; and that the Treasurer had made himself responsible to the said consulado for the amount.

I annex to this note a copy of that most important correspondence between the Treasurer and the consulado, and which your excellency was pleased also to procure a copy of from the Minister of Hacienda, pursuant to the request contained in my note of December 25.

This correspondence leaves not the least doubt as to the nature of the deposite, or its actual existence; and I assured myself that it was all that could be desired, and that it must necessarily produce an immediate order for the release of Mr. Meade from prison. I am therefore much surprised to find that the affair, instead of having been despatched, as I understood by your excellency's note of November 7 that it would be, has again fallen back into the hands of the council of war; which tribunal, as before observed, cannot have any control over the operations of His Majesty's treasury.

If the council of war should enter into any inquiry as to the nature of the deposite, can the result, whatever it may be, of that inquiry, be opposed to the complete, plain, unequivocal declaration of the consulado of Cadiz, the very tribunal by order of which the deposite was made, which is most interested to ascertain its nature, and its actual existence? But in no view can it be of the least importance in considering, or should it have the least influence in deciding, upon my reclamation, whether the deposite is, or is not, satisfactory to the council of war; and therefore I will not here enter into its past and present proceedings, nor will I advise Mr. Meade to appear before that tribunal to prove any thing which may relate to the nature of that deposite. It is sufficient that the deposite was made by the order of the consulado; that it was paid into His Majesty's treasury, and is now there. All this is proved by the confession of the consulado itself; and I cannot acknowledge the justice of any plea for holding Mr. Meade in prison, by a decision of another of His Majesty's tribunals, for the very sum thus deposited.

His Majesty's treasury has the money in question. Mr. Meade is suffering in prison under His Majesty's authority! What can be more simple than the course pointed out by justice in this case?

As the representative of the American Government, the natural protector of its citizens against all injustice, I appeal directly to His Catholic Majesty against the injustice of those acting in his name and under his authority; and I request your excellency, as the proper channel of communication, to lay my reclamation before him. And if His Majesty should desire to be more particularly informed of the proceedings of the council of war, and of all the persecutions which this American citizen (who, I cannot but remind your excellency, so much contributed to support the cause of Spain in the most critical epoch of her affairs) has suffered; then if His Majesty will condescend to peruse the last memorial which Mr. Meade addressed to him, he will, I doubt not, see enough to reprehend.

GEORGE W. ERVING.

No. 11.

Mr. Erving to Mr. Pizarro.

SIR: MADRID, *March* 24, 1817.

With my note of the 14th instant upon the case of R. W. Meade, an American citizen confined in the castle at Cadiz, I transmitted to your excellency what ought to be considered as the most satisfactory and conclusive evidence relative to the nature and the actual existence of the deposite made by him in the royal treasury of that district, by order of the consulado of Cadiz. It appeared to me that nothing further could be required, and, if your excellency would lay it before His Majesty pursuant to my request, that it must produce an instant order for the release of Mr. Meade; but seeing that the sufferings of this individual still continue, I cannot omit any measure, however superfluous it may appear, which may possibly contribute to his release, heaping proof upon proof of the injustice done to him. It is therefore that I now send to you (herewith enclosed) a certificate, dated 15th March, (regularly authenticated) of Don Antonio Ysarbe, "*contador principal de ventas provinciales*" of Cadiz, who is the only person authorized to grant certificates relative to the operations of the treasury in that district, and through whose hands all such matters must necessarily pass. This certificate has been granted on the petition of Mr. Meade, which I also take the liberty of enclosing.

I beg your excellency's particular attention to this certificate: it is ample and explicit in every respect, and I am persuaded must convince you that no further research on the points in question can be necessary. I therefore confidently re-urge my request, that your excellency would be pleased to lay my reclamation before the King; and I rely on His Majesty's just dispositions for the immediate release of Mr. Meade.

GEORGE W. ERVING.

No. 12.

Mr. Pizarro to Mr. Erving.

SIR: MADRID, *April* 12, 1817.

Immediately that I received your note of the 24th of last March, I directed, by order of the King, my master, the supreme council of war to despatch with all urgency the "consulta" which had been required of it, relative to the affairs of Mr. Richard Meade with the house of Hunter, Raynes, & Co. of London; and I wait for the said consulta to lay the matter before His Majesty, and to obtain his sovereign resolution.

I renew, &c.

JOSE PIZARRO.

No. 13.

Mr. Erving to Mr. Pizarro.

SIR: MADRID, *May* 9, 1817.

I have the honor to acknowledge the receipt of your excellency's note of the 12th April, in reply to mine of the 24th of March, relative to the case of Mr. Meade. You are pleased to inform me that on sight of my said note you ordered the council of war to despatch, in all haste, the "consulta" which you had previously asked of it, relative to the affairs "between Don Ricardo Meade and the house of Raynes, Hunter, & Co. of London." I ought to presume that by this order your excellency meant to promote the object of my former representations; but permit me to observe, referring to those representations, that in no part of them have I considered the termination of any process which may be pending before the council of war, between Mr. Meade and the English merchants, as at all essential to my purpose, which has been simply to obtain the release of an American citizen from an unjust imprisonment—an imprisonment which you yourself, in a letter of December 8 to the council of war have declared to be illegal. In that letter your excellency has said that Mr. Meade's case is not sufficiently comprehended within the law under the pretence of which he has been imprisoned: "quien, (Meade,) no esta bastante determinadamente

comprendido en el caso de la ley que se cita para su aresto." Independent of this legal point, I have shown to your excellency, in my former notes, that the imprisonment is unjust, because His Majesty's treasury has the very funds which should be paid to satisfy the judgment of the tribunals. It was long since decided that Mr. Meade was a debtor to the English merchants; the funds in question had been deposited in the royal treasury, by order of the competent tribunals; and, it has been proved, by authentic and complete documents, that the deposite exists in the treasury as effective cash. What I have required, then, as a measure of the plainest justice, is, that these funds should be paid by the treasury, to satisfy the judgment. Thus Mr. Meade would be released from prison, of course; and all necessity of legal decision, as to the nature of his imprisonment, would be superseded; and all litigious questions between him and the English creditors would cease. I had certainly succeeded in impressing your excellency with this view of the subject, for, as far back as the 7th November, you informed me that the affair was properly within the Department of Hacienda, and that His Majesty would give his decision through that Department. Under the same impression, doubtless, you wrote to the Minister of Hacienda, on the 4th of December, desiring that a statement of the facts within the cognizance of his Department might be sent to you, to the end that you might submit them to His Majesty, to enable him to decide on the consulta of the council of war, (of November 28,) at that time before him. In the same way your excellency wrote to the council of war, on the 8th of December, requiring that all the original documents which relate to the nature of the deposite made by Mr. Meade should be sent to you. Even in your letter of February the 7th, to the same council of war, by which you return to it the "antecedents," you confine your view principally to the existence and nature of the deposite.

Convinced, then, as your excellency was, that the imprisonment of Meade was illegal, and as to the nature of the deposite, (a point which you considered all-important in the case, having before you the certificates of the officers of Hacienda, as well as of the consulado of Cadiz, proving that it existed in effective specie,) I could not doubt but that you intended to submit the case to His Majesty's decision, as announced in your letter of December 4th to the Minister of Hacienda, and conformably to what I had repeatedly proposed. You have not been pleased to acquaint me with whatever motives you may have had for deviating from this intention; but it does appear that you have required of the council to determine on the legality of the imprisonment, which was its own act—an act of which, in your letter of December 8th, you expressed His Majesty's disapprobation, and the injustice of which has been made still more apparent by the above-mentioned proofs as to the nature of the deposite. It appears, also, that you transmitted to the same council, in the month of February, documents which you demanded from it in the month of December, for the purpose of being laid before the King, but which are now to be enveloped in questions from which they had been, and stood, entirely separated.

In thus sending the affair back to the council, the parties (Meade and McDermot) are made uselessly to litigate about the nature of a deposite which the Government knows to exist, in specie, in its own treasury. Thus, the simple act of justice which I have demanded is procrastinated to an indefinite time, being made dependant upon contentious questions, with which it has no necessary connexion. Your excellency is perfectly convinced, by documentary evidence of indisputable authority, from every department of the Hacienda, that the royal treasury is debtor to Meade for the amount, in specie, of the deposite made by him; that, with or without law, Meade has been twelve months, and still is, in prison, for the same amount due to the English claimants, for whose benefit the said deposite was made, by order of the tribunal which at that time had cognizance of the then pending suit; and it is evident that the repayment of this money would release Meade from prison, at the same time that it would satisfy the English creditors. Allow me, then, to ask, to what useful end is the council of war now employed? To declare the illegality of its own acts? But all investigations of that nature will be rendered unnecessary by the repayment of the money now in the hands of Government. The council can decide to whom, of right, the money deposited belongs; but on this point there is no dispute. The deposite belongs, of right, to the English creditors, represented by McDermot. The council has no control over the treasury. In examining, therefore, into the nature of the deposite, it can have no other guide than the very official documents which have been before your excellency. These are unequivocal and conclusive. It matters not now whether the deposite, in its original form, was, or was not, of a nature to satisfy the demands of the English creditor. We can dispense with an examination of that question also; because, in whatever form the deposite was originally made, it has been now converted, by regular fiscal operations, into effective cash; and in that form exists, and in that form will be readily received by Mr. McDermot. The documents which certify the real nature of the deposite can neither be called in question nor set aside by the council; nor is there any necessity of a judicial investigation to establish the authenticity or validity of them. Upon those grounds, therefore, I renew my demand, in every aspect of it so just, that your excellency would lay this case ministerially before the King, and procure his order for the immediate repayment of the deposite existing in his treasury.

GEORGE W. ERVING.

Petition of Mrs. Meade, and papers communicated by her in relation to Richard W. Meade.

PHILADELPHIA, *December* 4, 1817.

To his excellency the President of the United States the following case is respectfully submitted:

Richard W. Meade was born in Chester county, in Pennsylvania, in June, 1778. He went to Spain in 1803, to claim restitution of property detained at Buenos Ayres; in which claim he was unsuccessful. He then established a commercial house at Cadiz, where he has ever since resided in the character of an American citizen, and having held, from 1806 till the present year, the station of navy agent of the United States for the port of Cadiz. Mr. Meade has a wife (the undersigned) and nine children, now residing in Philadelphia.

In their late struggles, he rendered essential services to the people of Spain, as repeatedly and publicly acknowledged. In 1812, being in actual advance to the Government of Spain to the amount of near eight hundred thousand dollars, and being satisfied that the Treasurer General, Don Victor Soret, was using the funds which by contract had been appropriated to repay that advance, he appealed to the regency against the conduct of the Treasurer; and, receiving no satisfaction, published a pamphlet containing a statement of his contracts with the Government, and its injustice towards him; in consequence of which publication he was imprisoned for three months, and then released on bail. On an appeal to the Cortes, Mr. Meade obtained an order for the payment of his advances, which order has been but partially complied with, and that under enormous sacrifices, amounting, in many instances, to one-third of the capital, besides several years' interest, for which no allowance has ever been made. Mr. Meade also appealed to the Cortes against the unjust proceedings of the regency in imprisoning him; the Cortes reported the proceedings as illegal and unjust, and decreed the constitutional penalties against the minister who gave, and the judge who executed, the order. The dismissal of the regency by the Cortes, and the subsequent dissolution of the Cortes itself, on the arrival of King Ferdinand, prevented the report of the Cortes against the regency being

acted on; and the affair being revived by the supreme council of war, composed of men subservient to the old regency, (who are now all in high offices round the court,) it was lately decreed that Mr. Meade should pay a fine of two thousand ducats for the publication, which they termed a libel on the late regents.

It is to be understood that the affair above related, of the imprisonment in 1812, is altogether distinct from the present confinement of Mr. Meade and its causes, though often erroneously blended with it; it will clearly appear, however, that the rancor produced by the events related has operated with many now in power in stimulating the present persecution, the circumstances leading to which are as follows:

In 1811, Mr. Meade was appointed assignee to the estate of James W. Glass, of Cadiz, declared bankrupt in England, in consequence of his connexion with the house of Hunter, Rainey, & Co. of London, against whom a commission of bankruptcy had issued; the appointment of Mr. Meade was made by the tribunal of commerce of Cadiz, with the approbation of all the creditors in Cadiz, and was confirmed by the assignees in London—the tribunal of commerce having cognizance of all commercial affairs in Spain, and all persons carrying on trade there (even foreigners) being amenable thereto. Mr. Meade gave bonds, accordingly, to take charge of the effects of the estate, and to be *responsible solely to the tribunal for the proceeds;* being prohibited, under the penalty of the bonds, from disposing of the funds without the sanction of the tribunal.

Having settled the affairs of the estate, and paid all demands thereon, there remained in his hands about fifty-two thousand dollars, which he several times petitioned the tribunal to be permitted to remit to the assignees in London. The delays attending all Spanish proceedings prevented the petitions being acted upon, until Mr. Duncan Hunter, one of the principals of the bankrupt house, was sent to Cadiz; and when on the eve of getting the business settled, Mr. Glass, (escaping from his bail in England,) appeared also in Cadiz, and laid an *embargo* on the funds, under the pretence of having been illegally included in the bankruptcy. John McDermot was appointed as the agent of Hunter, and Mr. Meade offered to pay to Hunter or McDermot the amount in his hands, on their giving bonds satisfactory to the tribunal of commerce, in lieu of his own. Those persons not being able to procure such sureties as the tribunal would accept, that body suddenly, and of its own accord, decreed that Mr. Meade should, on the following morning, place the money in the King's treasury, until McDermot or Hunter should give the security required; it being declared that all Mr. Meade's property should be *embargoed* in case of non-payment at the time limited. In pursuance of the said order, Mr. Meade made the deposite on the following morning, and presented to the tribunal the receipt in which the Treasurer acknowledged to have received the sum in question by order of the tribunal, to be held subject to the future disposition of that body. A question having been made, at the instigation of McDermot, whether the sum had been paid into the treasury *in specie*, or in treasury notes, the intendant answered, to the official inquiry of the tribunal, that "the deposite had been made in due form under his inspection, *in effective specie;* and that whenever the tribunal should order its payment, His Majesty would pay it in the same coin."

Notwithstanding this, a suit was brought against Mr. Meade by McDermot; and the tribunal, aware that it had done wrong in ordering the deposite, decided that Mr. Meade should *pay the money a second time!* An appeal was entered from this decree to the superior tribunal, called *alzadas*, (Mr. Meade having a right to that appeal by the seventh and twentieth articles of the treaty between the United States and Spain.) While the cause was there pending, the plaintiff (through the English minister) procured an order for the removal of the case to the council of war at Madrid, where the sentence was confirmed. Mr. Meade had a right of appeal, but was refused. He petitioned the King, who commanded that he should be heard by the same court; but as Mr. Meade conceived the judges to have evinced a partiality in the case, at Mr. Meade's request, five new judges were added to the five of which the court was before composed. In this state of the case, McDermot presented a petition, stating that Mr. Meade was about to leave Spain, and praying that he should be compelled to pay the money or be put into confinement; and the order was accordingly granted (through the influence of the British minister) by the five primitive judges, though the King had expressly decreed that no measure should be taken in the case of Mr. Meade but with the presence of the new judges. On the 2d of May, 1816, Mr. Meade was seized and imprisoned in the castle of Sta. Catalina, at Cadiz, confined in a dungeon, with a sentinel at his door, and for several months locked up at night.

The minister of the United States, Mr. Erving, has made strong remonstrances to the Spanish Government against these unjust and cruel persecutions of an American citizen; those remonstrances have drawn from the King an order to the council to *despatch* Mr. Meade's case; but there is at the same time strong reason to believe that, while such an order is given to amuse the American minister, a secret order is given to delay the decision, as *the present state of the treasury would render the payment of the money inconvenient*, it being apparent that the money must be paid on the liberation of Mr. Meade.

For corroboration of the principal facts of the foregoing statement, and particularly those respecting the *deposite*, and the circumstances under which it was made, the President is referred to the documents herewith sent, (Nos. 1 to 7.) Copies of those relating to Mr. Erving's correspondence with the Spanish Government have also been transmitted to the Department of State at Washington.

The undersigned, in making this appeal to the President, will not presume to add a single comment, but must await the result in trembling anxiety. She cannot, however, avoid respectfully intimating a hope that, if kindly disposed to act efficiently in a case so interesting to Mr. Meade and his family, the President will adopt some other means of attaining his purpose than through the agency of Mr. Erving; it being now perfectly ascertained that the representations of that gentleman to the Spanish Government, on Mr. Meade's case, are not received with that respect, or attended to with that promptness and desire of accommodation, due to their justice, to his station and conduct, or to the character of the country he represents. On the contrary, his communications have been treated with marked disregard, or answered by trifling equivocations, insomuch as to render his exertions, however well intended and spirited, utterly useless.

MARGARET MEADE,
Wife of Richard W. Meade.

Copy of an official letter addressed by Don Victor Soret, Treasurer General of Spain for the year 1817, *to the Treasurer of the Revenue or Provincial Rents of Cadiz.*

MADRID, *April* 22, 1817.

By return of post, without fail, you will please state if the deposite exists, as yet, which R. Meade made on the 19th February, 1814, of 1,050,327 reals and 20 maravedis, in virtue of a sentence of the royal tribunal of the consulado of the day prior thereto.

God preserve you many years.

VICTOR SORET.

[ANSWER.]

CADIZ, *April* 29, 1817.

In the moment that I received your official letter of the 22d of the present month, relative to the deposite of R. Meade, I sent a copy of said letter to the Administrator General of the Revenue of the Province, on the 28th of the same month, in consequence of all the archives corresponding to the year in which the said deposite was made existing in his department and under his control; and under this date he answered me as follows:

"GENERAL ADMINISTRATION OF THE RENTS OF THE PROVINCE.

"By the archives of judicial deposites, and corresponding to the year 1814, which exist in this administration, it appears unquestionably that R. Meade deposited, on the 19th February of said year, in virtue of a sentence of the royal tribunal of the consulado of the day before, the sum of 1,050,327 reals of vellon and 20 maravedis; and that no sum has ever been returned, to the present day, on account of said deposite, which I beg leave to state in answer to your official letter of yesterday, in which you transmit me a copy of the letter received by you from the Treasurer General of the 22d of this month.

"God preserve you many years.

"ANTONIO YSARBE."

and which I therefore beg leave to transcribe to you, as an answer to your official letter.

God preserve you many years.

BENITO ELERS, *Treasurer of Cadiz.*

CADIZ, *April* 29, 1817.

An exact copy.

R. W. MEADE.

[Correspondence referred to by Mr. Erving in his letter of the 14th March.]

Copy of an official letter addressed by Don Julian Fernandez Navarrete, Treasurer General of Spain for the year 1816, *to the Prior and Consuls of the Royal Tribunal of Commerce of Cadiz, and their answer.*

MADRID, *November* 19, 1816.

In order to answer with due or correct knowledge a certain information or request which has been demanded of me by my superiors, with the least possible delay, you will be pleased to inform me, as early as possible, whether, by order of your tribunal, R. Meade made a deposite in the treasury of royal finances, or in that of the revenue? of what amount said deposite was? if it exists at present? and whether there is any impediment to returning the same to him?

God preserve you many years.

JULIAN FERNANDEZ NAVARRETE.

An exact copy.

R. W. MEADE.

[REPLY.]

CADIZ, *November* 29, 1816.

Under date of the 19th instant, you were pleased to say to this royal tribunal, that, in order to answer certain information which had been demanded by your superiors, this tribunal should state whether it was true that, by its order, R. Meade had made any deposite in the royal treasury of finance, or that of the revenue? of what amount it consisted? if it existed at present? and if there was any impediment to its being returned to him?

In reply to these questions the consulado begs leave to state that, at the suit of John McDermot, who claimed from R. Meade, for balance of accounts, the sum of 1,050,327 reals of vellon and 16 maravedis. In the course of the proceedings, this tribunal gave its sentence, commanding R. Meade to deposite the aforesaid sum in the royal treasury of the revenue; and this was done in treasury notes of effective cash, which said Meade had to receive from said department; and the deposite was thus made, the Treasurer obliging himself to hold the amount at the disposition of this tribunal. The sum deposited subsists; and though McDermot afterwards pretended that R. Meade should deliver him said sum, without any regard to the deposite, it did not take place, on account of R. Meade having appealed. The said Meade applied to His Majesty, and, through the Minister of Finance, there was issued a royal order, dated 10th August, 1815, in which it was commanded that, in the mean time, that funds could be collected wherewith to return the aforesaid deposite, this tribunal should suspend its proceedings. This tribunal consulted the supreme council of war on this point, and, in virtue of a despatch, (of which the adjoined is a literal copy,) they submitted the *auto* or proceedings to the supreme council, as commanded by said royal order. The supreme council makes merit of the same in the aforesaid document; and it is the strongest proof that the deposite exists at the disposition of this tribunal, from the circumstance of the *auto* or suit being still pending in the appeal before the supreme council. This tribunal cannot resolve to whom the sum so deposited is to be returned; and, whilst the suit is dependent upon the appeal, this tribunal cannot regulate its sentence or proceedings.

MIGUEL DE MARRON.
NICHOLAS BLANCO.

An exact copy.

R. W. MEADE.

Mr. Erving to His Excellency Don José Pizarro, First Secretary of State.

SIR: MADRID, *June* 29, 1817.

My last note to you on the case of R. W. Meade, was on the 9th May; that representation induced your excellency to repeat His Majesty's orders to the council of war, to the end that it might forthwith evacuate the consulta, which has been so long since demanded from it. It was to be expected, in a case of this urgency, where the liberty, fortune, health, and domestic happiness of an innocent man had been wantonly sacrificed, that the

tribunal would have hastened to repair the errors which it had fallen into, more particularly as, in the name of my Government, I had demanded the liberty of this individual. It was not, however, till the 26th May that the fiscal's *dictamen* was given; that document, after a vain attempt to justify the anterior proceeding complained of, concluded in these words*: "Pero en el dice quando existe el deposito como si fuese dinero efectivo segun expone el Tesorero General y quando el consulado asegura que preceptuó á Meade verificase el deposito en tesorería de rentas, parece que habiendo cumplido con ambos extremos *no debe continuar por mas tiempo su aresto.*"

The conclusion which the fiscal has thus arrived at, and the facts on which he has founded it, were as true twelve months ago as they are now. In fine, here is a formal confession of the fiscal himself, according to which there is no ground for continuing the imprisonment of Mr. Meade a single moment; but though the *dictamen* was given on the 26th May, Mr. Meade has not been released. I therefore pray that your excellency would be pleased to order that the council act in conformity to it, without the least delay.

I renew to your excellency assurances of my most distinguished consideration, &c.

GEORGE W. ERVING.

The Secretary of State to Don Luis de Onis, Envoy Extraordinary and Minister Plenipotentiary from Spain.

SIR: WASHINGTON, *December* 26, 1817.

I am directed by the President of the United States to invite your immediate attention, and to urge that of your Government, to the case of Richard W. Meade, a citizen of the United States, who has been confined since the 2d of May, 1816, in the prison of Santa Catalina, at Cadiz.

It has been repeatedly represented to your Government, by the minister of the United States at Madrid, that the imprisonment of this person was under a sentence of a tribunal at Cadiz, condemning him to pay a second time a sum of money which, by virtue of a prior decree of the same tribunal, he had already paid into the royal treasury. This fact has never been denied or contested by your Government. It has been proved to them by the attestations and certificates of their own officers.

It was to have been presumed that, upon the first moment that such a fact was authentically presented to your Government, an order would instantly have issued from it for the discharge of Mr. Meade from his imprisonment. The President regrets that, after so many and such urgent representations in his behalf, by the minister of the United States at Madrid, it should yet be necessary to address this call upon the most common principle of justice to you. I am instructed by him to say that, in renewing this demand for Mr. Meade's immediate liberation, he confidently expects it will not be in vain.

I pray you, sir, to accept, &c.

J. Q. ADAMS.

The Chevalier Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *December* 29, 1817.

I have received your note dated the 26th of this month, in which, by order of the President, you communicate to me what appears to have taken place in Spain, in the case of a lawsuit against Richard W. Meade, a citizen of these States, in order that I should make the necessary representations on this subject to the King, my master, and solicit his release from confinement.

In compliance with the wishes of the President, and yours, sir, I shall, with great pleasure, make this request in favor of Mr. Meade, although I am not informed of the details of the suit instituted against him, nor of those which have produced his confinement.

Confiding in the just intentions of the King, and his high consideration for the United States, I must hope that His Majesty will attend efficaciously to this request, and so use his authority in having justice promptly done to Mr. Meade, that the laws may be observed with the strictest impartiality, and no motive or pretext whatever left to doubt of the immaculate (*acendrada*) purity which has ever been acknowledged as the particular attribute of the Spanish magistracy.

I renew my respects to you, sir, and pray God to preserve you many years.

LUIS DE ONIS.

[The following reports, on the same subject, were made the 24th of March and 4th of April, 1818.]

IN SENATE OF THE UNITED STATES, *March* 24, 1818.

The Committee of the Senate on Foreign Relations, to whom was referred the petition of sundry citizens of Philadelphia, asking the interposition of Congress in behalf of Richard W. Meade, an American citizen, unjustly and wantonly confined in a dungeon in Spain, by the authority of that Government, have given to the subject the deliberation its importance deserved, and beg leave to submit the following report:

It appears from the documents that R. W. Meade is an American citizen, who went to Spain in the year 1803 on lawful business; that, in the year 1806, such was the confidence of the Government in his integrity, that he was appointed navy agent for the United States at the port of Cadiz; a station which he held until the time of his confinement. Such was the correctness of his deportment, as to have been appointed by the tribunal of commerce at Cadiz, with the consent of all the parties concerned, assignee of a bankrupt, the amount of whose estate involved a high responsibility. He performed the duties thus devolved upon him honestly; and having collected for distribution fifty thousand dollars, he several times petitioned the tribunal to permit him to remit this sum to the creditors of the bankrupt resident in England; the only proper course left him to pursue, inasmuch as he had, when appointed agent of the bankrupt, given his bond to that tribunal conditioned to take charge of the effects of the bankrupt, *and to be responsible solely to the tribunal for the proceeds, being prohibited under the penalty of the bonds from disposing of the funds without the sanction of the tribunal.* A controversy having arisen between the creditors and

* "But, at present, while the deposite exists as if in effective money, as set forth by the Treasurer General, and while the consulado declares that they ordered Meade to make that deposite in the provincial treasury, it appears that, having complied with both orders, *his arrest and imprisonment should not be continued any longer.*"

bankrupt about the distribution, Meade offered the money to either, if they would give a bond, with sureties, to the satisfaction of the tribunal of commerce, by which his own might be cancelled. This they were unable to do. The tribunal, of its own accord, and unexpectedly, decided that Meade should, on the following morning, place the money in the King's treasury until the parties litigant should give the security required; it being declared that all Meade's property should be sequestered in the case of non-payment at the time limited. The money was forthwith paid by Meade into the treasury, in treasury notes equal to specie, and hence acknowledged by the Treasurer that *the deposite had been made in due form, under his inspection, in effective specie; and that whenever the tribunal should order its payment, His Majesty would pay it in the same coin.*

Notwithstanding this judgment, and the discharge thereof, by the payment aforesaid, Mr. McDermot, the agent for the British creditors, brought suit against Meade in the same court to recover the very sum he had theretofore paid in conformity to its own judgment. The court awarded judgment against Meade a second time for this money. The latter appealed to the superior tribunal, called *alzadas.* During its pendency, it is charged by Meade that the cause was removed, by the interposition of the British minister, to the council of war; and by the same interposition his arrest and confinement were procured, from which he could be relieved only by a repayment of the money. He has languished in confinement from the 2d of May, 1816, down to the last accounts from Spain. The representative of this nation at that court has repeatedly appealed to His Catholic Majesty for the relief of Meade, and the appeal has been in vain; the court of Spain having refused either to restore the money deposited in its own treasury, by order of its own competent judicial authority, or to release the person of Meade from the long confinement to which he has been doomed. And, finally, the President of the United States, whose peculiar province it is to take cognizance of subjects of this kind, has caused a representation on the subject to be made to the minister of Spain to the United States, demanding his immediate liberation. Nothing but a confidence that this representation will produce the desired result would have restrained your committee from recommending the adoption of measures of severe retribution.

Your committee are of opinion that it is due to the dignity of the United States to adopt, as a fundamental rule of its policy, the principle that one of its citizens, to whatever region of the earth his lawful business may carry him, and who demeans himself as becomes his character, is entitled to the protection of his Government, and that whatever intentional injury may be done him should be retaliated by the employment, if necessary, of the whole force of the nation.

IN THE HOUSE OF REPRESENTATIVES, *April* 4, 1818.

The committee to whom were referred a resolution of the 12th February, and a memorial from a number of citizens of the United States, residing in the city of Philadelphia, relating to the imprisonment of Richard W. Meade, report:

That, upon an examination of the documents communicated to the House by the President, the following facts appear:

On the 2d day of May, 1816, Richard W. Meade, a native citizen of the United States, who has resided in Cadiz for some years past, was arrested and closely confined in the castle of St. Catalina, which is described by the minister of the United States at the court of Spain as a felons' prison. At the time of the arrest Mr. Meade was the navy agent of the United States at the port of the Cadiz, and acted as consular agent, under an authority derived from Mr. Cathcart, the consul of the United States at that place, and with the approbation of the Spanish authorities; Mr. Cathcart having appointed him to act in his stead, during his absence upon a visit he made to the United States. Mr. Meade does not appear to have ever renounced his character of a citizen of the United States, nor to have accepted from any foreign Power any right or privilege, nor to have contracted any obligation that could for a moment make his citizenship doubtful, or impair the claim he has upon his country for protection.

Soon after his confinement began, George W. Erving, minister of the United States at the court of Spain, interposed to obtain his liberation, and from the 27th August, 1816, to the 9th May, 1817, made repeated and earnest applications to the public functionaries of Spain, claiming his release, as a citizen of the United States unjustly deprived of his liberty. It is chiefly from this correspondence, accompanying the message of the President, that the committee have been able to obtain any knowledge of the causes that led to Mr. Meade's arrest and imprisonment.

Mr. Meade, it seems, had been regularly appointed assignee at Cadiz of the estate of James W. Glass, declared a bankrupt in England, and in that capacity, after faithfully executing his duty, there remained in his hands a sum of about $52,000 belonging to the estate, which there is reason to believe was the subject of controversy between different claimants. There is no complaint or suggestion that Mr. Meade improperly retained this money in his hands, or was prevented from paying it over by any consideration but that of a just regard for his own security, which did not, under the then existing circumstances, permit him to part with the fund; and it seems that he could not under any circumstances pay the money, without the consent and direction of the consulado of Cadiz.

In this state of things, on the 18th February, 1814, the consulado of Cadiz, a tribunal whose jurisdiction over the matter does not appear to be questioned, made a summary order, requiring Mr. Meade, within a limited and very short time, (about twenty-four hours,) to deposite the above-mentioned sum of money in the treasury general of the province. With this order Mr. Meade complied on the following day. The fact of his compliance was vouched at the time by the usual and authentic evidence from the proper officer, and has since been satisfactorily established, in the manner that will hereafter appear.

The consulado, by its own act, in taking the fund from the hands of Mr. Meade, and causing it to be deposited in the public treasury, would seem, upon every just principle, to have liberated him from further accountability. That tribunal, nevertheless, soon after entertained a new proceeding against Mr. Meade, at the instance of a certain John McDermot, the agent of Duncan Hunter, having for its object to compel him to pay to the consulado the same amount which he had been previously ordered to pay, and, under their order, had already paid into the public treasury; that is, in substance, to pay the same sum a second time. The consulado made a decree against him to that effect. From this decree Mr. Meade appealed to the superior tribunal of the province, called the *alzadas*, "but its interference was overruled by the tribunal of war at Madrid, and this latter confirmed the sentence of the consulado at Cadiz."

On the 4th August, 1815, a royal decree was issued, suspending the further proceedings of the consulado against Mr. Meade, *till funds could be collected by the Treasury to restore the deposite made by Mr. Meade.*

From the date last mentioned, (4th August, 1815,) it does not appear that any proceedings took place till the 2d May, 1816, when the tribunal of war issued the order under which Mr. Meade was arrested and continues to be imprisoned.

This order was founded upon a suggestion made by McDermot, that Mr. Meade was about to leave the kingdom, and required him to "deliver up the aforesaid deposite, (meaning the money belonging to the bankrupt's

estate,) in like manner, and in the same specie, as he had received it, or to give full, clear, and sufficient security, to the satisfaction of the tribunal of commerce at Cadiz; and, in default thereof, to be removed to a public prison, to prevent all evasion of the sentence against him." It is understood that the tribunal would receive nothing as satisfactory security but a deposite of specie.

The proceeding of the tribunal of war is apparently so destitute of all foundation in justice, and so plainly contradictory to the royal decree of the 4th August, 1815, that it becomes necessary to examine, for a moment, the only suggestion, bearing the semblance of a vindication of it, that has been offered on the part of the Spanish authorities.

Don Pedro Cevallos, in his note to Mr. Erving of the 10th September, 1816, alleges "that Mr. Meade *attempted* to restore, (alluding to the payment into the Treasury) the money demanded of him, *in credits of the Treasury.*" The precise import of this allegation may be understood to be, that Mr. Meade had made the deposite in Government paper, instead of making it in specie.

That Mr. Meade made the deposite in what was equivalent to specie, and was received as such by the officer authorized to receive it, is perfectly clear. The Intendant of the Treasury gave him a receipt for the deposite, made pursuant to the order of the consulado. In answer to an inquiry soon after directed by the consulado, the same officer replied, that the deposite had been made in effective specie, and that he would respond for the specie. The royal order, or decree, of the 4th August, 1815, is founded upon the admission of the same fact. But there is still further evidence, though further evidence would seem to be unnecessary. In November, 1816, the Treasurer General of Spain distinctly put the questions to the consulado, whether the deposite had been made? whether it still existed? and whether there was any impediment to its return? That tribunal, with equal distinctness, replied, that the deposite was made, pursuant to their order, "in Treasury notes of effective cash, which said Meade had to receive from said Department, and the deposite was thus made; *the Treasurer obliging himself to hold the amount at the disposition of this tribunal.*" They state, also, that the deposite still exists at their disposition, and that they cannot resolve to whom it is to be returned. And, again, on the 29th April, 1817, the treasurer of the revenue, or provincial rents of Cadiz, states explicitly to the Treasurer General of Spain, that the deposite had been made, and had not been returned.

With such an accumulation of evidence from sources of unquestionable authenticity, and wholly uncontradicted, to show that the deposite had been made in what was equivalent to specie, and received as specie, and that the Treasury became, and acknowledged itself to be answerable for the amount, it is almost superfluous to add a remark, which the course of the business very naturally presents, tending to the same result. If the order made by the consulado in the first instance had not been complied with, that tribunal would have proceeded to enforce its authority by summary and direct compulsion; in other words, it would have used the means with which it is invested by law to compel Mr. Meade to do exactly what that order required. This would have produced an immediate inquiry whether he had or had not complied, and would have enabled Mr. Meade to justify himself. The resort to an irregular and arbitrary course, which avoids that question, affords the strongest reason to believe that the allegation of Mr. Cevallos was known to be untenable. In fact, that allegation has since been wholly abandoned; for, in the three notes subsequently addressed to Mr. Erving in reply to his urgent remonstrances, one by Mr. Cevallos, and two by his successor, Mr. Pizarro, it is not even alluded to.

It is impossible, however, to avoid remarking the extraordinary character of one of the questions put to the consulado in November, 1816, and the still more extraordinary character of the answer. The inquiry alluded to was, *whether there was any impediment to its (the deposite) being returned?* The answer is, that, from the circumstances of the suit still pending, this tribunal cannot resolve to whom the sum so deposited is to be returned. Why Mr. Meade should be imprisoned pending that suit, which was to determine to whom the money in the Treasury was to be paid, is a question that seems to admit of no answer that is reconcileable with common justice, more especially as the same document implies that the Treasury was to pay the money as soon as the suit should be decided, and, of course, the object of the suit was not to coerce Mr. Meade to pay, but simply to determine who was to have the money from the Treasury.

There is still another view of this matter which the committee think it proper to submit, and which they deem of itself decisive to establish the flagrant injustice of Mr. Meade's imprisonment. If the deposite was made in paper, it is beyond a doubt that the paper was the evidence of a debt due from the Treasury to Mr. Meade, and the receipt of it amounted to nothing more than a payment of what was justly due to him; in fact, it was the same thing as if the Treasury had paid him the money, and he had immediately after repaid the same money to the Treasury. The Treasury, therefore, had no just cause to complain. It is equally evident that the individual interested in the deposite (Mr. McDermot, or his constituent) had no reason to complain. Whether the deposite was made in specie, or in what was equivalent to specie, or how it was made, could not be material to him, provided it was so made as to give him a right to call upon the Treasury; that is, to make him a creditor of the Treasury for the amount, in case of an eventual decision in his favor. That this was the effect of the deposite made by Mr. Meade, and received by the Treasurer, is not, and cannot be disputed. The Treasurer cancelled the securities deposited, and engaged to respond for the amount in specie.

If the Treasury of Spain had been ready and willing to fulfil this engagement, Mr. Meade's imprisonment could not have continued for a single moment; and it is, therefore, evident that he is kept in confinement simply because it is not convenient for the Treasury to pay the money. And your committee are well assured that the Government of Spain, aware that, let the decision be what it might, the royal Treasury would be called on to pay the money in dispute, has, by a secret exertion of the authority which it possesses over the proceedings of the tribunals, commanded "the business to be prolonged as much as possible."

In every point of view, then, in which the case can be considered, your committee can discover no justification for the imprisonment and sufferings of Mr. Meade. It does not appear that he has violated any civil or social duty which he owed by the laws of Spain, and for which, in the ordinary administration of justice, he might rightly be imprisoned. They are satisfied, too, that the continuance of his imprisonment is dependant upon the pleasure of the Government of Spain, and that his liberation may at any time be effected by that Government.

Your committee hope and believe that the demand made by the President will not be unavailing, but they think it proper, at the same time, on the part of this House, to give assurance of support in the measures that may become necessary, in case this expectation should be disappointed. They, therefore, submit the following resolution:

Resolved, That the House is satisfied that the imprisonment of Richard W. Meade is an act of cruel and unjustifiable oppression; that it is the right and duty of the Government of the United States to afford to Mr. Meade its aid and protection; and that this House will support and maintain such measures as the President may hereafter adopt to obtain the release of the said R. W. Meade from confinement, should such measures be proper and necessary.

15th Congress.] No. 293. [1st Session.

SPAIN—BLOCKADES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 17, 1818.

To the House of Representatives of the United States: FEBRUARY 12, 1818.

Conformably with a resolution of the House of Representatives of the 6th of this month, I now lay before that House a report received from the Secretary of State, with a copy of the correspondence referred to, and requested by that resolution.

JAMES MONROE.

DEPARTMENT OF STATE, *February* 12, 1818.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 6th of this month, requesting the President to cause to be laid before that House the correspondence with the Government of Spain, to which a letter of the minister of the United States at the court of Madrid, of the 25th of October, 1816, communicated with a late message of the President to that House, relates, has the honor, herewith, to submit to the President a copy of the correspondence requested.

JOHN QUINCY ADAMS.

The Chevalier Don Luis de Onis to the Secretary of State.

SIR: PHILADELPHIA, *September* 5, 1815.

Under the date of 30th June, I am advised by Lieutenant General Don Pablo Morillo, captain general of Caraccas, and commander of the expedition which His Majesty has destined to re-establish tranquillity at Carthagena, that, with a view to accelerate this important object, he is about to establish the most rigorous blockade of the ports of the viceroyalty of Santa Fé, including Carthagena, and that, in consequence, every neutral vessel which shall be found, not only in those ports, but on those coasts, shall be made prize of, in order to prevent those who have revolted from His Majesty's authority receiving succors of any kind.

I have thought it proper to communicate this to you, for the information of the President, that the injuries may be avoided which would result to the citizens of this republic, if they continue, as heretofore, to trade with the rebels against the authority of my sovereign.

I renew to you, &c.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: PHILADELPHIA, *March* 2, 1816.

Don Pablo Morillo, commander-in-chief of the forces destined by the King, my master, for the pacification of the viceroyalty of Santa Fé, says to me, under date of the 19th of December last, that, after having compelled Carthagena to surrender at discretion, he had found it expedient, for the complete re-establishment of the tranquillity of the viceroyalty, to continue the blockade from Santa Marta to the river Atrato, inclusive; and to give orders that if any vessel be met with further south than the mouths of the Magdalena, or further north than the parallel of Cape Tiburon, on the Mosquito shore, and between the meridians of those points, she would be declared a good prize, whatever documents or destination she might have; but that he had left open to the commerce of neutrals the two ports of Santa Marta and Porto Bello.

I have the honor to give you this notice, as it may be interesting to the merchants of the United States, and to renew the assurances, &c.

LUIS DE ONIS.

Mr. Monroe, Secretary of State, to the Chevalier de Onis, Envoy Extraordinary and Minister Plenipotentiary, &c.

SIR: MARCH 20, 1816.

I have had the honor to receive your letter of March 2, announcing the continuance of a blockade of the Spanish coast in South America, from Santa Marta to the river Atrato, inclusive of the latter, by the commander-in-chief of His Catholic Majesty's forces; and that if any vessel is met south of the mouths of the Madalena, or north of the parallel of Cape Tiburon, on the Mosquito coast, and between the meridian of those points, she shall be seized and condemned as prize, whatever may be her documents or destination. You state, also, that the ports of Santa Marta and Porto Bello are left open to neutrals.

I have to state that this proclamation of General Morillo is evidently repugnant to the law of nations, for several reasons, particularly the following: that it declares a coast of several hundred miles to be in a state of blockade; and because it authorizes the seizure of neutral vessels at an unjustifiable distance from the coast. No maxim of the law of nations is better established than that a blockade shall be confined to particular ports, and that an adequate force shall be stationed at each to support it. The force should be stationary, and not a cruising squadron, and placed so near the entrance of the harbor or mouth of the river as to make it evidently dangerous for a vessel to enter. I have to add, that a vessel entering the port ought not to be seized, except in returning to it after being warned off by the blockading squadron stationed near it.

I am instructed by the President to state to you these objections to the blockade which has been announced in your letter, that you may communicate them to your Government, and in confidence that you will, in the mean

time, interpose your good offices, and prevail on General Morillo to alter his proclamation, and practise under it, in such a manner as to conform, in both respects, to the law of nations.

In stating to you these well-founded objections to the blockade of General Morillo, I have the honor to observe that your motive for communicating it is duly appreciated.

I have the honor to be, &c.

JAMES MONROE.

Don Luis de Onis to the Secretary of State.

PHILADELPHIA, *March* 25, 1816.

SIR:

I have received your official letter of the 20th of this month, in which you state that the proclamation of General Morillo is repugnant to the laws of nations, as well because it declares a coast of several hundred miles in a state of blockade, authorizing the capture of every neutral vessel at an unlimited distance from the coast, as that it is an established maxim among nations that a blockade should be limited to the ports where there may be a stationary and not a cruising force sufficient to make the entrance of the harbor or river where it may be placed dangerous; and, finally, even in this case, a vessel ought not to be captured when she is about to enter a port, save only when, after having received notice of the blockade, she attempts to infringe it. You are pleased to state to me that the President desires that I will communicate these observations to my Government, and that I would use my good offices, confidentially, with General Morillo, so to modify his blockade as to make it conform to the laws of nations.

I will communicate to His Majesty, in compliance with the wishes of the President, what you have stated to me in your note; and I will with pleasure avail myself of the departure of Mr. Hughes to write to General Morillo, inviting him, in the execution of his blockade, to avoid the injurious effects resulting therefrom to the citizens of this republic, so far as may be compatible with the security and tranquillity of His Majesty's dominions under his command.

I must, however, observe to you, sir, that General Morillo has a naval force disposable and competent, as I conceive, to the object in view; that, on the 3d of February, there sailed from Cadiz a squadron of a ship of the line, two frigates, and several smaller vessels, as a reinforcement; that, on the coast intended to be blockaded by the said general, there are no other ports of entry for merchant vessels than those of Carthagena, Santa Marta, and Porto Bello; and, finally, that the measure taken by him, not being directed against an enemy's country, is not, as stated in your esteemed note, contrary to the laws of public rights. The object of the general's proclamation is to notify the traders of foreign nations that he will maintain the laws for the regulation of the Indies in their full force; the observance of which had been relaxed, in latter times, by the effect of circumstances, though modified, however, in favor of neutrals, by leaving two ports open to their commerce. You are aware that, agreeably to those laws, no foreign vessel was allowed to trade with the dominions of His Majesty on that continent, without a special license, and that vessels found near, or evidently shaping a course towards them, were liable to confiscation as interlopers. Not only that part of the coast lying between Santa Marta and the river Atrato, but the whole coast eastward and southward of those points, from the Oronoco to the territory of this republic, belongs to the Spanish monarchy; and, consequently, any vessel whatever found near it, or standing towards it, can have no other object than to carry on smuggling, or stir up a civil war in the King's dominions: in either case, the laws of nations recommend the seizure of the vessels so employed. Actuated by a constant desire to prevent the misfortunes which such injuries might occasion to the citizens of this republic, I have, on other occasions, suggested a very simple mode of putting an end to them, namely, that the President would be pleased to issue orders that no vessel should be cleared at the custom-houses save for a specified port, according to the general practice of nations. The practice of clearing many vessels for the *West Indies*, generally, carries with it a suspicion of a design to carry on a contraband trade, or to disturb the public tranquillity in the dominions of the King, my master; and, therefore, the owner who clears out his vessel in this way, and without the certificates of the Spanish consuls, cannot complain if it be detained as suspicious. In fact, what difficulty can a merchant, acting fairly, have to specify the port of Havana, Kingston, Santa Marta, Guaira, Porto Bello, Rio Janeiro, or any other of an independent nation? None, unquestionably; since, in case of not finding a good market at one place, he proceeds to another, with a declaration made at the port he touched at of the motives which obliged him to alter his destination. The wisdom and humanity which eminently distinguish the President and the administration cannot fail to perceive the solidity of these observations, nor to approve of the policy of His Majesty in taking the most suitable and effectual measures to secure his subjects from the civil war which a number of adventurers are endeavoring to kindle in his dominions; and I therefore flatter myself that he will be pleased to take into consideration the expediency of adopting the measure I have had the honor to suggest to you, by preventing the collectors of the customs from clearing out vessels, except for specified ports, and notifying merchants trading with the possessions of the King to conform to the established rules and orders, regulating not only neutrals but Spanish vessels also, that they may avoid the consequences of their non-observance, notwithstanding His Majesty's desire to afford them, within his dominions, all the benefits and advantages compatible with the public safety and his royal interests.

I hope that the explanation which I have thus taken the liberty to make, until I have received the answer of the King, my master, will quiet the anxiety of the President as to the proclamation of General Morillo, and that it will be viewed by him as a continuation of my earnest desire to reinstate the commerce of the two nations, reciprocally, on the most liberal and favorable footing.

I renew my respects, &c.

LUIS DE ONIS.

Extract of a letter from the Secretary of State to Mr. Erving, dated

DEPARTMENT OF STATE, *July* 20, 1816.

You have been apprized already of a similar measure which was taken in regard to the vessels which had been seized at Carthagena, and the citizens of the United States, who, under various pretexts, had been arrested and imprisoned there. I have the pleasure to state that the application succeeded as to our citizens, though it failed as to the vessels. You will interpose directly with the Spanish Government in favor of the latter; documents respecting which shall be forwarded to you, either by the present or some other early opportunity.

Mr. Erving to his excellency Don Pedro Cevallos, First Minister of State, &c.

SIR: MADRID, *September* 26, 1816.

I am ordered by my Government to apply to His Majesty, through your excellency, for the restitution of sundry American vessels and cargoes which have been seized and brought into Carthagena, or other places within that command or viceroyalty, under pretext of a pretended blockade, issued by Don Pablo Morillo, in December, 1815.

When that blockade was communicated to the American Government, Mr. Monroe, Secretary of State, in a note of March 20, 1816, addressed to His Majesty's minister at Washington, formally protested against it; and it was hoped that, on proper representations being made by that minister to General Morillo, he would retract his measure, or, if not, that His Majesty, being made acquainted with the remonstrance of the American Government, would immediately send out orders which might produce the same effect, and assure for the future due liberty to the American commerce in those seas.

But it now appears that, as late as the month of June, no alteration had taken place in the measures of Morillo; no attention had been paid to the interference of Don Luis de Onis; and, finally, the commissioner, Mr. Hughes, who was sent by the Government of the United States to Carthagena, for the purpose, amongst others, of reclaiming the property seized, was obliged to return to the United States, on that point altogether unsatisfied. Indeed, the Viceroy of Santa Fé, Don Francisco de Montalvo, gives this commissioner to understand, by a letter of June 9th, whereof the enclosed is a translated copy, that he (the Viceroy) does not pretend to be acquainted with the law of nations; and, at the same time that he goes on executing the arbitrary and illegal decrees of General Morillo, devastating the commerce of the United States, he refers the American Government to His Majesty for redress.

It is therefore that I now find it necessary to write to your excellency upon this disagreeable subject.

It is in vain, sir, to hope that the United States will ever consent to blockades upon the principles of General Morillo; they will acknowledge none to be valid which are not strictly conformable to the well-known principles of public law—principles most clearly defined and quite indisputable, to which the United States have always adhered in their own practice, and to the infringement of which, in any form, in any degree, or under whatever pretext, they have always opposed themselves.

The blockade of General Morillo is repugnant to the law, because it extends over several hundred miles of coast, and to an indefinite distance from the shores; of course it cannot be enforced as a blockade, but remains a bare pretext for spoliation. A blockade by sea, to be acknowledged as valid by the United States, must be confined to particular ports, each having a force *stationed* before it, sufficient to intercept the entry of vessels; and no vessel shall be seized, even in attempting to enter a port so blockaded, till she has been previously warned away from that port.

I may be excused from dilating on rules so perfectly established, so consonant to justice and to reason, in writing to a person of your excellency's knowledge and experience.

His Majesty, who does not fail, through his minister, Mr. Onis, to assure the United States of his constant disposition to cultivate relations of friendship with them, and to that end to satisfy all their just reclamations, will certainly be sensible to the violent proceedings of which my Government now complains, and, I persuade myself, will not hesitate in ordering that the proclamation of embargo issued by General Morillo be declared null, and that all the American property which may have been taken under it be immediately restored to its owners.

In this confidence, I annex hereto a list of the vessels already known to have been captured.

Renewing to your excellency, &c.

GEORGE W. ERVING.

Schooner Adeline, of Baltimore, at Carthagena; Friend's Hope, of Baltimore, at Carthagena; schooner Count, of Baltimore, at Carthagena; Charles Stewart, of New Orleans, at Santa Martha; Edward Graham, at Santa Margarita; Ghent, of Norfolk, at Puerto Cavello.

N. B. It is believed that the cargoes of several of these vessels have been confiscated without even the form of trial.

Don Pedro Cevallos to George W. Erving, Minister Plenipotentiary of the United States.

SIR: OCTOBER 17, 1816.

Having communicated to the King your note of the 26th ultimo on the subject of the seizure of several American vessels in the port of Carthagena, South America, in consequence of the blockade established on those coasts by General Morillo, and your demand of their restitution, His Majesty has been pleased to determine that information shall be requested (*se pida informe*) of the court of admiralty on this business.

I renew to you the assurances, &c.

PEDRO CEVALLOS.

Mr. Erving to Mr. Cevallos.

SIR: MADRID, *October* 25, 1816.

By your excellency's note of the 17th instant, in reply to mine of September 26, respecting the proclamation blockade of General Morillo, and the ravages on the American commerce which are committing under it, I am told that His Majesty has ordered that *information shall be taken (se pida informe)* of the tribunal of admiralty.

That General Morillo has issued such a proclamation as I have described in my note of September 26, is a fact of universal notoriety. Your excellency has had before you, long since, the correspondence between the American Secretary of State and Mr. Onis on the subject, and I have transmitted to you a copy of the letter of Don Francisco Montalvo, viceroy of Santa Fé, to the American commissioner, Mr. Hughes, in which the existence of the blockade is admitted, and in which the American Government is referred for redress to His Catholic Majesty. It was therefore that, by the orders of my Government, I wrote to you on the subject. With the fact which I have above stated before you, I am wholly at a loss to imagine what kind of information the tribunal of admiralty can afford which may regulate the decision of His Majesty on the subject.

The tribunal cannot deny the existence of the proclamation; it cannot show that the proclamation is legal; it cannot deny that American vessels have been taken under the proclamation; it cannot contest the right of the American Government to demand the restitution of such vessels.

In fine, sir, it is my duty to assure you that any demur or delay in affording the satisfaction demanded, in a case of this principal importance, cannot but be very sensibly felt by the Government of the United States.

I renew, &c.

GEORGE W. ERVING.

Extracts of a letter from Mr. Erving to the Secretary of State, dated

MADRID, *December* 15, 1816.

I had the honor, by my letter No. 23, (of October 27,) to communicate to you the continuation of my correspondence with Mr. Cevallos on various subjects; and by that of October 31st, (No. 24,) to inform you that he had been dismissed from his employments, and succeeded in them by Don José Pizarro.

I herewith submit to you copies of my correspondence with this new minister.

He has not replied to my note of the 25th October, respecting Morillo's blockade proclamation.

Don Luis de Onis to the Secretary of State.

PHILADELPHIA, *October* 26, 1816.

SIR:

His excellency the viceroy of the kingdom of New Granada communicates to me, under date of the 2d of September last, that tranquillity being restored throughout the whole kingdom of Santa Fé, and all its provinces having submitted to His Majesty's Government, the commander-in-chief, Don Pablo Morillo, has thought fit to raise the blockade which he had established on those coasts, the causes having ceased which obliged him to impose it; and that, in consequence of this determination, the before-mentioned viceroy has been pleased to open the provinces of that kingdom, and particularly the port of Carthagena, to the commerce of the Powers in amity with His Majesty, under the regulations specified in the printed papers which I have the honor to transmit herewith.

I hope, sir, that you will be pleased to bring this to the knowledge of the President, that he may see the disposition of His Majesty to favor the commerce of this republic in every thing that may be compatible with the security of his dominions, and that comports with his interests.

I renew my respects, &c.

LUIS DE ONIS.

Extract of a letter from Mr. Erving to the Secretary of State, dated

MADRID, *March* 10, 1817.

On this affair [proclamation of Morillo] I wrote on the 26th September, 1816, and was answered October 17th, that an "*informe*" should be taken of the *almirantazgo;* I wrote again on the 25th October, and remain *without any answer.*

15th CONGRESS.] No. 294.* [1st SESSION.

GREAT BRITAIN—DUTIES ON IRON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 17, 1818.

To the House of Representatives of the United States: FEBRUARY 12, 1818.

I lay before the House of Representatives copies of two communications received at the Department of State from the minister of Great Britain, and submit to their consideration the propriety of making such legislative provisions as may be necessary for a compliance with the representations contained in them.

By the express terms of that compact, it was, when ratified by the two Governments, to be in force for the term of four years *from the day of its signature.* The revocation of all the discriminating duties became, therefore, the obligation of both Governments *from that day;* and it is conceived that every individual who has been required to pay, and has paid, any of the extra duties revoked by the convention, has a just and lawful claim upon the respective Governments for its return. From various accidents, it has happened that, both here and in Great Britain, the cessation of the extra duties has been fixed to commence at different times. It is desirable that Congress should pass an act providing for the return of *all* the extra duties *incompatible with the terms of the convention* which have been levied upon British vessels or merchandise after the 3d of July, 1815. The British Parliament have already set the example of fixing that day for the cessation of the extra duties of export, by their act of 30th of June last; and the minister of the United States in London is instructed to require the extension of the same principle to *all* the extra duties levied on vessels and merchandise of the United States in the ports of Great Britain since that day. It is not doubted that the British Government will comply with this requisition, and that the act suggested may be passed by Congress, with full confidence that the reciprocal measure will receive the sanction of the British Parliament.

JAMES MONROE.

Mr. Bagot, Envoy Extraordinary and Minister Plenipotentiary, to Mr. Monroe, Secretary of State.

SIR: WASHINGTON, *November* 18, 1816.

I have the honor to call your attention to one of the provisions of an act of the United States Congress, passed on the 27th of April last, entitled "An act to regulate the duties on imports and tonnage," which appears

* See Nos. 333 and 343, post.

to have originated in some misapprehension of the real nature of one of the principal manufactures of Great Britain, and which has had an operation not only very prejudicial to the British manufacturer, but contrary, as it should seem, to the spirit and intent of the second article of the commercial treaty.

By the second article of the commercial treaty between Great Britain and the United States, it is stipulated "that no higher duties shall be imposed on the importation of any articles, the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign countries."

By the act of the United States to which I have referred, it is, among other things, enacted in the sixth section, that, upon importation into the United States, iron in bars and bolts, except iron manufactured by rolling, shall pay a duty of forty-five cents per hundredweight; and that in bars and bolts, when manufactured by rolling, and anchors, shall pay a duty of one dollar and fifty cents per hundredweight.

It was probably not known that the bar and bolt iron, manufactured in Great Britain, is in the last process rolled; whereas the same article, both in Sweden and Russia, instead of being rolled, is in the same process hammered; but when the iron is manufactured into bar or bolt, whether by rolling or hammering, it is in precisely the *same* process of manufacture, and is in every respect applicable to the same purposes of use and ulterior manufacture, and consequently is, to all intents, a "like article." But, by the inequality of the duties which have been imposed, it seems to have been imagined that rolled bar and bolt iron is in a stage of manufacture beyond that of hammered iron; and you will observe that this supposition is strengthened by the circumstance of its being classed with anchors, which are in a state of complete and finished manufacture, and are worth thirty-five pounds sterling per ton in the British market, whilst bar and bolt iron is only worth eleven pounds sterling per ton.

It is to be assumed that, whenever duties are imposed on any foreign article in a graduated scale proportioned to its manufactured state, it is intended that the duty should be regulated by that state alone, and not by the process by which it is brought to that state. Iron in a certain state of manufacture is to be charged with a certain duty; the means of bringing it to that state, whether by hammering or rolling, is not to be had in consideration; for, if it were, the effect would be to force each nation to use exactly the same process, and, what certainly never could have been intended, to check and punish the application of ingenuity and improvement.

Considering, therefore, that the bar and bolt iron manufactured in Great Britain is, according to the true spirit and intent of the second article of the treaty of commerce, in every respect a "like article" with that manufactured in Sweden and Russia, it is hoped that such measures will be taken, by the Government of the United States, as will allow of its admission to importation at the same rate of duty, and will place the British manufacturer in that state of equality, in respect to foreign nations, as may accord with the undoubted intention of the late treaty of commerce between the two countries.

I have the honor to be, &c.

CHARLES BAGOT.

Mr. Bagot, Envoy Extraordinary and Minister Plenipotentiary, to Mr. Adams, Secretary of State.

SIR: WASHINGTON, *December* 8, 1817.

In my letter to the Secretary of the Department of State of the 9th of July, 1816, I had the honor to point out the difference of the periods at which effect had been given, in the two countries, to the convention of the 3d of July, 1815, and to request that all discriminating duties of a nature similar to those described in His Royal Highness the Prince Regent's order in council of the 17th of August, 1815, which might have been levied between the date of that order and the 22d of the following December, upon goods imported into the United States in British built ships, might be refunded.

No mention having been made, in His Royal Highness's order in council, of alien tonnage duties, they were not adverted to in the application which I had then the honor to make; but, as it was known that they had in fact been remitted by Great Britain, the American Legislature, in strict observance of the spirit and intention of the convention, included them in the act passed on the 3d of last March, authorizing the Secretary of the Treasury to cause repayments to be made of certain alien duties. By this act, however, it was only provided that the alien tonnage duties levied upon British ships in American ports, subsequently to the 17th of August, 1815, should be refunded; whereas the same duties, levied upon American ships in British ports, were remitted from the date of the signature of the convention.

In order, therefore, that His Majesty's subjects may partake of the full benefit of the reciprocity intended by the convention, I have the honor to request that remission may also be made of the amount of the alien tonnage duties which may have been levied upon British ships in the ports of the United States, between the 3d of July and the 17th of August, 1815.

I have the honor to be, &c.

CHARLES BAGOT.

15th CONGRESS.] No. 295. [1st SESSION.

KINGDOM OF SICILY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 2, 1818.

To the House of Representatives of the United States: WASHINGTON, *February* 28, 1818.

I lay before the House a report from the Secretary of State, together with the papers relating to claims of merchants of the United States upon the Government of Naples, in conformity with a resolution of the House of the 30th of January last.

JAMES MONROE.

DEPARTMENT OF STATE, *February* 27, 1818.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 30th of January last, requesting such information possessed by the Executive, as may be communicated without injury to the public interest, relative to the claims of merchants of the United States for their property seized and confiscated under the authority of the King of Naples, has the honor of submitting to the President the papers in the possession of this Department concerning that subject.

JOHN QUINCY ADAMS.

Extracts of a letter from Mr. Monroe, Secretary of State, to Mr. Pinkney, special Minister to Naples, dated

DEPARTMENT OF STATE, *May* 11, 1816.

Being appointed by the President, with the advice and consent of the Senate, envoy extraordinary and minister plenipotentiary to the Emperor of Russia, and in a similar trust to the King of Naples, the duties of the latter mission, which is special, will engage your attention in the first instance. The Washington, a ship of the line, is ordered into the Chesapeake to receive on board and to convey you and your family to Naples. You will be furnished with the usual commission and letter of credence to the King.

A principal object of your mission to Naples is to obtain indemnity for the losses which our citizens sustained by the illegal seizure and confiscation of their property by the Neapolitan Government. You will be furnished with such evidence in support of the claim as is in possession of this Department; and as notice has been given to the collectors in the principal cities of your appointment and its object, that it might be communicated to the parties interested, it is expected that you will receive much further light on the subject directly from them.

The President does not entertain a doubt of the right of the United States to a full indemnity for these losses. They were inflicted by the then Government of the country without the slightest cause. The commerce of the United States was invited into the Neapolitan ports by special decrees, with the promise of protection and encouragement; on the faith of which many ships having entered with valuable cargoes, the whole amount was seized by the Government itself, and converted to public use. For this very extraordinary and unlawful act no plea has been urged, that we have heard of, except that of necessity, which is no argument against indemnity. The injury being inflicted by a Government in full possession of the sovereignty of the country, exercising all its powers, recognised by the nation and by foreign Powers, by treaties and by other formal acts of the highest authority, it is not perceived on what ground an indemnity can be refused. No principle is better established than that the nation is responsible for the acts of its Government, and that a change in the authority does not affect the obligation. In the disordered state of that country for several years past, it has been thought useless to press this claim; but now that affairs appear to be better settled, it would be improper longer to delay it. The President indulges a strong hope that reparation will now be made. In the discharge of this trust, in the manner of the negotiation, and in the provision for the debt, should such be made, you will manifest a spirit of conciliation towards the Government of Naples. Any reasonable accommodation as to the time and the mode of payment which may be desired will be cheerfully allowed.

As you will be well acquainted with the nature of these claims, and the right of the United States to an indemnity—with the principles on which it is founded, and the arguments and facts which support it, it is unnecessary for me to enter further into the subject. The President has full confidence that nothing will be wanting on your part to secure success to the mission. Satisfied that you will discharge its duties with equal ability and discretion, it is thought improper, by too much precision, to impose any restraint on your judgment, either as to the manner or the argument to be used in the negotiation.

Your mission to Naples being special, its object limited, and being likewise anticipated by the Neapolitan Government, it is expected that it may be concluded in a few interviews. It is very important that the United States should be represented at St. Petersburg by a minister of the highest grade employed by them, without any delay which can be avoided. The President desires, therefore, that you will use every effort in your power to terminate the business with Naples as soon as it may be possible, and that you will proceed thence, immediately afterwards, to St. Petersburg.

Extracts of a letter from Mr. Pinkney, Minister at Naples, to Mr. Monroe, Secretary of State, dated

NAPLES, *August* 29, 1816.

On Saturday, the 27th, I prepared an official note to the Marquis di Circello, announcing my quality of envoy extraordinary to the King.

His answer (appointing Wednesday, the 31st, for our interview) was sent immediately.

My reception on the 31st was extremely friendly, and in the highest degree respectful to the Government of the United States. The regular purpose of my visit was to show my credentials, furnish a copy, and arrange the customary audience. I did not therefore suppose that it presented a suitable opportunity for introducing a very detailed explanation of the objects of my mission; but, in conformity with a desire expressed by the marquis himself, I stated them to him as fully as was necessary to enable him to communicate them to the King.

Although the Marquis di Circello was (as you know) for several years the minister of this court in London, he does not speak a word of English, and does not understand it when it is spoken by others. Our conversation was, therefore, in French. Amidst a good deal of well-managed discourse on his part, which rather related to me than to my mission, he made several observations which had a bearing upon my principal errand. He spoke of the poverty of their public treasury in terms somewhat more strong than I was prepared to expect; of the unprincipled manner in which Monsieur Murat (as he styled him) appropriated to his own use whatever of value he could lay his hands upon, and, in particular, the vessels and merchandise belonging to our citizens; of the prodigality with which he dried up all the usual resources of the country, and dissipated, moreover, all the means which rapacity afforded. He drew no very precise conclusion from those and similar remarks, although I took such notice of them as their tendency prescribed; but, upon the whole, it was evident that the claim which I was charged to make in behalf of our merchants was not likely to be very readily admitted, and that I should only waste my time by talking over its merits from day to day with a minister who could of himself decide nothing, and whose report of my statements and arguments to those who must make or greatly influence the final decision would not be the most advantageous channel by which they might be communicated. In consequence, before the interview was closed, I determined to prefer the claim as soon as possible in an official note, and in the mean time to forbear to urge it in conversation with any other view than to obtain from the Marquis di Circello such intimations as might be useful to me in the preparation of my paper.

On Sunday, the 11th, I had another interview with the Marquis di Circello, to which Mr. King accompanied me. I then adverted to the *principal object of my mission*, and intimated that I should very soon send him a note upon it. To my surprise, he professed not to understand to what I alluded as the *principal object of my mission;* but, when I mentioned the spoliations by Murat, he seemed suddenly to remember that I had at least talked to him of them before, and immediately, without giving me time to proceed, remarked that he would relate to me frankly all that the present Government had been able to discover respecting them. He said that Murat's conduct in that affair appeared to be so bad that nothing could be worse, and that it amounted to a downright robbery; that it appeared that the proceeds of the sales had been ordered by Murat into the public treasury, but that a few months afterwards he took them out again, and they knew not what he had done with them. To all this I thought it sufficient to answer, that, whatever might have become of these proceeds, I hoped the King would cause our merchants to be indemnified for the loss of them; but that I had no desire at this interview to do more than inform the Marquis di Circello that I believed it would be as well to present the whole of that subject to him without delay in a note, to which I flattered myself I should have such a reply, in writing, as would be satisfactory to my Government. Without either admitting or denying the responsibility of his Government, he said that such a course would be acceptable to him, and proper in itself, and that his answer should not be unnecessarily postponed. His manner, while this topic was under notice, was kind, and even good humored; although he could not, perhaps did not wish to disguise that it was by no means a pleasant one.

On the 28th instant (yesterday morning) I sent in my note upon Murat's confiscations. The necessity of making some previous inquiries here, upon matters connected with them, had a little retarded the completion of the note, and, after it was ready, I concluded that I should lose nothing by withholding it for a few days, especially as the Marquis di Circello was incapable of attending to business, and had so informed me.

What will be the answer to the note, it is impossible to conjecture with any thing like certainty. It may be such as to make it necessary for me to reply to it; but the President may be assured that my further stay in Naples shall be as short as I can make it.

Mr. Pinkney to the Marquis di Circello.

NAPLES, *August* 24, 1816.

The undersigned, envoy extraordinary of the United States of America, has already had the honor to mention to his excellency the Marquis di Circello, Secretary of State and Minister for Foreign Affairs of His Majesty the King of the Two Sicilies, the principal objects of his mission; and he now invites his excellency's attention to a more detailed and formal exposition of one of those objects.

The undersigned is sure that the appeal which he is about to make to the well-known justice of His Sicilian Majesty, in the name and by the orders of his Government, will receive a deliberate and candid consideration; and that if it shall appear, as he trusts it will, to be recommended by those principles which it is the interest as well as the duty of all Governments to observe and maintain, the claim involved in it will be admitted, effectually and promptly.

The undersigned did but obey the instructions of the President of the United States when he assured his excellency the Marquis di Circello, at their first interview, that his mission was suggested by such sentiments towards His Sicilian Majesty as could not fail to be approved by him. Those sentiments are apparent in the desire which the President has manifested, through the undersigned, that the commercial relations between the territories of His Majesty and those of the United States should be cherished by reciprocal arrangements, sought in the spirit of enlightened friendship, and with a sincere view to such equal advantages as it is fit for nations to derive from one another. The representations which the undersigned is commanded to make upon the subject of the present note will be seen by His Majesty in the same light. They show the firm reliance of the President upon the disposition of the court of Naples impartially to discuss and ascertain, and faithfully to discharge, its obligations towards foreign states and their citizens; a reliance which the undersigned partakes with his Government, and under the influence of which he proceeds to state the nature and grounds of the reclamation in question.

It cannot but be known to his excellency the Marquis di Circello, that, on the 1st of July, 1809, the Minister for Foreign Affairs of the then Government of Naples addressed to Frederick Degan, Esq., then consul of the United States, an official letter, containing an invitation to all American vessels, having on board the usual certificates of origin, and other regular papers, to come direct to Naples with their cargoes; and that the same minister caused that invitation to be published in every possible mode, in order that it might come to the knowledge of those whom it concerned. It will not be questioned that the promise of security necessarily implied in this measure had every title, in the actual circumstances of Europe, to the confidence of distant and peaceful merchants. The merchants of America, as was to have been expected, *did* confide. Upon the credit, and under the protection of that promise, they sent to Naples many valuable vessels and cargoes, navigated and documented with scrupulous regularity, and in no respect obnoxious to molestation; but scarcely had they reached the destination to which they had been allured, when they were seized, without distinction, as prizes, or as otherwise forfeited to the Neapolitan Government, upon pretexts the most frivolous and idle. These arbitrary seizures were followed, with a rapacious haste, by summary decrees, confiscating, in the name and for the use of the same Government, the whole of the property which had thus been brought within its grasp; and these decrees, which wanted even the decent affectation of justice, were immediately carried into execution, against all the remonstrances of those whom they oppressed, to enrich the treasury of the state.

The undersigned persuades himself, that it is not in a note addressed to the Marquis di Circello that it is necessary to enlarge upon the singularly atrocious character of this procedure, for which no apology can be devised, and for which none that is intelligible has hitherto been attempted. It was, indeed, an undisguised abuse of power, of which nothing could well enhance the deformity but the studied deception that preceded and prepared it; a deception which, by a sort of treason against society, converted a proffer of hospitality into a snare, and that salutary confidence, without which nations and men must cease to have intercourse, into an engine of plunder.

The right of the innocent victims of this unequalled act of fraud and rapine to demand retribution cannot be doubted. The only question is, from whom are they entitled to demand it? Those who at that moment ruled in Naples, and were in fact, and in the view of the world, the Government of Naples, have passed away before retribution could be obtained, although not before it was required; and, if the right to retribution regards only the persons of those rulers as private and ordinary wrongdoers, the American merchant, whom they deluded and despoiled in the garb and with the instruments and for the purposes of sovereignty, must despair forever of redress.

The undersigned presumes that such is not the view which the present Government will feel itself justified in taking of this interesting subject; he trusts that it will, on the contrary, perceive that the claim which the injured merchant was authorized to prefer against the Government of this country before the recent change, and which,

but for that change, must sooner or later have been successful, is now a valid claim against the Government of the same country, notwithstanding that change: at least the undersigned is not at present aware of any considerations which, applied to the facts that characterize this case, can lead to a different conclusion; and certainly it would be matter for sincere regret that any considerations should be thought sufficient to make the return of His Sicilian Majesty's power fatal to the rights of friendly strangers, to whom no fault can be ascribed.

The general principle, that a civil society may contract obligations through its actual Government, whatever that may be, and that it is not absolved from them by reason simply of a change of government, or of rulers, is universally received as incontrovertible. It is admitted, not merely by writers on public law, as a speculative truth, but by states and statesmen, as a practical rule; and, accordingly, history is full of examples to prove that the undisturbed possessor of sovereign power in any society, whether a rightful possessor or not with reference to other claimants of that power, may not only be the lawful object of allegiance, but by many of his acts, in his quality of sovereign *de facto*, may bind the society, and those who come after him as rulers, although their title be adversary to, or even better than his own. The Marquis di Circello does not need to be informed that the earlier annals of England, in particular, abound in instructions upon this head.

With regard to just and beneficial contracts entered into by such a sovereign with the merchants of foreign nations, or (which is the same thing) with regard to the detention and confiscation of their property for public uses, and by his authority, in direct violation of a pledge of safety, upon the faith of which that property arrived within the reach of confiscation, this continuing responsibility stands upon the plainest foundations of natural equity.

It will not be pretended that a merchant is called upon to investigate, as he prosecutes his traffic, the title of every sovereign with whose ports, and under the guaranty of whose plighted word, he trades. He is rarely competent. There are few in any station who are competent to an investigation so full of delicacy, so perplexed with facts and principles of a peculiar character, far removed from the common concerns of life. His predicament would be to the last degree calamitous, if, in an honest search after commercial profit, he might not take Governments as he finds them, and, consequently, rely at all times upon the visible, exclusive, acknowledged possession of supreme authority. If he sees all the usual indications of established rule, all the distinguishing concomitants of real, undisputed power, it cannot be that he is, at his peril, to discuss mysterious theories above his capacity, or foreign to his pursuits; and, moreover, to connect the results of those speculations with events of which his knowledge is either imperfect or erroneous. If he sees the obedience of the people, and the acquiescence of neighboring princes, it is impossible that it can be his duty to examine, before he ships his merchandise, whether it be fit that these should acquiesce or those obey. If, in short, he finds nothing to interfere with or qualify the dominion which the head of the society exercises over it and the domain which it occupies, it is the dictate of reason, sanctioned by all experience, that he is bound to look no further.

It can be of no importance to him that, notwithstanding all these appearances announcing lawful rule, the mere right to fill the throne is claimed by, or even resides in, another than the actual occupant. The latent right, (supposing it to exist,) disjoined from and controverted by the fact, is to him nothing while it continues to be latent. It is only the sovereign in possession that it is in his power to know. It is with him only that he can enter into engagements. It is through him only that he can deal with the society. And if it be true that the sovereign in possession is incapable, on account of a conflict of title between him and another, who barely claims, but makes no effort to assert his claim, of pledging the public faith of the society and of the monarch to foreign traders, for commercial and other objects, we are driven to the monstrous conclusion that the society is, in effect and indefinitely, cut off from all communication with the rest of the world. It has, and can have, no organ by which it can become accountable to or make any contract with foreigners by which needful supplies may be invited into its harbors, by which famine may be averted, or redundant productions be made to find a market in the wants of strangers. It is, in a word, an outcast from the bosom of the great community of nations, at the very moment, too, when its existence, in the form which it has assumed, may every where be admitted. And even if the dormant claim to the throne should at last, by a fortunate coincidence of circumstances, become triumphant, and unite itself to the possession, this harsh and palsying theory has no assurance to give, either to the society or to those who may incline to deal with it, that its moral capacity is restored, that it is an outcast no longer, and that it may now, through the protecting will of its new sovereign, do what it could not do before. It contains, of course, no adequate and certain provision against even the perpetuity of the dilemma which it creates. If, therefore, a civil society is not competent, by rules in entire possession of the sovereignty, to enter into all such promises to the members of other societies as necessity or convenience may require, and to remain unanswerable for the breach of them into whatsoever shape the society may ultimately be cast, or into whatsoever hands the government may ultimately fall; if a sovereign entirely in possession is not able, for that reason alone, to incur a just responsibility in his political or corporate character to the citizens of other countries, and to transmit that responsibility even to those who succeed him by displacing him, it will be difficult to show that the moral capacity of a civil society is any thing but a name, or the responsibility of sovereigns any thing but a shadow. And here the undersigned will take the liberty to suggest, that it is scarcely for the interest of sovereigns to inculcate as a maxim that their lost dominions can only be recovered at the expense of the unoffending citizens of states in amity, or, which is equivalent to it, to make that recovery the practical consummation of intermediate injustice, by utterly extinguishing the hope of indemnity, and even the title to demand it.

The undersigned will now, for the sake of perspicuity and precision, recall to the recollection of his excellency the Marquis di Circello the situation of the Government of Murat at the epoch of the confiscations in question. Whatever might be the origin or foundation of that Government, it had for some time been *established*. It had obtained such obedience as in such times was customary, and had manifested itself, not only by active internal exertions of legislative and executive powers, but by important external transactions with old and indisputably regular Governments. It had been (as long afterwards it continued to be) recognised by the greatest potentates as one of the European family of states, and had interchanged with them ambassadors, and other public ministers and consuls. And Great Britain, by an order in council of the 26th of April, 1809, which modified the system of constructive blockade promulgated by the orders of November, 1807, had excepted the Neapolitan territories, with other portions of Italy, from the operation of that system, that neutrals might no longer be prevented from trading with them.

Such was the state of things when American vessels were tempted into Naples by a reliance upon the passports of its Government, to which perfidy had lent more than ordinary solemnity, upon a declaration, as explicit as it was formal and notorious, that they might come without fear, and might depart in peace. It was under these circumstances that, instead of being permitted to retire with their lawful gains, both they and their cargoes were seized and appropriated in a manner already related. The undersigned may consequently assume, that if ever there was a claim to compensation for broken faith which survived the political power of those whose iniquity produced it, and devolved in full force upon their successors, the present claim is of that description.

As to the demand itself, as it existed against the Government of Murat, the Marquis di Circello will undoubtedly be the first to concede, not only that it is above reproach, but that it rests upon grounds in which the civilized world has a deep and lasting interest. And with regard to the liability of the present Government, as standing in the place of the former, it may be taken as a corollary from that concession; at least until it has been shown that it is the natural fate of obligations, so high and sacred, contracted by a Government in the full and tranquil enjoyment of power, to perish with the first revolution, either in form or rulers, through which it may happen to pass; or (to state the same proposition in different terms) that it is the natural operation of a political revolution in a state, to strip unfortunate traders who have been betrayed and plundered by the former sovereign of all that *his* rapacity could not reach—the right of reclamation.

The wrong which the Government of Murat inflicted upon American citizens wanted nothing that might give to it atrocity or effect as a robbery introduced by treachery; but, however pernicious or execrable, it was still reparable. It left in the sufferers and their nation a right, which was not likely to be forgotton or abandoned, of seeking and obtaining ample redress, not from Murat simply, (who, individually, was lost in the sovereign,) but from the Government of the country whose power he abused. By what course of argument can it be proved that this incontestable right, from which that Government could never have escaped, has been destroyed by the reaccession of His Sicilian Majesty, after a long interval, to the sovereignty of the same territories?

That such a result cannot in any degree be inferred from the misconduct of the American claimants, is certain; for no misconduct is imputable to them. They were warranted, in every view of the public law of Europe, in holding commercial communication with Naples in the predicament in which they found it, and in trusting to the direct and authentic assurances which the Government of the place affected to throw over them as a shield against every danger. Their shipments were strictly within the terms of those assurances; and nothing was done by the shippers or their agents by which the benefit of them might be lost or impaired.

From what other source can such a result be drawn? Will it be said that the proceeds of these confiscations were not applied to public purposes during the sovereignty of Murat, or that they produced no public advantages with reference to which the present Government ought to be liable? The answer to such a suggestion is, that let the fact be as it may, it can have no influence upon the subject. It is enough that the confiscations themselves, and the promise of safety which they violated, were acts of state, proceeding from him who was then, and for several successive years, the sovereign. The derivative liability of the present Government reposes not upon the good, either public or private, which may have been the fruit of such a revolting exhibition of power, emancipated from all the restraints of principle, but upon the general foundations which the undersigned has already had the honor to expose.

To follow the proceeds of these spoliations into the public treasury, and thence to all the uses to which they were finally made subservient, can be no part of the duty of the American claimant. It is a task which he has no means of performing, and which, if performed by others, could neither strengthen his case nor enfeeble it. And it may confidently be insisted, not only that he has no concern with the particular application of these proceeds, but that, even if he had, he would be authorized to rely upon the presumption that they were applied as public money to public ends, or left in the public coffers. It must be remembered, moreover, that whatever may have been the destiny of these unhallowed spoils, they cannot well have failed to be instrumental in meliorating the condition of the country. They afforded extraordinary pecuniary means, which, as far as they extended, must have saved it from an augmentation of its burdens; or, by relieving the ordinary revenue, made that revenue adequate to various improvements, either of use or beauty, which otherwise it could not have accomplished. The territories, therefore, under the sway of Murat, must be supposed to have returned to His Sicilian Majesty less exhausted, more embellished, and more prosperous, than if the property of American citizens had not in the mean time been sacrificed to cupidity and cunning. It must farther be remembered, that a part of that property was notoriously devoted to the public service. Some of the vessels seized by the orders of Murat were, on account of their excellent construction, converted into vessels of war, and, as such, commissioned by the Government; and the undersigned is informed that they are now in the possession of the officers of His Sicilian Majesty, and used and claimed as belonging to him.

The undersigned, having thus briefly explained to the Marquis di Circello the nature of the claim which the Government of the United States has commanded him to submit to the reflection of the Government of His Sicilian Majesty, forbears at present to multiply arguments in support of it. He feels assured that the equitable disposition of His Majesty renders superfluous the further illustrations of which it is susceptible.

The undersigned has the honor to renew to his excellency the Marquis di Circello the assurances of his distinguished consideration.

WILLIAM PINKNEY.

Mr. Pinkney to Mr. Monroe.

SIR: NAPLES, *September* 28, 1816.

My exertions have not yet been sufficient (although they have been unremitting) to obtain an answer to my note of the 24th of August; and the season is so far advanced that I fear I have only another week for further exertions. If I do not set out for Russia without delay, I shall subject myself to the hazard of being confined to Italy by rains and bad roads during a great part of the winter. It is my determination, therefore, to press immediately and finally for a categorical reply to my note, although I am persuaded that the marquis is in no situation to give it. He must either reply at once, or show why he cannot.

It has been mentioned to me by those in whom I have confidence, that this Government has been extremely perplexed by the demand contained in my note, and has had it under constant and anxious consideration; that, fearing after much consultation to take the ground suggested for it, as I think in America, of irresponsibility for such acts of Murat's Government as my note sets forth, it has been, and still is, searching for information as to *facts;* that diligent inquiry, for example, has been made, and is yet making, for the original papers of the different vessels and cargoes for which we require compensation, or for such evidence as might supply their place; and that it is probable that in the end an attempt will be made to encounter at least a part of our demand with proof (good or bad) that our case is not altogether such as we suppose it to be *in its circumstances.*

I am told their search after the papers of the vessels and cargoes is not likely to be very successful; very few, perhaps none, remain; and it is not easy to conjecture what satisfactory or even plausible substitutes they can procure.

I wrote yesterday a private letter to the Marquis di Circello, urging a prompt answer to my note, and desiring that he would tell me, with a view to preparations for my departure, (which, of course, he knew I could not much longer postpone,) when I might count upon receiving it; but I now think it necessary to demand an interview, with the same object, to take place either to-day or to-morrow. I have the honor to be, &c.

WILLIAM PINKNEY.

Extracts of a letter from Mr. Pinkney, special Minister of the United States at Naples, to Mr. Monroe, Secretary of State, dated

NAPLES, *October* 5, 1816.

On Sunday, the 29th of last month, I had an interview with the Marquis di Circello, in pursuance of the intention announced in my last. I pressed him for his promised answer to my note of the 24th of August, and insisted that if he could not reply to it immediately, he would name the time within which it was probable he could do so. He said that an immediate answer was really impossible, and that he could not, without running the risk of misleading me, fix any precise time for the giving of such an answer as should be categorical. I asked the reason of this. He observed that the papers relative to the vessels and cargoes, for which we now demanded an equivalent, had, in Murat's time, been scattered about in such a way, that with all the diligence they could use, they had not yet been able to collect them, or such information as might stand in their place; that all proper steps had been taken by the King's Government for obtaining these papers, and whatever else was connected with and material to our claim, and that they hoped that they would soon be successful; that our claim, apparently of large amount, was made upon those who confessedly had no participation in the transactions upon which it was founded; that it was, therefore, manifest, they had all their knowledge of those transactions to gain; that they were sincerely desirous of understanding them thoroughly; that, without all the knowledge of the circumstances of the case which could at this time and by due inquiry be recovered, the King could not decide whether he was or was not answerable to us as we alleged; that a decision would undoubtedly be hastened and made known to me as soon as possible, and, as he believed, within a period of time not by any means distant; but that I must perceive that it was not in his power, without practising disingenuousness, to assure me that this could be done in a few weeks. After some further conversation on this point, I told him that I feared I should be obliged to leave Naples before his answer was prepared; and as he knew that my ulterior destination was St. Petersburg, I informed him, finally, that I had determined to set out for Russia on Saturday, the 5th instant, (this day,) unless, by waiting a week or two more, I could be sure of adjusting the business of my mission. He replied, with his characteristical good breeding, that they should be extremely sorry to lose me, and that they had hoped to have me with them for some time, but that, if my duty elsewhere called me away, he would undertake to send the answer to my note the moment it could be given, wherever I would indicate; that there was no probability that, if I left Naples as soon as I spoke of, or even a week or two later, I should receive the answer here, but that if it could be given so promptly it should. I rejoined that I doubted if, without instructions, it would be well for me to receive the answer after I had left the King's court and territories; that I confidently trusted the answer would admit our claim, (though we had no desire to urge them inconveniently as to the time or mode of payment, or even to push our demand to its utmost extent,) but that however little such a result was to be expected, the answer might contest our demand, or an important portion of it; in which case it was both my duty and inclination to reply to the answer, and to maintain, as I did not fear to be able to do, the grounds of fact and law upon which I had already relied; and that this could not be done with advantage, nor, perhaps, with propriety, unless with the approbation of my Government, after my departure for another station.

The marquis immediately expressed an opinion that I might regularly receive the answer after I had left the Neapolitan dominions; and, in consequence of a question which I put to him in this stage of the conversation, (whether it might not be more in rule to offer to deliver the answer to whom, and to where, the *Government of the United States* should think fit?) he said, that he should have no objection to any course which I preferred, but that he thought it would be best (*as being more respectful to me*) that he should undertake to send the answer as I should prescribe, especially as this course essentially included the other. It would have been impossible for me to dispute an opinion referred to so civil a motive, even if the matter had been worth disputing.

I did not think, however, that it was worth more words than had been bestowed upon it; and I therefore left the marquis to take his own way upon it, reserving to myself the power of taking mine in due season.

In the whole of this conversation (of which I have very shortly stated the import) not a word was dropped by the marquis condemning our claim, or intimating that it was likely to be rejected, although much of what I said was calculated to provoke him to do so; but, again, he said nothing which amounted to an admission that the claim would be acknowledged.

Before I went away, I requested (and he promised) that he would write me a note, expressing briefly what had passed between us; and, in the evening of the same day, I received from him a paper (of which a copy is among the enclosures) written and sent in consequence of that request; but, on examining that paper, I found it referred to my unofficial letter, mentioned in my last, and not to our interview; and moreover, it was dated the 27th of September, (perhaps a mistake for the 29th, or possibly my mistake of his figures,) which was antecedent to the interview. I took it for granted, however, that the marquis had understood me to wish that this mode should be adopted; and, as it was of no importance, I did not put him, as at first I thought of doing, to the trouble of changing it. I therefore founded upon it the three notes, (bearing date, two of them the 30th of September, and the other the 1st of October,) of which copies are enclosed. On the 2d instant I received the marquis's answer to my note of the 30th of September, which desired an audience of the King; and I took leave, accordingly, on Friday, the 4th instant, one of the days referred by the marquis's note to my choice, as you will perceive by the copy of it herewith transmitted. The King was polite and kind, and conversed for some time with me on this occasion; but nothing was said by him which had any relation to the objects of my mission.

Having received my passports, my intention is to commence my journey for St. Petersburg in a very few days. Mr. King left me for Russia about a fortnight ago, as my letter of the 18th September informed you he would; and the gentlemen attached to my legation have gone before me to Rome, where I hope to arrive on Thursday or Friday next.

I beg your attention now to a few words upon the course which I have pursued as envoy extraordinary to Naples, and upon the actual position and prospects of the claim which produced it. My stay here has, perhaps, been a little longer than was anticipated when I sailed from America; but, upon a careful examination of my instructions, it appeared to me that I was directed by them to make the attempt to obtain an acknowledgment of our claim upon this Government, as full and complete as possible, without sacrificing to it the interests of my mission to Russia. I have done this. As the claim was of great magnitude in a pecuniary sense, involved important principles, and turned upon facts into which those with whom I had to deal had a right to inquire, I could scarcely hope to bring it to an issue of any kind within less than the two months which have elapsed since my first reception here. With regard to my mission to Russia, I have yet made no sacrifice.

Independently of the explanations which I have had, from time to time, with the Count Morenigo, (the Russian minister here,) with regard to my own anxiety, in conformity with the order of my Government, to be in St. Petersburg without delay, those who have experience of the road assure me that, if I had started sooner, I should have been obliged to wait upon the route for the setting in of the frost, and that I should, therefore, have gained nothing.

On the other hand, certainly I could have no apology for protracting my stay in Naples beyond the time to which I have limited it. My instructions, which are precisely what they ought to be, would not justify it. By

remaining here a few weeks more, I should postpone for several months, perhaps, my arrival at St. Petersburg, by losing the best season for quitting Italy.

Of the manner in which my negotiation has been conducted I have little to say. Avoiding extremes of every kind, I have sought to write and speak with politeness, but at the same time explicitly and firmly. My object has been to let the King and his ministers understand that the claim *must* be settled, and to place it upon such ground as to convince them that we are in earnest in considering them as our debtors. Without being studiously conciliatory, I have forborne all menaces.

They have, indeed, treated me and my errand with so much respect, that it would have been difficult for me, even if it had been wise and honorable, to endeavor to force the claim upon them by arrogance and harshness.

I might, indeed, have contrived to display a more active and zealous importunity than my letters will be found to describe; but it could only have been that teasing importunity, which, wanting dignity, and unauthorized by usage, has nothing to recommend its introduction into transactions like this. No proper opportunity has, I think, been missed, to urge this Government to a favorable decision. As to the footing upon which the claim now stands, and the value of its future prospects, it is obvious that much has been gained. It has been presented, (whether well or ill, I dare not judge.) It has been received in a becoming manner, and entertained for deliberation and inquiry. The way to adjustment has been prepared and smoothed. The great principle on which the demand was rested by the Government of the United States is impliedly conceded, and, at any rate, has been greatly strengthened by the forbearance of this Government, not only *in limine*, but even to the last moment of my mission, to deny it, with opportunity and every inducement to do so constantly presented to it. It was to have been expected, and *was* expected, that the court of Naples would resist, at the threshold, a demand which directly, as well as implicitly, asserted its responsibility for the violences and frauds of Murat. It was its true policy to repel such a demand at once, (without reference to details,) if it meant to contest at all the responsibility, upon which the claimants altogether depended, and which formed, in truth, the only dubious part of their case. It was prepared to take that course (as I was well assured) upon my first arrival, yet it has not ventured to take it. On the contrary, it has avowedly busied itself, since the presentation of my note of the 24th of August, in efforts (which cannot be successful) to lay a foundation of *fact* for distinctions that may give it a chance of escaping from our principle, which finally it declines to question.

The reasons suggested by this Government for a short postponement of its decision are such as I suppose I could not have quarrelled with, without putting myself in the wrong. They are perfectly respectful to the United States, and of real weight in themselves. Their effect is to leave negotiation open, to give encouragement to resume it, and, at the same time that they impart new solidity to our claims, to render an acquiescence on our part in a brief adjournment of it not only consistent with our honor, but a duty. In the mean time, the two Governments are not brought to a disagreeable issue, as (if the claim had been rejected without ceremony, or even with all the ostentation of civility,) they might have been.

In not consenting to receive the answer of this Government after my departure from Naples, I was a good deal influenced by the apprehension that they might possibly give me such an answer when absent as they would not give me if present. I desired, moreover, to insure to my Government a just control over the subject, and to the claimants a clear stage for their own private exertions. I thought that a more convenient resting point could scarcely be had, and that it would be better that I should afford time to advise upon the case to those who had more right than I had to dispose of it in future, than that, adhering to my mission after I had separated myself from those to whom I was accredited, I should risk the loss of every thing by the exercise of a very doubtful authority, under all sorts of disadvantages.

[TRANSLATION.]

The Marquis di Circello to Mr. Pinkney, dated

NAPLES, *September* 27, 1816.

The Marquis di Circello, in reply to the private letter of his excellency Mr. Pinkney, in which he is pleased to remind him of his official note of the 24th of August last, has the honor to inform him, that notwithstanding the great anxiety of him (the Marquis di Circello) to give the reply which he owes to the said note, he is not yet able to give it, since it must be the result of a reunion and accurate examination of all the information which the subject of that note requires, and for obtaining which orders have been given. This may probably occupy several weeks more, and it is of course impossible for him yet to fix the epoch at which the said reply may be given as Mr. Pinkney desires. The writer, however, assures his excellency, that in case his situation should not permit him to wait for the said reply, he will make it his duty to forward it wheresoever he may indicate.

In the mean time, he profits of this occasion to have the honor to confirm to his excellency the assurances of his distinguished consideration.

IL MARCHESE DI CIRCELLO.

Mr. Pinkney to the Marquis di Circello, dated

NAPLES, *September* 30, 1816.

The undersigned, envoy extraordinary of the United States of America, had the honor to receive last night the note of his excellency the Marquis di Circello, bearing date the 27th instant, upon the subject of the note of the undersigned of the 24th of August.

The undersigned certainly regrets that the Government of His Sicilian Majesty has not been able already to honor him with a precise reply to that note; and he regrets still more that, on account of the difficulty of collecting the information supposed to be necessary to a correct decision upon the claim which it preferred, he cannot hope to have such a reply during the time to which he is obliged to limit his present stay in Naples.

He is perfectly sure, however, that the epoch is at hand when His Majesty's Government will be possessed of this information, and when the justice of the claim of the Government of the United States, in behalf of its injured citizens, will be fully perceived and distinctly acknowledged.

The undersigned, in answer to that part of the note of the Marquis di Circello which proposes to send a reply to the note of the undersigned of the 24th of August wheresoever the undersigned may indicate, has the honor to state to the Marquis di Circello, that, upon this point, as well as upon all such ulterior steps as his mission and the subject of it may be calculated to produce, the undersigned will think it his duty to refer himself to his Government, which, at the same time that it will give their due weight to the reasons which are now assigned for a short postponement of the claim in question, will take such measures as it shall think the case requires with regard to the future.

The undersigned takes this occasion to renew to his excellency the Marquis di Circello the assurances of his distinguished consideration.

WM. PINKNEY.

Mr. Pinkney to the Marquis di Circello, dated

NAPLES, *September* 30, 1816.

The undersigned, envoy extraordinary of the United States of America, being about to leave the court of His Majesty the King of the Two Sicilies, upon the business of his Government, has the honor to request that his excellency the Marquis di Circello will have the goodness to inform him at what time His Majesty will honor him with an audience.

The undersigned avails himself of this opportunity to renew to his excellency the Marquis di Circello the assurances of his most distinguished consideration.

WM. PINKNEY.

Mr. Pinkney to the Marquis di Circello, dated

NAPLES, *October* 1, 1816.

The undersigned, envoy extraordinary of the United States of America, has the honor to request of his excellency the Marquis di Circello the usual passports for himself, his family, and suite, and their baggage, &c.

It is his present intention to go to St. Petersburg by the way of Vienna; but it is possible that he may abandon that route in favor of the road through Berlin. He wishes to set out at the end of this week.

He begs his excellency the Marquis di Circello to accept the renewed assurances of his distinguished consideration.

WM. PINKNEY.

[TRANSLATION.]

The Marquis di Circello to Mr. Pinkney, dated

NAPLES, *October* 2, 1816.

The undersigned, Secretary of State and Minister for Foreign Affairs, in reply to the official note of the 30th of last month, in which his excellency Mr. Pinkney, envoy extraordinary of the United States of America, has requested an audience of His Majesty the King of the Two Sicilies, hastens to inform him that His Majesty will with pleasure receive him at the royal palace in Naples either to-morrow or next day, (as may be most convenient to his excellency,) at half-past eleven o'clock in the forenoon.

The undersigned renews to his excellency, &c.

IL MARCHESE DI CIRCELLO.

Mr. Pinkney, Envoy Extraordinary and Minister Plenipotentiary of the United States at St. Petersburg, to Mr. Adams, Secretary of State.

SIR: ST. PETERSBURG, *February* 27, 1817.

Notwithstanding the explicitness of my answer of the 30th of September of the last year to the proposal contained in the note of the Marquis di Circello of the 27th of the same month, I had scarcely quitted Naples when he sent after me his reply to my note of the 24th of August. The obstacles which, while I was present, threatened to retard that reply for many a week, and even for months, disappeared with a marvellous rapidity after I had departed; for the reply passed me on the road to St. Petersburg, and arrived there long before me.

The Neapolitan minister at this court (to whom it was forwarded by the Marquis di Circello, for the purpose of being delivered to me) manifested immediately upon my arrival here a very anxious desire that I should receive it. He even *intreated* me to do so, with such earnestness as it was not easy to resist. I refused, however, to have any thing to do with his packet, and assigned as my reasons that I had ceased to have any right to meddle with the subjects of my late mission to his Government; that the Marquis di Circello was distinctly told by me, when I found that I must leave Naples without an answer to my note, that I would not continue to correspond with him upon the claim which it preferred, unless I should be instructed to do so by my Government; and that he could not but know, without the help of anybody's information, that it was impossible that I should so soon be in possession of such instructions, even if the President approved of that course, (as it was probable he would not,) for the conclusion of my negotiation.

The duke proposed finally to write me a letter, importing that he had the reply to my note, and that he wished me to take it. I assented to this, and the short correspondence, of which a copy is enclosed, was the consequence.

If I had been perfectly sure that the reply was a favorable one, and required no *further discussion*, (which, indeed, I did not understand it to be the intention of the Sicilian Government to indulge me in,) I would have received it. The celerity with which it had followed me, however, suggested the opposite presumption; and the duke's desultory conversations with me, as often as I met him, (in which he talked, as the Marquis di Circello was wont to do, of the poverty of his master, &c.) did not weaken that presumption. Certain newspapers, too, professing to speak from authority, had affected to *quote* the reply as a refusal, which had already been given to me. You will find a republication of one of those articles in the enclosed *Conservateur Impartial*, and will be satisfied that the Sicilian Government, or its minister at Vienna or St. Petersburg, has dictated the latter part of it.

Upon the whole, having lost my power to deal with the reply as its contents might require, and fearing it was not what it ought to be, I thought it my duty to insist upon the impropriety of sending it at this moment to me, (an impropriety for which the Marquis di Circello could have no motive that I ought to sanction,) and upon that ground to decline to take it. The duke has shown uneasiness at this course, and I am not sorry for it. His Government is a good deal disturbed by our claim, and we hazard nothing (and may gain) by practising upon its anxiety within certain bounds, or even to any extent we think fit.

I have the honor to be, with very distinguished consideration, sir, your most obedient humble servant,

WILLIAM PINKNEY.

To the honorable the SECRETARY OF STATE *of the United States.*

[TRANSLATION.]

The Duke of Serra Capriola to Mr. Pinkney.

SIR: ST. PETERSBURG, *February* 7, (19,) 1817.

I have received from my court a note in answer to that addressed by your excellency to the Marquis di Circello on the 24th of August last, and which it was not possible to deliver you before your departure, on account of the information necessary to be taken relative to the business with which you were charged by your Government.

I have the honor to give you this information, for the purpose of knowing if you are willing to receive it, and take your arrangements for that purpose.

In the meanwhile, be pleased to receive the assurances of the very distinguished consideration with which I have the honor to be, sir,

Your excellency's most humble and most obedient servant,

THE DUKE OF SERRA CAPRIOLA.

Mr. Pinkney's answer to the foregoing.

SIR: ST. PETERSBURG, *February* 20, 1817, *(N. S.)*

It would have been particularly agreeable to me to obtain, during the continuance of my functions as the envoy extraordinary of the United States at Naples, while I might regularly have taken and acted upon it, an answer to the note which in that character I addressed to the Marquis di Circello on the 24th of August of the last year, and I certainly spared no efforts for that purpose.

I found it impracticable, however, after the importunity of many weeks, to obtain either an answer, or the designation of any precise time within which I might be authorized to expect one; and, as my ulterior duties here would not suffer me to wait at Naples for the issue of inquiries and deliberations, of which avowedly the term could not be foreseen even by those who were engaged in them, I was compelled to leave unsettled the subject of my note, and to put an end to my mission.

My power to correspond with the Government of the King of the Two Sicilies upon that subject, or otherwise to assume an agency in it, has consequently ceased, and can only be revived by the President of the United States, from whom I derived it originally, and to whom I have rendered an account of the use which I was able to make of it. Whether it will be his pleasure to renew it in any degree, or in what other way he will think it proper to deal with the subject, I have no means of knowing. I know only that he has yet given me no orders upon it, and that there has not been time for such orders.

The Marquis di Circello must be prepared for this answer to your excellency's letter to me of the 19th instant if he does me the honor to preserve any recollection of my note to him of the 30th of September last, of which (as well as of his note to me of the 27th of the same month) I shall be very willing to give you a copy if you desire it.

I have the honor to be, with very distinguished consideration,

Your excellency's most obedient humble servant,

WILLIAM PINKNEY.

To His Excellency the DUKE OF SERRA CAPRIOLA.

[TRANSLATION.]

The Duke of Serra Capriola to Mr. Pinkney.

SIR: ST. PETERSBURG, *February* 9, (21,) 1817.

I received yesterday the letter by which your excellency has been pleased to reply to that which I addressed to you on the 7th (19th) of this month, stating the reasons by which you consider yourself no longer authorized to receive the note in answer to it, transmitted to me by the minister of His Majesty the King, my master.

Your excellency will readily conceive how unpleasant and painful it must have been to the King not to have been able to cause an answer to be given to your note of the 24th of August last, during your mission at Naples; but you are aware, sir, that that answer must necessarily have been founded on documents and proofs not easily procured, inasmuch as the transaction in discussion took place under a Government foreign to the existing one. If this delay was painful to the King and to his ministry, how much more will it not be on seeing the answer again impeded. I consider it, therefore, my duty, sir, to engage you to receive the packet I am charged with, at least for the purpose of transmitting it to your Government. By this means you will satisfy the wishes of my Government, and make the President of the United States acquainted with the well-founded arguments which might accelerate the termination of this affair.

Availing myself of the offer you have made me, sir, I have to request you would be pleased to favor me with a copy of the Marquis of Circello's letter, and of your answer of the 30th September. You will thereby greatly oblige me, sir; and, in thus tendering you my acknowledgments for it, I seize the present occasion of renewing to you the assurances of the very distinguished consideration with which

I have the honor to be, sir, your excellency's most humble and most obedient servant,

THE DUKE OF SERRA CAPRIOLA.

Mr. Pinkney's reply to the foregoing.

SIR: ST. PETERSBURG, *February* 21, 1817, *(N. S.)*

It would really give me sincere pleasure to be able to conform to the wish which your excellency presses upon me with so much earnestness; but I feel insurmountable repugnance, arising out of what I believe to be a correct sense of my duty, to giving any sanction to the making of a communication to me, as if I were still the accredited envoy of the United States at Naples. I can have no difficulty, however, in consenting to forward to the Secretary of State of the United States any thing which, by order of your court, you may think fit to address to him.

What may be the nature of the packet which has followed me from Naples, I do not know, and do not desire to know, farther than that it is in answer to a note written by me in an official character which I no longer possess. I have the utmost confidence, indeed, that it proposes a fair indemnity to our plundered merchants, not only with reference to that part of the spoil which, not having been sold by Murat, has passed into the hands of His Majesty the King of the Two Sicilies, and is now in his possession, but with reference also to that larger portion of it which was converted into money. But let it propose what it may, it is not to me that it should address itself, at least until my Government is known to have given me such instructions, which it has not yet had time to give, even if it be disposed to adopt that course, as may justify me in receiving it, and in acting upon it as its contents may require.

The copies which you desire are herewith enclosed. They will satisfy you that the Marquis di Circello ought to anticipate the answer which I now repeat to your application.

I have the honor to be, with the most distinguished consideration,

Your excellency's most obedient, humble servant,

WILLIAM PINKNEY.

To His Excellency the DUKE DI SERRA CAPRIOLA.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States at Paris, to Mr. Monroe, Secretary of State, dated

PARIS, *November* 19, 1816.

I received, on the 16th instant, a note from the Neapolitan ambassador, enclosing, by order of his court, the copy of an official note, dated 15th October last, and addressed by the Marquis di Circello to Mr. Pinkney, after his departure from Naples. In answer to a verbal inquiry, the ambassador told me that he did not know whether that note had been directed to Mr. Pinkney, at St. Petersburg, or at any other place on the road. He also said that his Government had authorized him to add to that communication to me any further observations which he might deem proper, but that he had abstained from it, knowing that neither he nor myself had any powers on that subject, and wishing, therefore, to avoid an unprofitable discussion.

It may be presumed that the Neapolitan Government delayed that note in order to prevent the possibility of a reply; and that their intention in communicating it to me was to hasten its transmission to you. Copies of the official note itself, and of that of the ambassador to me, are enclosed.

[TRANSLATION.]

PARIS, *November* 15, 1816.

The undersigned, ambassador extraordinary of His Majesty the King of the Two Sicilies, has the honor to transmit, by order of his court, to Mr. Gallatin, envoy extraordinary and minister plenipotentiary of the United States of America, a copy of an official note, addressed by the Marquis di Circello, Minister and Secretary of State of his said Majesty, to Mr. Pinkney, envoy extraordinary and minister plenipotentiary of the United States, in answer to his note of the 24th of August last, on the subject of certain American vessels confiscated in 1809 by Murat.

The undersigned avails himself of this occasion to renew to Mr. Gallatin the assurances of his high consideration.

CASTELCICALA.

[TRANSLATION.]

The Marquis of Circello, Minister of Foreign Affairs at Naples, to Mr. Pinkney, special Minister of the United States.

NAPLES, *October* 15, 1816.

Although the Government of His Majesty the King of the Two Sicilies was, from the first moment, in a situation to judge of the validity of the remonstrance and demands made by his excellency Mr. Pinkney, envoy extraordinary of the United States of America, in his note of the 24th August last, nevertheless, wishing to examine and discuss them under all their aspects of right and of fact, it has waited, accordingly, until all the materials and lights were collected proper to this end.

The many difficulties attending the search after those materials, owing to the change in the order of things during which the facts occurred that have given rise to the demands of Mr. Pinkney, rendered it impossible for the royal Government to reply to the note of his excellency before his departure from Naples.

Now that the papers and appropriate inquiries have shed the strongest light upon the affair in question, the undersigned, Counsellor and Secretary of State, Minister of Foreign Affairs of His Majesty the King of the Two Sicilies, hastens to give, by order of his sovereign, the following reply to Mr. Pinkney, requesting his excellency to be pleased to communicate it to his Government.

All the arguments contained in the note of the 24th August look to the end of making His Majesty's Government responsible for the consequences of the confiscation and sale, whether just or unjust, of several American vessels and cargoes, which took place in Naples while the kingdom was held by Murat.

In support of this pretension, it is assumed that the abuse of power and violation of good faith, by which these arbitrary acts were committed, are of such a nature as to survive the political authority of the author of them, and that, of course, as there accrued a right of reclamation against the Government of Murat, there exists one also against the present Government of the Two Sicilies.

His excellency adds, that although the American claimants have not the means of ascertaining to what uses the produce of the abovementioned sales was applied, yet they may presume that it was expended in works and objects of public utility, or left in the public coffers; and therefore affirms that, under this point of view, likewise, His Majesty's Government is bound to indemnify the victims of the spoliations committed during the ascendency of Murat.

Without undertaking to inquire whether a sort of succession or inheritance, in legitimate and illegitimate Governments, can be maintained upon good grounds, the undersigned will be content to remark that, whatever may be the opinion of publicists as to this point, no one has ever pretended to visit the injustice of the contracts or deeds of usurpers upon the people subjected to their yoke, or upon the legitimate sovereigns.

That theory would, indeed, be a disconsolate one which should extend the power of an enemy not only to the consequences of fact, but even to those of right. The victory which restored the legitimate prince would be fatal to both, if it must have the effect of making him responsible for the acts of injustice and violence which the usurper might have perpetrated against foreign nations.

It avails not to say that these are of the description of obligations and engagements which survive the overthrow of the usurped dominion, as common to the nation over which that dominion was exercised. This would be the place to determine whether we could reasonably qualify, as an obligation, an engagement from Government to Government, or nation to nation, a mere right of reclamation, which, according to the obligation of Mr. Pinkney himself, the United States kept in reserve, to be exercised with Murat, had not his power been subverted.

But the undersigned will simply ask his excellency if that very right is not to be regarded as null, seeing that the continual, strong, vehement demands, officially made by the consul general of the United States at Naples upon the minister of Murat, for the restitution of the confiscated vessels and cargoes, or compensation to the American owners, were rejected, or remained without a reply? However this may be, it is always incontestable that it is not against the actual Government of His Majesty that a right, to which he who created it would not hearken, can be tried, as it were, in the nature of an appeal.

It is among the principles of reason and justice, that a sovereign, who never ceased to be in a state of war with the usurper of his dominions, and who, very far from having afforded grounds for presuming that his rights were waived, as is asserted in the note of the 24th August, carried into effect, in concert with his ally, England, a powerful expedition in the islands of Procida and Ischia, nearest to the capital of his usurped kingdom, in the year 1809, precisely that in which the confiscation of the American ships at Naples took place. It is among the principles of reason and justice, that he should not be, on regaining his dominions in process of the war which had compelled him to absent himself from them, held responsible for the excesses of his enemy.

Let, then, the relations of the usurper with the Powers friendly or allied to France have been what they may, the inferences which the American merchants may have drawn from them, in relation to the prosecution of their trade at Naples, should not be made to recoil upon the treasury of a sovereign who not only did not show any the least acquiescence in the usurpation, but did all that was in his power, and all that circumstances would permit, to vindicate his abused rights. There is still less foundation for the arguments brought forward in the note of the 24th August to prove that the Neapolitan nation was, in some sort, a party to the measures by which the Americans suffered, and therefore liable, *in solidum*, for the consequences.

If the inhabitants of the kingdom of Naples could only have signified their wishes, these would undoubtedly have been for the maintenance of relations of justice and friendship with the Americans, the only nation which, by means of its neutrality, might provide a vent for the commodities accumulated through so many years in the kingdom, under the operation of the noted continental system of ruinous memory.

But everybody knows that the Neapolitan nation, prostrated by a foreign domination, was but the mournful spectator and first victim of the arbitrary acts which were daily committed: so far, then, from being able to indemnify others, it would be exceedingly fortunate if she could find means of compensating herself for the losses and immense injuries which she sustained during the occupation of the kingdom.

These considerations would be more than sufficient to prove that the claims of the American merchants cannot reach either the actual Government of His Majesty or his people.

But, to make the demonstration complete, and to exhibit the question under all its aspects, the undersigned will admit, for a moment, the absurd hypothesis, that the present Government of Naples stands in the place of that of Murat, and has succeeded to all his obligations.

The demand of Mr. Pinkney would not be, on this account, the less unsustainable, since the confiscation and sale of the American vessels and cargoes were acts which proceeded directly from the power and from the will of Bonaparte. There exists, in fact, in the archives of the Treasury, a report of the minister, Agar, who presided over that Department in 1809, addressed to Murat, who was then at Paris.

The minister relates, in this report, that two American ships had arrived at Naples, one from Salem, the other last from Algiers, laden with colonial produce; and that the necessary orders had been given to put the same under sequestration, conformably to the directions antecedently issued from higher authority, with respect to the other vessels arrived at Naples, before the departure of Murat for Paris.

He proceeds then to point out the great benefit which the treasury would derive from opening the market to the colonial produce lying on board those ships, or in the custom-house of Naples, by the duties which would be collected upon the sale of it, and upon the export of the oils which the Americans would take as return cargoes.

The minister remarks, in fine, that the confiscation itself of the American vessels and cargoes was but an inconsiderable resource, compared with the very great advantage which would have resulted to the treasury from an active American trade, could it have been tolerated in the ports of the kingdom.

Murat did not deem himself authorized to decide in any way, and submitted the report to his brother-in-law, Napoleon, who decreed, in margin, that the vessels and cargoes in question should be confiscated, because the embargo laid in the ports of the United States induced him to believe that the produce must be British property, and its introduction into the continent a breach, therefore, of the two famous Berlin and Milan decrees.

On the disclosure of this decision of Bonaparte in Naples, it was ordered, also, that the proceeds of the sales should not be paid over to the treasury of the state, but that a separate and special account should be opened for them, which was done accordingly. In order to understand well this distinction, and to be able to draw from it the consequences applicable to the case, it is useful to note, that during the military occupation of the kingdom, there existed a treasury, so called, destined to receive the public revenues and defray the public charges; and as, among the latter, the support of the luxurious household of Murat was not the least onerous, accordingly the sums allotted to this purpose were paid into the hands of a particular treasurer, who disposed of them as his master directed.

Besides this particular chest, into which, moreover, all the proceeds of the private domain were emptied, Murat established another, by the name of separate account or fund, *(conto a parte,)* as a receptacle for the sums arising from the sale of the vessels and cargoes confiscated in 1809 and 1812, and also for the profits of the licenses which, in imitation of England and France, he sold to the vessels entering and leaving the ports of the kingdom. The new fund was always considered as appertaining to the extraordinary and private domain of Murat himself. An irrefragable proof of this may be offered. The first article of one of his decrees, of 25th April, 1812, is conceived in the following terms: "The commission established by our decree of November 30, 1811, for the purpose of liquidating the accounts of our royal household, is, in addition, charged with examining the accounts of the vessels sequestered in our ports, regarded by us *as the property of our extraordinary and private domain.*"

Besides, it is enough to read the account rendered of the cashier of the separate fund, to know that the sums paid into it were dissipated in largesses to the favorites of Murat, in marriage portions to some of his relatives, and in other licentious expenses of Murat and of his wife, especially during their visit at Paris. It appears, moreover, that Murat having anticipated on said fund a sum of two hundred thousand livres on account of the treasury, towards the cost of the expedition with which, during several months, he menaced Sicily with an invasion from Calabria, the Minister of the Finances lost no time in reimbursing the fund with the proceeds of the public taxes.

From the foregoing statement, two important and obvious consequences are to be drawn. The first is, that Murat only lent his name in the confiscation of American ships, as he did merely in all the other measures pursued

in Naples during the occupation of the kingdom. This was no mystery, nor could foreign nations be ignorant of it. Still less could they be unacquainted with the extent of the power which Bonaparte usurped, in order to give all possible latitude of effect to his decrees of Milan and Berlin, in the countries over which he exerted his fatal influence.

Obstinate in his fantasies, absolute in his will, he studied only to enlarge the sphere of his favorite plan. A mere remonstrance on this head, if Murat had allowed himself to prefer one, would have cost the latter his crown. Holland furnished an incontestable example of this truth.

Murat, then, let it be repeated, was but the passive instrument of the will of Bonaparte in the confiscation of the American ships; and if this could give birth to responsibility, such responsibility should no longer be imputed to the country over which he reigned, and still less to the Government which has there resumed its lawful authority.

The other, and not less important consequence, is, that the treasury, which was the fund of the state, never enjoyed the proceeds of the confiscations, and that, instead of being employed to alleviate the burdens of the people, or applied to the improvement or embellishment of the country, as is supposed in the note of the 24th of August, those proceeds only served to feed the caprices and the oriental pomp of the family of Murat and his adherents.

After this rapid and faithful exposition of facts, the undersigned will not enter upon the inquiry whether the American merchants would have been entitled to call for indemnify, if the power which commanded and executed the confiscation of their property had, unfortunately, continued to flourish.

He will go no further than to remark to Mr. Pinkney, that such a call could not affect the actual Government of His Majesty, nor his people; and his excellency and his Government are too enlightened and too impartial not to be fully convinced of this, now that they can dwell upon circumstances which perhaps were not previously within their knowledge.

The undersigned renews to Mr. Pinkney, on this occasion, the assurance of his most distinguished consideration.

IL MARCHESE DI CIRCELLO.

15th CONGRESS.] No. 296. [1st SESSION.

GREAT BRITAIN—EXECUTION OF THE TREATY OF PEACE.

COMMUNICATED TO CONGRESS, MARCH 2, 1818.

To the Senate and House of Representatives: FEBRUARY 25, 1818.

The commissioners of the two Governments under the fourth article of the treaty of Ghent having come to a decision upon the question submitted to them, I lay before Congress copies of that decision, together with copies of the declaration signed and reported by the commissioners to this Government.

JAMES MONROE.

Declaration of the Commissioners under the fourth article of the Treaty of Ghent.

SIR: NEW YORK, *November* 24, 1817.

The undersigned, commissioners appointed by virtue of the fourth article of the treaty of Ghent, have attended to the duties assigned them, and have decided that Moose island, Dudley island, and Frederick island, in the bay of Passamaquoddy, which is part of the bay of Fundy, do each of them belong to the United States of America; and that all the other islands in the bay of Passamaquoddy, and the island of Grand Menan, in the bay of Fundy, do each of them belong to His Britannic Majesty, in conformity with the true intent of the second article of the treaty of peace of 1783.

The commissioners have the honor to enclose, herewith, their decision.

In making this decision, it became necessary that each of the commissioners should yield a part of his individual opinion; several reasons induced them to adopt this measure, one of which was the impression and belief that the navigable waters of the bay of Passamaquoddy, which, by the treaty of Ghent, is said to be part of the bay of Fundy, are common to both parties, for the purpose of all lawful and direct communication with their own territories and foreign ports.

The undersigned have the honor to be, &c.

JOHN HOLMES.
THOMAS BARCLAY.

The Hon. J. Q. ADAMS, &c.

Decision of the Commissioners under the fourth article of the Treaty of Ghent.

By Thomas Barclay and John Holmes, Esquires, commissioners appointed by virtue of the fourth article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent on the 24th day of December, 1814, to decide to which of the two contracting parties to the said treaty the several islands in the bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan, in the said bay of Fundy, do respectively belong, in conformity with the true intent of the second article of the treaty of peace of 1783, between his said Britannic Majesty and the aforesaid United States of America: We, the said Thomas Barclay and John Holmes, commissioners as aforesaid, having been duly sworn impartially to examine and decide upon the said claims, according to such evidence as should be laid before us on the part of His Britannic Majesty and the United States, respectively, have decided, and do decide, that Moose island, Dudley island, and Frederick island, in the bay of Passamaquoddy, which is part of the bay of Fundy, do, and each of them does, belong to the United States of America; and we have also decided, and do decide, that all the other islands, and each and every of them, in the said bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan, in the said bay of Fundy, do belong to his said Britannic Majesty, in conformity with the true intent of the said second article of said treaty of 1783.

In faith and testimony whereof, we have set our hands and affixed our seals, at the city of New York, in the State of New York, in the United States of America, this 24th day of November, in the year of our Lord 1817.

THOMAS BARCLAY. [L. S.]
JOHN HOLMES. [L. S.]

Witness: { JAMES T. AUSTIN, *Agent of the United States.*
{ ANTHONY BARCLAY.

15th Congress.] No. 297. [1st Session.

GOVERNMENT OF THE NETHERLANDS—COMMERCIAL TREATY.

COMMUNICATED TO CONGRESS, MARCH 20, 1818.

To the Senate and House of Representatives of the United States: MARCH 19, 1818.

In the course of the last summer a negotiation was commenced with the Government of the Netherlands, with a view to the revisal and modification of the commercial treaty existing between the two countries adapted to their present circumstances.

The report from the Secretary of State, which I now lay before Congress, will show the obstacles which arose in the progress of the conferences between the respective plenipotentiaries, and which resulted in the agreement between them to refer the subject to the consideration of their respective Governments. As the difficulties appear to be of a nature which may, perhaps, for the present, be more easily removed by reciprocal legislative regulations, formed in the spirit of amity and conciliation, than by conventional stipulations, Congress may think it advisable to leave the subsisting treaty in its present state, and to meet the liberal exemption from discriminating tonnage duties, which has been conceded in the Netherlands to the vessels of the United States, by a similar exemption to the vessels of the Netherlands which have arrived, or may hereafter arrive, in our ports, commencing from the time when the exemption was granted to the vessels of the United States. I would further recommend to the consideration of Congress the expediency of extending the benefit of the same regulation, to commence from the passage of the law, to the vessels of Prussia, Hamburgh, and Bremen; and of making it prospectively general in favor of every nation in whose ports the vessels of the United States are admitted on the same footing as their own.

JAMES MONROE.

DEPARTMENT OF STATE, *March* 17, 1818.

The Secretary of State has the honor of submitting to the consideration of the President the correspondence, herewith enclosed, between the envoys extraordinary of the United States at the court of the Netherlands and the plenipotentiaries appointed by that Government, for the purpose of renewing and extending the commercial treaty already existing between the two countries. The failure of this negotiation is to be attributed principally to two obstacles which arose in the progress of the discussions between the respective plenipotentiaries; one proceeding from an essential principle in the commercial regulations of this country, and the other from a principle of like character in the kingdom of the Netherlands.

The law of March 3, 1815, authorizing a partial repeal of the discriminating duties which operate against foreign shipping, and the merchandise imported in them, required, as a condition of that repeal, the abolition of ***all*** discriminating or countervailing duties of any foreign nation to whose advantage it should enure, so far as they operate to the disadvantage of the United States; and, on this condition, the acts of the United States imposing discriminating duties were declared to be repealed only so far as respects the produce or manufacture of the nation to which the foreign ship or vessel might belong. The law, therefore, required a total abolition of discriminating or countervailing duties in the foreign nation operating against the United States, and offered only a partial repeal of our discriminating duties which operated against them in return. From an imperfect view of the provisions of this act, which can be fully understood only by collating it with the general system and the particular provisions of the acts imposing discriminating duties, part of which only it proposed to repeal, the Government of the Netherlands and others appear to have understood it as offering a *total* repeal of all discriminating duties, as well of tonnage as upon merchandise of every description, without distinction of origin. The power of the President was, however, restricted by the terms of the law. The laws of the Netherlands imposed discriminating duties of *tonnage*, and on merchandise imported in foreign vessels, but without any distinction with regard to the origin of the merchandise. When, therefore, they revoked their discriminating duties so far as respected the United States, they considered themselves, by the act of Congress of March 3, 1815, entitled to a total repeal of the discriminating duties in the United States operating against them—not only the tonnage duties, but those upon merchandise, whether of the produce or manufacture of the Netherlands or of any other country. This was, however, not warranted by the act of March 3, 1815; nor could it be stipulated by treaty, without involving consequences affecting the commercial relations between the United States and other countries. The revocation of the discriminating duties upon merchandise imported in vessels of the Netherlands would be of little avail if limited to articles the produce or manufacture of that country, the principal part of whose exportations consists of the produce or manufacture of others. But, on the other hand, if that distinction in our navigation and revenue laws should be broken down with respect to one nation, it could be with difficulty, if at all, maintained with regard to any other.

The other difficulty which occurred in the negotiation related to the admission of vessels of the United States into the colonies of the Netherlands, if not upon the same footing as into the ports of the Netherlands in Europe, at least upon that of the most favored nation. To this it was objected by the plenipotentiaries of the Netherlands, that certain favors were granted by them to other nations themselves possessing colonies, for the equivalent of similar favors conceded in return, which could not be conceded to a nation possessing no colonies, and therefore not enabled to concede the equivalent. The same objection having been made by the British Government to the admission of vessels of the United States into their colonies, it appears to deserve attention how far the principle itself is justifiable, and how far the United States ought to acquiesce in it. There are various grounds upon which it appears objectionable: 1st. Because all the other maritime states possessing colonies more or less significant, a classification, however general, in terms which applies by way of exclusion to the United States alone, is manifestly a measure savoring of hostility to them, as much as if it was applied to them by name. 2d. Because the United States, not only by the constant and unparalleled rapid increase of their own population, but by the great enlargement of their territory and the admission of new States, producing almost all the articles of European colonies in this hemisphere, afford to all the commercial nations of Europe an equivalent similar in principle and infinitely more valuable than the mere admission to two or three small islands of the West Indies, which is all that some of the European states can grant for access to the colonies of the others. 3d. The United States have a just claim to a free trade with most of the colonies of the West India islands, founded in the occasional indispensable necessities of the latter. If the United States should exercise their unquestionable right of meeting prohibition with prohibition, the very existence of these islands would be in jeopardy whenever they should be visited by those hurricanes which so frequently happen among them. It would be ungenerous, and scarcely reconcileable to the principles of humanity, should the United States avail themselves of those calamitous occurrences to stop, on their part, the intercourse which, at all other

times, is interdicted to them. By the laws of nature, no society can be justifiable in adopting measures towards another state which may compel the latter to retaliate, in self-defence, by measures incompatible with humanity; yet, such is the character of the intercourse permitted by several of the European nations between their colonies in the West Indies and the United States. Thus we have seen, within the last half-year, the exclusion of our vessels from the ports of several West India islands, and their readmission, announced almost in the same gazettes. That readmission, however, is limited to the time indispensable for saving the colony from famine and utter desolation. There is something so glaringly unequal and selfish in these alternatives of arbitrary interdiction and of compulsory intercourse, that it is believed the nations of Europe possessing colonies cannot fail of being ultimately made sensible of it, and of consenting to establish an intercourse upon principles more permanent and more favorably marked with reciprocity.

In the mean time, as the Government of the Netherlands have placed the vessels of the United States arriving in their ports, in regard to tonnage duties, on the same footing with their own, it is believed to be consistent with sound policy to extend the same principle to the vessels of the Netherlands arriving in the ports of the United States. The same liberality may be extended to the vessels of Prussia, Hamburgh, and Bremen, who, by virtue of the like regulations in their respective ports, have claimed the benefit of the proffer made in the law of March 3, 1815. As an act of Congress is necessary for the purpose, perhaps the most expedient course would be to make it general; and, limiting its operation to the tonnage duties or charges upon vessels, to declare that no other or higher duties of that description than are paid by vessels of the United States shall be paid in the ports of the United States by the vessels of any European nation in whose ports no higher or other duties of the same kind are paid by vessels of the United States than by the vessels of such European nation itself. The measure in respect to the Netherlands is of immediate urgency; the regulation in favor of the vessels of the United States there having already been more than a year in force, in the confidence that the corresponding measure on the part of the United States would have been adopted, of course, by virtue of the act of March 3, 1815.

JOHN QUINCY ADAMS.

15th Congress.] No. 298. [1st Session.

INDEPENDENCE OF THE SPANISH PROVINCES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 25, 1818.

To the House of Representatives of the United States: WASHINGTON, *March* 25, 1818.

In conformity with the resolution of the House of Representatives of the 5th of December last, I now transmit a report of the Secretary of State, with a copy of the documents which it is thought proper to communicate, relating to the independence and political condition of the provinces of Spanish America.

JAMES MONROE.

DEPARTMENT OF STATE, *March* 25, 1818.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 5th December, has the honor of submitting the documents herewith transmitted, as containing the information possessed at this Department requested by that resolution.

In the communications received from Don Manuel H. de Aguirre, there are references to certain conferences between him and the Secretary of State, which appear to require some explanation.

The character in which Mr. Aguirre presented himself was that of a public agent from the Government of La Plata, and of private agent from that of Chili. His commissions from both simply qualified him as agent. But his letter from the Supreme Director (Pueyrredon) to the President of the United States requested that he might be received with the consideration due to his *diplomatic* character. He had no commission as a public minister of any rank, nor any full power to negotiate as such. Neither the letter of which he was the bearer, nor he himself, at his first interviews with the Secretary of State, suggested that he was authorized to ask the acknowledgment of his Government as independent; a circumstance which derived additional weight from the fact that his predecessor, Don Martin Thompson, had been dismissed by the Director Pueyrredon, for having transcended his powers, of which the letter brought by Mr. Aguirre gave notice to the President.

It was some time after the commencement of the session of Congress that he made this demand, as will be seen by the dates of his written communications to the Department. In the conferences held with him on that subject, among other questions which it naturally suggested were those of the manner in which the acknowledgment of his Government, should it be deemed advisable, might be made; and what were the territories which he considered as forming the state or nation to be recognised. It was observed, that the manner in which the United States had been acknowledged as an independent Power by France was by a treaty concluded with them, as an existing independent Power; and in which each one of the States then composing the Union was distinctly named; that something of the same kind seemed to be necessary in the first acknowledgment of a new Government, that some definite idea might be formed, not of the precise boundaries, but of the general extent of the country thus recognised. He said the Government of which he desired the acknowledgment was the country which had, before the revolution, been the viceroyalty of La Plata. It was then asked whether that did not include Montevideo, and the territory occupied by the Portuguese; the Banda Oriental, understood to be under the government of General Artigas; and several provinces still in the undisputed possession of the Spanish Government? He said it did; but observed that Artigas, though in hostility with the Government of Buenos Ayres, supported, however, the cause of independence against Spain; and that the Portuguese could not ultimately maintain their possession of Montevideo. It was after this that Mr. Aguirre wrote the letter offering to enter into a negotiation for concluding a treaty, though admitting that he had no authority to that effect from his Government. It may be proper to observe, that the mode of recognition by concluding a treaty had not been suggested as the only one practicable or usual, but merely as

that which had been adopted by France with the United States, and as offering the most convenient means of designating the extent of the territory acknowledged as a new dominion.

The remark to Mr. Aguirre, that, if Buenos Ayres should be acknowledged as independent, others of the contending provinces would, perhaps, demand the same, had particular reference to the Banda Oriental. The inquiry was, whether General Artigas might not advance a claim of independence for those provinces, conflicting with that of Buenos Ayres, for the whole viceroyalty of La Plata. The Portuguese possession of Montevideo was noticed in reference to a similar question.

It should be added, that these observations were connected with others, stating the reasons upon which the present acknowledgment of the Government of La Plata, in any mode, was deemed by the President inexpedient, in regard as well to their interests as to those of the United States.

JOHN QUINCY ADAMS

No. 1.

[TRANSLATION.]

Don Yono. Alvarez to the President of the United States.

MOST EXCELLENT SIR: BUENOS AYRES, *January* 16, 1816.

The circumstances are well known which have heretofore prevented these provinces from establishing with the United States of America the relations of amity and strict correspondence which reciprocal interest and a common glory ought to have inspired. At length, the obstacles which were opposed to our desires have been overcome, and we have the fortune to be able to send near your excellency a deputy, to implore from your excellency the protection and assistance we require for the defence of a just cause and sacred in its principles, and which is, moreover, ennobled by the heroic example of the United States, over whom your excellency has the glory to preside.

A series of extraordinary events and unexpected changes, which have taken place in our ancient mother country, have constrained us not to make a formal declaration of national independence; nevertheless, our conduct and public papers have sufficiently expressed our resolution. When this letter reaches your excellency, the general Congress of our representatives will have met; and I can assure you, without fear of being mistaken, that one of its first acts will be a solemn declaration of the independence of these provinces of the Spanish monarchy, and all other sovereigns or powers.

In the mean time, our deputy near your excellency will not be invested with a public character, nor will he be disposed to exceed the object of his mission, without an understanding with your excellency and your ministers. That these views may be exactly fulfilled, I have selected a gentleman who, from his personal qualities, will not excite a suspicion that he is sent by the Government invested with so serious and important a commission. He is Colonel Martin Thompson, who, independently of this credential, has the title which we are accustomed to give to our deputies. I hope that your excellency will be pleased to give him full credit, and secure for him all the consideration which, in a like case, we would give and secure to the ministers whom your excellency may think proper to send to these provinces.

The said deputy has it specially in charge to offer to your excellency, in my name, and in that of the provinces under my direction, the profound respect and particular estimation with which we view the very illustrious chief of so powerful a republic. May your excellency deign to receive these expressions, and to give us an occasion to accredit them.

God preserve your life many years.

YONO. ALVAREZ.

No. 2.

[TRANSLATION.]

Declaration of Independence of the Provinces of La Plata, communicated by Mr. Aguirre to the Department of State, 24th December, 1817.

We, the representatives of the United Provinces of Rio de la Plata, in general Congress assembled, invoking the Supreme Being who presides over the universe, and calling on heaven, earth, and mankind to witness the justice of our cause, in the name and in virtue of the authority of the people whom we represent—

Solemnly declare, that it is the unanimous will of the people of these provinces to break asunder all the bonds which unite them with the Kings of Spain; to reinstate themselves in the enjoyment of the rights of which they have been deprived; and to raise themselves to the high rank of a free and independent nation, capable of giving themselves such a government as justice and imperious circumstances may require. Authorized by the United Provinces in general, and by each one of them in particular, to declare and lay them under the obligation to support this independence, we hereby pledge their lives, fortunes, and sacred honor.

Mindful of the respect due to those nations which take an interest in our fate, and conscious of the necessity of declaring the weighty reasons which have impelled us to this act, we resolve that a manifest, setting them forth, be immediately made public.

Given and signed in the hall of our sittings, sealed with the seal of the Congress, and countersigned by our Secretaries, in the city of Tucuman, this ninth day of July, 1816.

F. N. DE LAPRIDA, *President.*

J. M. SERRANO, } *Secretaries.*
J. J. PASSO, }

A true copy. AGUIRRE.

No. 3.

[TRANSLATION.]

J. Martin de Pueyrredon to the President of the United States.

MOST EXCELLENT SIR: BUENOS AYRES, *January* 1, 1817.

Being placed at the head of these provinces by the suffrage of the Congress of its representatives, and having had the honor, on a former occasion, of offering to your excellency the tribute of my respects, and at the same time of transmitting the act of the declaration of our independence of the ancient Government of the King of Spain and his successors, I profit of the present occasion to notify your excellency that I have ordered Colonel Don Martin Thompson, the agent of this Government near the Government of your excellency, to cease to exercise the func-

tions appertaining to his character as such. When first sent to the United States, he went in the character of agent; and of this your excellency was apprized by despatches of the 16th of January of the last year, in which was assigned, as the reason for not having appointed to so important a mission a person of greater consideration and weight, the necessity of obviating all suspicion that might otherwise have arisen concerning its object. It is with much concern that I have learned, by the communications themselves of our said agent, that he has arbitrarily departed from the line of the duties marked out for him, and that, without having duly estimated the honor of conferring with you, he has granted licenses which are in direct contradiction with the said principles. My predecessor rested all his hopes of a favorable issue to the commission given to Mr. Thompson on the generosity and magnanimity of your excellency; and I, who entertain the same sentiments, venture to hope that, suspending for the present the appointment of an agent, we shall receive proofs of your friendly dispositions towards these people; but if your excellency should deem it necessary that a formal agent should be appointed, I shall, upon the first intimation, take a particular pleasure in making choice of a person who may be worthy of the consideration of the illustrious chief to whom he will be sent.

I have the honor to avail myself of this occasion to renew to your excellency the sentiments of respect and high esteem, which it is the boast of the people over whom I preside to entertain for you, and to offer you the like homage in my own name.

May God preserve you many years.

J. MARTIN DE PUEYRREDON.

No. 4.

[TRANSLATION.]

Don J. Martin de Pueyrredon, Supreme Director of the Government of Buenos Ayres, to the President of the United States.

MOST EXCELLENT SIR: PALACE OF THE GOVERNMENT, BUENOS AYRES, *March* 5, 1817.

The liberal and benevolent principles which distinguish your Government induce me to believe that the recent triumphs of liberty in these United Provinces of South America will be heard with pleasure by your excellency and the happy citizens of your republic. This confidence, and the conformity of the principles which actuate the inhabitants of this hemisphere with those that stimulated the heroic efforts of the United States of the north in the achievement of their independence, encourage me to make known to your excellency the restoration of the opulent kingdom of Chili, by the patriot forces of my Government.

The printed documents which I have the honor to enclose contain accounts of the most memorable events of the last campaign. It was opened by the passage of the formidable mountains of the Andes; and, through the interposition of Providence, our victorious arms have given liberty to a million and a half of the inhabitants of the new world.

I pray your excellency to accept the assurance of my respectful consideration, and my desire to strengthen the bonds of union and mutual interest between the two nations.

God preserve you many years.

J. MARTIN DE PUEYRREDON.

No. 5.

[TRANSLATION.]

Commission of Mr. Aguirre from Chili.

The Supreme Director of the State of Chili, &c.

It being important to the maintenance and advancement of the provinces under my command to have therein all those resources of armament which, being useful to the army as well as to the navy, may protect them from invasion, and wrest them from the hands of the enemies of our liberty, I have, therefore, with a view to accomplish the said object, given and granted full power and authority to Don Manuel de Aguirre, to enter into and set on foot all such negotiations as may be relative to the purchase of vessels of war, including a frigate, completely armed and equipped; also, for the purchase of all descriptions of arms, warlike stores, and supplies, useful to the army; it being understood that the value of the different kinds which he is commissioned to purchase or stipulate for, and the transport thereof to Chili, are to be fully paid for upon due verification of the same, and that, for the fulfilment of this promise, all the interests of the public fund, and of the State of Chili in general, are made responsible.

In testimony whereof, I have ordered the present to be executed. Signed by me, sealed with the arms of this Government, and countersigned by my Minister of State, in the city of Santiago de Chili, this 8th day of March, 1817.

[ARMS.] BERNARDO O'HIGGINS.
MIGUEL ZANARTU,
Minister of State.

No. 6.

[TRANSLATION.]

Commission to Don Manuel H. de Aguirre, granted by the Supreme Director of the United Provinces of South America.

The Supreme Director of the United Provinces of South America.

Inasmuch as it is necessary to appoint a person who, in the character of agent of this Government near that of the United States of North America, may promote whatever conduces to the progress of the cause in which these provinces are engaged, to their honor, and the consolidation of the great work of our liberty: therefore, the necessary qualities of probity, capacity, and patriotism, uniting in the Commissary General of War, citizen Don Manuel Hermenegildo de Aguirre, I have appointed him agent of this Government near that of the United States of North America, granting to him the privileges, pre-eminences, and prerogatives which belong to the said title.

In pursuance whereof, I have given the present, signed by me, countersigned by my Secretary of State for the Department of the Government and Foreign Affairs, and sealed with the seal of the national arms. Given at Buenos Ayres, the 28th day of March, 1817.

[ARMS.] JUAN MARTIN DE PUEYRREDON.
GREGORIO TAGLE, *Minister of State.*

No. 7.

[TRANSLATION.]

Don Bernardo O'Higgins to the President of the United States.

MOST EXCELLENT SIR: SANTIAGO, IN CHILI, *April* 1, 1817.

The beautiful kingdom of Chili having been re-established on the 12th of February last by the army of the United Provinces of Rio de la Plata, under the command of the brave General Don José de St. Martin, and the supreme direction of the state being conferred on me by the choice of the people, it becomes my duty to announce to the world the new asylum which these countries offer to the industry and friendship of the citizens of all nations of the globe.

The inhabitants of Chili, having thus reassumed their natural rights, will not hereafter submit to be despoiled of their just prerogatives, nor tolerate the sordid and pernicious policy of the Spanish cabinet. In its numerous population, and the riches of its soil, Chili presents the basis of a solid and durable power, to which the independence of this precious portion of the new world will give the fullest security. The knowledge and resources of the neighboring nation of Peru, which has resolved to support our emancipation, encourage the hope of the future prosperity of these regions, and of the establishment, on liberal grounds, of a commercial and political intercourse with all nations. If the cause of humanity interests the feelings of your excellency, and the identity of the principles of our present contest with those which formerly prompted the United States to assert their independence disposes your Government and people favorably towards our cause, your excellency will always find me most earnestly desirous of promoting the commercial and friendly relations of the two countries, and of removing every obstacle to the establishment of the most perfect harmony and good understanding.

God preserve you many years.

BERNARDO O'HIGGINS.

No. 8.

Translation of a letter from the Supreme Director Pueyrredon to the President of the United States, dated

APRIL 28, 1817.

When the interests of sound policy are in accord with the principles of justice, nothing is more easy or more pleasing than the maintenance of harmony and good understanding between Powers which are connected by close relations. This seems to be exactly the case in which the United States and these provinces stand with respect to each other; a flattering situation, which gives the signal of our success, and forms our best apology.

It is on this occasion that citizen Don Manuel Hermenegildo de Aguirre, Commissary General of War, is deputed towards you in the character of the agent of this Government. If his recommendable qualities are the best pledge of the faithful discharge of his commission and of its favorable issue, the upright and generous sentiments of your excellency are not less auspicious to it. The concurrence of these circumstances induces me to hope the most favorable results.

I trust, therefore, that your excellency will be pleased to grant to the said citizen Aguirre all the protection and consideration required by his diplomatic rank and the actual state of our relations. This will be a new tie, by which the United States of the north will more effectually secure the gratitude and affection of the free provinces of the south.

PUEYRREDON.

No. 9.

[TRANSLATION.]

Don José San Martin, General of the army of the Andes, to the President of the United States.

MOST EXCELLENT SIR:

Charged by the Supreme Director of the provinces of South America with the command of the army of the Andes, Heaven crowned my forces with a victory on the 12th of February over the oppressors of the beautiful kingdom of Chili. The sacred rights of nature being restored to the inhabitants of this country by the influence of the national arms and the efficacious impulse of my Government, fortune has opened a favorable field to new enterprises, which secure the power of liberty and the ruin of the enemies of America. Towards securing and consolidating this object, the Supreme Director of the Government of Chili has considered, as a principal instrument, the armament in these States of a squadron destined to the Pacific ocean, which, united to the forces that are preparing in the river La Plata, may co-operate in sustaining the ulterior military operations of the army under my command in South America; and, convinced of the advantages which our actual political situation promises, I have crossed the Andes in order to concert in that capital, among other things, the guaranty of my Government, and, in compliance with the stipulations between the Supreme Director of Chili and its intimate ally, to carry into effect the plan which has been confided to Don Manuel Aguirre. Your excellency, who enjoys the honor of presiding over a free people, who contended and shed their blood in a similar cause to that in which the inhabitants of South America are now engaged, will, I hope, deign to extend to the above-named person such protection as is compatible with the actual relations of your Government; and I have the high satisfaction of assuring your excellency that the arms of the country under my orders will not fail to give consistency and respect to the promises of both Governments.

I am happy in having this agreeable occasion to pay a tribute to your excellency of the homage and profound respect with which I have the honor to be

Your excellency's most humble servant,

JOSÉ DE SAN MARTIN.

No. 10.

[TRANSLATION.]

Don Caetano Bezares to the Secretary of State.

PALACE OF THE GOVERNMENT, PAMPATAR, *May* 22, 1817=*7th.*

The Executive Department of the Confederated States of Venezuela has charged me to transmit to his excellency the President of the United States, through your hands, the annexed copies of the act of the happy re-establishment of the Congress of Venezuela, the exercise of its powers, and other particulars therein contained.

Be pleased, sir, to lay the whole before his excellency, and assure him that this Government will have the highest satisfaction in communicating to him whatever may occur hereafter.

May Heaven preserve your life for the general good of mankind, and the prosperity of your republic.

CAETANO BEZARES, *Secretary of State ad interim.*

To the Minister, SECRETARY OF FOREIGN AFFAIRS *of the Government of the United States.*

No. 11.

[TRANSLATION.]

The President of the United States of Venezuela to his excellency the President of the Republic of the North, communicating the re-establishment of the Federative Government of the provinces of Costa-Firme, (the Main.)

FEDERAL PALACE, PAMPATAR, PORT OF NEW SPARTA, *May* 21, 1817.—*7th.*

MOST EXCELLENT SIR:

The fortune of arms, which decides the fate of empires, and a disastrous combination of circumstances well known to your Government, have interrupted the progress of this republic, established by a proclamation of the 5th June, 1811, and occasioned the capitulation of the 26th July, 1812, entered into between the commander-in-chief of the patriot army, Francisco Miranda, and Don Domingo Monteverde, commander of the Spanish forces, which compact, shamefully violated in the end, has drawn on Venezuela the signal disasters which this country has yet to deplore, and of which you have received information through citizens Scott and Lowry, who were eye-witnesses of those events. This has been followed alternately by prosperous and adverse fortune, which this continent has experienced since the year 1812. To this date nothing more propitious has presented itself than the reinstatement of the Federative Government, which was brought about on the 8th of the present month in the city of San Felipe de Cariaco, within the jurisdiction of the State of Cumana, by the legal proceedings, which your excellency may perceive by reference to the official documents which, in the name of the executive department, I have the honor of forwarding to you. And I have to assure your excellency that, having wrested Venezuela from the hands of the enemies of her liberty and independence in almost every part of the seven provinces of the confederation, she desires nothing more earnestly than to extend her relations with her brethren of North America, identified as they are by nature, and by political and republican principles, with the great family of the south.

Venezuela, at the first period of its emancipation, deputed to your republic two of its citizens, John Vincente Bolivar and Talisfero Orea, both furnished with credentials and competent powers to transact all business, and who had it especially in charge to assure your excellency of the ardent wishes of the people of Venezuela to make such arrangements as would conduce to the happiness of both nations. The state of affairs in Europe at that period retarded the success which Caraccas promised herself by the acknowledgment of her independence by the republic of the north; but a change having taken place, and a sentiment favorable to our cause extended throughout the continent of Colombia, the Government of this people, whom I represent, does not doubt that your excellency, taking into consideration the mutual interests which we propose, will give your concurrence, in as far as depends on yourself, towards the establishment of diplomatic arrangements and stipulations, which citizen Joseph Cortés Madariaga has it in charge to open; and, being assured of the noble qualities attached to your excellency, I flatter myself that our negotiations will be speedily concluded.

The executive department has the honor to tender to your excellency the homage of this republic, and the high consideration and respect with which, in its name, I remain

Your excellency's most obedient servant,

FRSO. XAVIER DE MAYS, *President pro tempore.*

[TRANSLATION.]

CITY OF SAN FELIPE DE CARIACO, *May* 8, 1817.

His excellency General Santiago Marino, second in command of the republic, having by note called upon the following persons to assemble in a meeting, namely, his excellency Admiral Luis Brion, commander of the naval forces, the Intendant General Antonio Zea, Joseph Cortés Madariaga, canon of the holy church of Caraccas, Jacobo Xavier Mays, who acted as president of the executive department at the time of the recess of the Congress of Venezuela, Francisco Xavier de Alcala, Diego Valenilla, Diego Antonio Alcala, Manuel Ysaba, Francisco de Paula Naval, Diego Bautista Urbanesa, and Manuel Maneyro, he thus addressed them:

Citizens: Never have I experienced greater satisfaction than on the present occasion, in seeing you truly reunited to deliberate on the most proper measures to be adopted for the safety of our country, under such extraordinary political events which have induced our illustrious compatriot, José Cortés Madariaga, to attend as supreme chief, in whose name, and at whose request, I have the honor of addressing you as second in command.

The above honorable citizen, José Cortés Madariaga, here present, will explain to you his sentiments and reasons; and you will be able to judge for yourselves whether they be not of such weight as to induce you to institute immediately a provisional Government, without calling together deputies, whose election cannot be effected soon enough, in consequence of the state of commotion and war in which our country is placed.

No one can be ignorant that, in all its reverses, our republic has not had a firmer supporter or a warmer friend than our incomparable patriot and citizen General Simon Bolivar, all whose designs have been directed to the re-establishment of the representative Government, which the people had fixed upon as their fundamental constitution, but vested with more energy, force, and unity. This has been his most ardent desire, and the object for which he has twice convoked the congress; the assembling of which, as I have before observed, has been retarded by political machinations and military commotions. But, in consequence of the extraordinary circumstance above alluded to, I have thought proper to do, in the name and at the instance of the supreme chief, what would be done by him if present; and that is, to propose a provisional Government, conformable to the constitution decreed by the Congress of Venezuela. Whilst the deputies to the new congress are reassembling, he will proceed to make such reforms and modifications as may be deemed necessary in our political institutions. It is on this subject I wish to obtain your sentiments and advice, after hearing citizen Cortés.

Citizen Cortés followed, and observed:

That, animated by sentiments of friendship and attachment towards the South Venezuelans, and their noble compatriots, particularly since the year 1812, he should pass over the series of reverses, in the course of which a

multitude of persons, of all ages, sexes, and professions, who, by their numbers, virtues, valor, and wisdom, aggrandized the states of the confederacy, had been swept away by the calamities of an exterminating warfare, declared and carried on against us by our enemies; and having heard, through the most respectable channel of the public expression, that the time had arrived when South America should arise, in all its dignity, and declare itself in the face of the world, he had taken a considerable journey, and repaired to this continent from the Windward islands, for the express purpose of imparting to his fellow-citizens the favorable tidings which led him to hope that Venezuela will be included in the common prosperity of South America within the present year; and, by means of its exterior relations, contribute to the inspiring of confidence, and establishing its emancipation on a solid and permanent basis, worthy of this precious portion of the globe. He declared, moreover, that he abstained, through delicacy, from making, on this occasion, certain other reflections of great importance, which he had communicated in his official correspondence with the supreme chief of the republic to General Marino, second in command, and to the admiral of the squadron; and being convinced of their weight and importance, the two latter gentlemen had given proofs of the respect with which they had received his communications. Referring himself to the president as to their contents, he concluded by recommending anew the imperious necessity of the measure, and called for the prompt establishment of the Government.

The admiral next addressed the assembly in the following manner:

Fellow-citizens and brothers:

Nothing has filled with greater pleasure an adopted son of Venezuela than the presence of this respectable assembly, called together by the second in command, who is vested with the powers of the first, on a subject so important to the salvation of our country; his name from this day will be immortalized, having complied with the wishes of the sovereign people of Venezuela, and fulfilled those of our sovereign chief. I felicitate you, brothers, on so wise a step, and I have the satisfaction of announcing to you, for your own, that the sacrifices which I have made to this day in the service of my country, are nothing in comparison to what I pledge myself to consecrate to it henceforward; convinced as I am that a Government, stable and energetic, by supporting our own force, will likewise induce our foreign friends to extend to us the hand of friendship, and contribute to the maintenance of our liberty and independence. They are already well disposed. They are acquainted with the integrity of my principles. They know that I have not shrunk from any fatigues or exertions in the cause of Venezuela; and, with the aid of the squadron under my command, they only wait to co-operate with your virtue, union, and wisdom, in consolidating the republic and increasing its respectability.

All the speakers were of a unanimous opinion on the subject proposed, and demonstrated, with great energy, the necessity of immediately establishing the provisional Government proposed by his excellency; applauding, at the same time, his patriotic determination, and adding, that he would do immortal honor to the republic if he would immediately consent to be installed, and that they should re-establish, as well as circumstances would admit of, the Government of the constitution. They urged, by many important arguments, the political considerations which had rendered this measure indispensable and urgent; and showed, by the most solid reasoning and conclusive references, that the measure was conformable to the unanimous voice of the people, to the upright and well-known wishes of the supreme chief, and to the interests of mankind.

The President then rose, and observed:

Approving as I do of your resolution, and believing it to be conformable to the patriotic views of the supreme chief, and to the sentiments which he has so often expressed in all his proclamations, I declare, in the presence of the Supreme Being and of the people of Venezuela, whom you represent, that the Supreme Congress of the republic is, from this moment, installed; and I resign into your hands the supreme authority, which, by the act passed at Margarita, was conferred, in the first instance, on General Simon Bolivar, and by him on me, acting in his and my own name, in virtue of the republican principles which we both profess, and which equally animate all our friends and companions in arms, who have with so much valor and glory defended the holy cause of liberty and independence. I retire, that you may freely deliberate on what may be most conducive to the safety of the state, requesting you only to hold in mind that my highest ambition is to shed my blood in combating for the independence of my country, and that I do not aspire to or desire any higher honor from the republic than to contribute, in favor of my friends and fellow-citizens, to the establishment of the blessings of liberty.

His excellency, being in the act of withdrawing from the assembly, accompanied by the admiral, intendant, and the canon Cortés, called upon the officer of the guard, and ordered him to place himself at the disposal of the Congress, the senior member of which proceeded to occupy the seat of the President, and, all the members standing, the oath prescribed by the federal constitution, according to the form therein laid down, was administered to them by the citizen and secretary Diego Bautista Urbanesa, qualified for that purpose. They then entered into a discussion on the various points relating to the object for which the assembly was called, and, after deliberating and agreeing unanimously on all of them,

The citizen President read the following act:

CITY OF SAN FELIPE DE CARIACO,

On the 8th day of the month of May, 1817.

We, the representatives of the United States of Venezuela, Francisco Xavier Mays, deputy to the Federal Congress for the State of Cumana, a member of the executive department, and President of the same (in rotation) at the time of its recess at Valencia, on the 9th of May, 1812, Francisco Xavier de Alcala, Manuel Ysaba, Diego Valenilla, Francisco de Paula Naval, Diego Antonio Alcala, Diego Bautista Urbanesa, and Manuel Maneyro,

On mature deliberation, and with a free will, formally decree: That, from this time, we resume the constitutional character and representation, in the full and absolute possession of which we have been reinstated by the distinguished General Santiago Marino, in the name of the supreme chief of the republic, the meritorious citizen Simon Bolivar, and in his own person, as second chief of the state, and, consequently, at this moment holding in his hands the reins of government; and we make known to all the people of the confederacy, and call upon the Supreme Being to witness the purity of our intentions, that, from this date, the Federal Government of the republic is reinstated in its three departments, legislative, executive, and judicial, for the requisite despatch of all business to them respectively appertaining; and we therefore appoint, for the administration of the Executive Government, citizen General Ferdinando del Toro, citizen Francisco Xavier Mays, who were heretofore members of the said department; also, citizens General Simon Bolivar, Francisco Zea, José Cortés Madariaga, and Diego Valenilla; it being understood that the three latter shall exercise the power only *ad interim*, until the honorable citizens Toro and Bolivar, now absent, shall repair to such city as may be designated for the residence of the Government. To the judicial department we appoint citizens Juan Martinez, José Espana, Gaspar Marcano, and Ramon Cadiz; the

latter for the judicial administration. And as, in consequence of the weighty and momentous considerations which have determined our most excellent fellow-citizens, now acting as chiefs *ad interim* of the republic, to divest themselves of the attributes of administration, and restore them, through the medium of the Government, reinstated by the indefatigable zeal of both for the salvation of the country, which has thus recovered its political rank, it is necessary that a new oath should be administered to the functionaries and authorities, both civil and military, of the departments that have regained their liberty, and successively of those which shall regain it; and to begin forthwith with those of this city, I name and appoint to-morrow morning at nine o'clock for them to take the said oath before us; and that proper orders to all public functionaries, absent in foreign countries, be given to present themselves, within the space of thirty days, in the city of Annunciation, the capital of the State of Margarita, which, under existing circumstances, being most conveniently situated, and of the most easy and free access, we name, for the present, the residence of the Federal Government, with the faculty of removing the same to any other capital on the continent which may appear most convenient. And if it shall be made to appear that the said public functionaries shall, without just and lawful motives, fail to comply with this summons, they shall, by that act itself, be understood as having forfeited their rights of citizenship, and, consequently, every civil and military right in the republic.

We finally implore the mercy of the Most High, in the humble hope that he will vouchsafe to protect us; and we solemnly declare, in his presence, and that of all the people of the earth, that the sole object of our unremitted endeavors is to preserve in the enjoyment of peace and liberty the virtuous remains of the great Venezuelan family, saved, by the special interposition of his adorable goodness, from the savage fury and destruction of despotism; protesting before him, that our determination is sooner to bury ourselves under the ruins of the republic, than to return to the slavery and chains we have endured for three centuries, which, after the bright example of our brethren of Colombia, we have broken forever. And be it known to all, that we, the representatives who have hereunto subscribed, are firmly resolved, and do solemnly promise and engage, by all the most sacred obligations which bind in one, both politically and morally, to seal with our blood this our patriotic resolution.

That this act, together with the requisite exposition of the motives which have produced it, be communicated to General Simon Bolivar; and that he be invited, so soon as his military duties will permit, to come and take possession of a station in which he will not fail to render the republic immortal services, and worthy of his name. That certified copies of this act be transmitted to all the chief officers of the departments, both civil and military; and that the commander-in-chief of the army, and the admiral of the squadron, be notified of the result of the proceedings of the federal assembly, that they may concur with the executive power in taking the oath, and communicating its orders, to the end that the said oath be taken both by the army and navy. That it be publicly proclaimed in this city, and all the towns of the federation, and that, by public festivals and rejoicings, the general joy be manifested on the restoration of the national sovereignty under a formal constitution, which, being tempered and modified agreeably to the lights of the age and the lessons of experience, will be the safeguard of our independence and liberty.

Whereupon the sitting closed, and they signed, namely: Francisco Xavier de Mays, President; Manuel Ysaba, Diego de Valenilla, Francisco Xavier Alcala, Diego Antonio Alcala, Francisco de Paula Naval, Manuel Maneyro, Diego Bautista Urbanesa, secretary, with the power of taking the votes.

In the city of San Felipe de Cariaco, this 9th day of May, 1817, the Federal Congress having thus re-assembled, there appeared before it the citizens, the commander-in-chief of the armies of the republic, and commander of the armed force, Santiago Marino, and Admiral Luis Brion, who, having taken the oath before the president and me, the aforesaid secretary, agreeably to the form prescribed by the federal constitution of Venezuela, recognised and acknowledged the sovereign authority vested in this body, and other authorities derived from it, promising and engaging to obey and support the federative compact expressed and set forth in the said code. In like manner, the citizen Francisco Xavier Mays withdrawing from the presidential chair, and the citizen Francisco Xavier Alcala occupying it in his place, the oath was taken in the same form by the three members who are to enter into the discharge of the executive power, namely, citizen Francisco Xavier Mays, Francisco Antonio Zea, and José Cortés Madariaga, who were thereupon invested with the functions attached to their high office (the two latter in the quality of provisional members) until the appearance of the Generals Bolivar and Toro. And the assembly having verified this act, and taken into consideration the existing circumstances, declared itself in a state of adjournment, to which the following members subscribed their signatures: Francisco Xavier de Mays, Francisco Antonio Zea, José Cortés Madariaga, Santiago Marino, Luis Brion, Francisco Xavier Alcala, Diego Valenilla, Manuel Ysaba, Diego Antonio Alcala, Francisco de Paula Naval, Manuel Maneyro, Diego Bautista Urbanesa, *(vocal secretario)* secretary authorized to take the votes.

A true copy: C. BESARES, *Acting Secretary of State.*

No. 12.

[TRANSLATION.]

General Artigas to James Monroe, President of the United States of North America.

MOST EXCELLENT SIR: HEAD-QUARTERS AT PURIFICATION, *September* 1, 1817.

I had the honor to communicate, in the first instance, with Mr. Thomas Lloyd Halsey, consul of the United States in these provinces, and I have to congratulate myself on so fortunate an incident. I have tendered to him my respects and all my services; and I will avail myself of this favorable occasion of presenting to your excellency my most cordial respect.

The various events of the revolution have hitherto deprived me of the opportunity of according this duty with my wishes. I pray your excellency to be pleased to accept them, now that I have the honor to offer them to you with the same sincerity that I strive to promote the public weal and the glory of the republic. To their support are all my efforts directed, aided by the sacrifices of thousands of my fellow-citizens. Heaven grant our wishes!

In that event I shall renew to your excellency, still more warmly, the assurance of my cordial regard, and of the high consideration with which

I have the honor to be, most excellent sir, your excellency's most obedient, respectful, and constant servant,

JOSE ARTIGAS.

No. 13.

Mr. Aguirre to the President of the United States of North America.

MOST EXCELLENT SIR: WASHINGTON, *October* 29, 1817.

Three centuries of colonial oppression by a corrupt, superstitious, and ignorant nation, whose obstinate and iniquitous policy ever has been to vilify the inhabitants of South America, *as being destined to vegetate in obscurity*

and debasement; (such are the expressions of the viceroy Albancos;) the violent system of keeping them in ignorance of all information incompatible with its principles of colonial dependence; the perverse policy of denying to the children of the mother country, and their lawful descendants on the American continent, the rights of citizens in the exercise of a practical equality; the exclusive monopoly of commerce despotically exercised, regulated by the laws solely in favor of the mother country, and maintained by force at the price of the blood of innocent victims, natives of the country; the black ingratitude with which it has conducted itself towards the capital of Buenos Ayres, after having so gallantly and energetically defended the Spanish dominion against the English army under General Beresford in 1806, and the army of 12,000 men of the same nation, commanded by General Whitelock in 1807; finally, the infamous engagement to force them against their consent, to submit to the yoke which the Emperor Napoleon (an instrument, as it were, of divine justice for the chastisement of thrones) imposed upon Spain, to avenge the bloody usurpations of the empires of Mexico and Peru, prepared these people, on the 25th of May, 1810, for their separation from the Spanish nation, already conquered by the French, not to admit the additional circumstance that the inhabitants of these provinces preserved them for the captive King Don Ferdinand VII. and his lawful successors.

On the restoration of the King of Spain to his throne, a sufficient time was afforded to give him the opportunity of correcting his counsels, stating the grievances and injuries he complained of, and finally of proposing an honorable termination of these differences. Although the deputy had not yet arrived at the court of Madrid, the King had already despatched his inexorable and bloody decrees; and the expedition under General Morillo crossed the seas to wage a war of devastation on these countries. The natural right of self-defence imposed the necessity of taking measures to repel force by force. Hostile armies were the worst means which could be employed to bring about an accommodation.

When the deputy of the court of Madrid informed this Government that the King of Spain insisted on leaving no other alternative than the most abject submission, and that he claimed these provinces as the property of his crown, (doubtless to make them victims to Spanish vengeance,) then it was that the sovereign Congress of these provinces having assembled did, in imitation of the example of their brethren and natural friends of North America, unanimously proclaim, in the city of Tucuman, on the 9th day of July, 1816, the solemn act of their civil independence of the Spanish nation, of the King of Spain, his heirs and successors, and did swear, together with the people represented by them, to support their political emancipation at the risk of their lives, fortunes, and honor.

God preserve your excellency many years.

MANUEL H. DE AGUIRRE.

No. 14.

[TRANSLATION.]

Don Manuel H. de Aguirre to the Secretary of State.

MOST EXCELLENT SIR: CITY OF WASHINGTON, *December* 16, 1817.

Having had the honor to inform you, in October last, that the United Provinces in South America had declared themselves free and independent states, and to lay before you the reasons which supported that declaration, together with the object and credentials of my mission to the Government of the United States, the respect I owe to the instructions of my constituents, and the due discharge of the trust with which they have honored me, now induce me to demand of this Government the acknowledgment of those provinces as such free and independent states.

By my previous communications, you will have perceived that this declaration was not premature, and that the provinces of Rio de la Plata abstained from making it whilst it could have been attributed to the effect of the difficulties of the mother country. They held so lofty a conception to be among the obligations which they were about to contract on placing themselves in the rank of nations; and, before they cut short the interminable catalogue of vexations and patient sufferings of which Spanish America offers so striking an example, they preferred exhausting all the means of conciliation which prudence could suggest, and proving whether their own conviction of their rights, and of the injuries they had suffered, would rise superior to their ancient habit of submission and obedience, and whether they were able to surmount the obstacles and embarrassments inseparable from their new situation. It was after repeated proofs of this kind, and after uniform results, that the Congress of those provinces declared them sovereign states, on the 9th of July, 1816.

Notwithstanding all these proofs and precautions, the respect due to foreign nations made my Government anxious farther to obtain an attitude which might inspire greater confidence before it asked of them to acknowledge her as worthy of the high rank to which she had raised herself. During the space of six years previous to their declaration of independence, the forces of these provinces had obtained signal successes on the eastern border, having captured the whole of the royal squadron which attacked them; reduced one of the strongest places in our hemisphere, after a memorable siege, and made prisoners of war the strong garrison which defended it; and if victory was not always the inseparable companion of our arms in Peru, it was often so, and enabled us to drive back the satellites of tyranny to a greater distance from our territories.

Almost eighteen months have passed since this declaration; eighteen months, during which the King's forces have had no other object in view than to rivet anew the chains which Spanish America had burst asunder and shaken off! If such an undertaking had been within the power of Spain, she never could have had a more favorable opportunity than at present, when she has had at her disposal, disengaged from any other calls of service, an army numerous and warlike, and the aids of all who interest themselves in perpetuating the monopoly and subjection of our country. It is true that Spain proceeded to fit out an expedition the most brilliant that was ever employed in the subjugation of our continent; but this expedition, although repeatedly reinforced, has scarcely been able to maintain its ground with honor in a single province; consumed as it has been by the dreadful phenomena of nature, and, above all, by a six years' war of the most sanguinary and exasperated character; while the provinces of Rio de la Plata have not only been able, during all that time, to preserve the precious treasure of their liberty, but to bestow it, without foreign aid, on their brethren of Chili, and to force the King's troops to retire towards Peru, which, having been reinforced by fresh detachments, had ventured to show themselves on our territory. It is under such circumstances, it is after having shown and proven the grounds and motives of its declaration, and the means it possesses to support it, that my Government has thought it conformable to the respect due to nations to make it known to them, and to solicit their acknowledgment of its sovereignty.

My Government, considering that of the United States as one of the first of whom it ought to solicit this acknowledgment, believed that the identity of political principles, the consideration of their inhabiting the same hemisphere, and the sympathy so natural to those who have experienced similar evils, would be so many additional

reasons in support of its anxiety. There still exist, there still preside over the councils of the nation, many of those who supported and sealed here with their blood the rights of man; their wounds, permit me to say so, are so many powerful advocates here for the Spanish Americans. The recollection that it was these States which first pointed out to us the path of glory, and the evidence that they are enjoying most fully the blessed effects of liberty, inspire me with the conviction that it is for them also to show that they know how to appreciate our efforts, and thereby animate the other provinces which, less fortunate, have not yet been able to put an end to the sanguinary struggle.

I cannot close this communication without requesting you to make known to the President the wishes of the United Provinces in South America; and, also, to represent to him their earnest desire to see firmly established, between these States and those Provinces, relations mutually beneficial, suited to Governments and people whose institutions are so analogous, and all whose interests invite them to promote and maintain a close and permanent friendship.

God preserve you many years.

MANUEL H. DE AGUIRRE.

No. 15.

[TRANSLATION.]

Don Manuel H. de Aguirre to the Secretary of State.

SIR: DECEMBER 26, 1817.

I had the honor to inform you, on the 16th of this month, that the United Provinces of South America, having declared themselves free and independent, had made a request to be considered as such by these United States; and, as you expressed a desire, in the conference with which you honored me the day before yesterday, to be more fully informed of the grounds on which those provinces formed their request, I now comply with your desire.

In my said note I particularly stated the circumspection with which my Government had proceeded, and the precautions it had taken from a sense of its own honor, and the respect due to other nations, before it required to be considered by them as a sovereign Power. You were pleased to remark on the uncertainty of establishing a new Government, and the hesitation naturally produced by such a request; and you preferred that it should be delayed, or not made until all doubt was removed of the real existence and duration of their sovereignty, and they had given a pledge to foreign nations that there existed no intention to commit them by making this request.

For more than seven years have these provinces carried on, alone, an active and successful war. The evidences of their successes have been witnessed in the capture of the royal squadron, the occupation of Montevideo, the numerous prisoners of war who fertilize our fields, the chastisement of the King's forces in Peru, and the recovery of the provinces of Chili. Meanwhile, our interior organization has been progressively improving. Our people have made an essay in the science of government, and have appointed a congress of representatives, which is engaged in promoting the general weal. A plan of military defence has been formed, in which we were before deficient, and a system of revenue organized that has hitherto been competent to provide for our numerous wants; finally, public opinion is daily gaining ground, unsupported by which the Government would have been unable to undertake the enterprises which have distinguished it.

The strength of our oppressors diminishing with the increase of our means of defence, their hopes declining of longer tyrannizing over us, a regular system of government, the decision of our citizens, a competent revenue, an organized force sufficiently strong for the defence of the country, a squadron afloat, a disposable army in Chili, and a second operating in Peru—all this must surely undeceive our enemies, even if the habit of authority should still flatter them with hopes.

Notwithstanding the professions of neutrality, on the part of the United States, towards the contending parties in Spanish America; notwithstanding the indifference, if I may say so, with which the United States have looked on a country deluged with blood by its tyrants, I would not offend you, sir, by the idea that you consider it necessary that we should offer proofs of the justice of our cause. The few of our sufferings that have come to the knowledge of foreign nations have filled them with horror and indignation; never was the human race so debased elsewhere as we have been; never did men draw their swords in a more sacred cause. But the provinces of Rio de la Plata mean not to exite the sensibility of the United States. They only call upon their justice. The contest in South America can be viewed in no other light than as a civil war; and I have proven to you, sir, the prosperous and respectable attitude of those provinces. Are they, then, to be thought worthy of being ranked among nations? Do their full enjoyment of all the rights of sovereignty for more than seven years, their successes, and present position, give them a right to become one?

The apprehension that this acknowledgment might involve the United States in a war with the chief of the adverse party could not be justly considered by my Government as a sufficient motive to prevent their soliciting it; since, however little of justice or prudence may be found in the councils of the King of Spain, even that would suffice to prove that other nations have distinct and fixed rules whereby to estimate political successes; that, practically, they acknowledge no other sovereign power than that which is so *de facto;* that they can inquire no further without interfering with the internal concerns of other nations; and that, when a nation is divided into two parties, or the bonds of the political compact between the monarch and the people happen to be otherwise broken, they both have equal rights, and owe the same obligations to neutral nations. It follows, therefore, that the contending parties in Spanish America are not subjected to different rules.

If these rules may sometimes be varied, or admit of any alteration, the exception should always be in favor of the oppressed against the oppressor. It is therefore strongly contended by many of the most celebrated civilians, "that in all revolutions produced by the tyranny of the prince, foreign nations have a right to assist an oppressed people;" a right dictated by justice and generosity. Now it cannot be supposed that the observance of justice ever gave a pretext for war to the party or nation most interested in a different conduct. Since, therefore, my Government has limited its pretensions to the acknowledgment of its real and effective sovereignty, which even our adversary himself would not call in question, it considers itself authorized to take this step, by the practice of nations, by public opinion, and the sanction of eternal justice.

In our late conference, you appeared to find an objection in the occupation of Montevideo by the Portuguese troops. But if credit is to be given to the correspondence between my Government and that of Brazil, the principal motive for this war is the ancient pretension of the King of Brazil to more extensive limits. It will probably be impossible for him to obtain them, as one of our most distinguished commanders, supported by the most ample resources, is now engaged in repelling them; and notwithstanding the double family ties which now connect that sovereign with the King of Spain, our national existence, so far from being seriously threatened by the war in that quarter, [La Banda Oriental,] is strengthened by it. You also remarked, that similar pretensions had been formed by other provinces of Spanish America now contending for their liberties. Would to Heaven that they all could

now offer to this Government the same proofs of their effective sovereignty, and equal pledges of their respective preponderating power! Humanity would then have much fewer evils to deplore, and all America would exhibit a united people, only rivalling with each other in the art of improving their civil institutions, and extending the blessings and enjoyment of social order.

When I contemplate the distinguished part the United States may take in realizing this grand enterprise, and consider how much it is in their power to hasten this happy period, only by giving an example of national justice, in acknowledging the independence of those Governments who so gloriously and by so many sacrifices have known how to obtain it, my reason persuades me that the wishes of the United Provinces cannot fail to be speedily accomplished.

I have the honor to renew to you, sir, the assurances of my highest consideration, and pray God to preserve you many years.

MANUEL H. DE AGUIRRE.

No. 16.

[TRANSLATION.]

Don Manuel H. de Aguirre to the Secretary of State.

SIR: CITY OF WASHINGTON, *December* 29, 1817.

It is painful to me to trespass on your attention with complaints; but I should be wanting both to the trust committed to me by my Government, and my duty to my country, if, after being informed of the purport and effect of the law passed on the 3d of March last, for the more effectual preservation of the neutral relations of the United States, I did not represent to you that its effects bear hard only on those who are struggling for the independence of Spanish America.

By the law and usages of nations, neutrals are forbidden, if I am not mistaken, to afford any active aid to any of the contending parties; to sanction any law granting or refusing privileges to one, which are not at the same time effectually granted or refused to the other; and, in fine, to change their commercial or other regulations, so as to improve the condition of the one, to the exclusion of the other.

If, on comparing the above-mentioned law with this doctrine, and observing that whether we look to the time of its enactment or the period of its duration, it could only be applicable to the contest now carrying on in South America, we cannot but be surprised that it tends so directly to injure those who are defending themselves against the most horrible tyranny; and not only prohibits the irregularities arising from the deficiency of measures to preserve a strict neutrality, but also prohibits or subjects to bonds, amounting to a prohibition, the exportation of arms and ammunition, or any other mercantile operation which may be considered as calculated to aid, or in any manner to co-operate in, any measure of hostility.

If you permit me, sir, to point out the effect of that law upon those provinces which, although engaged in the same cause with those of the Rio de la Plata, are, notwithstanding, under distinct Governments, I would observe that their state of defence is much inferior to that of the enemy; that some of them, perhaps, have not the means of increasing it, if the nearest neutral nation shuts their markets against them; and that the law which subjects them to the impossibility, or increases the difficulty, of augmenting their means of defence, has a direct tendency to promote their subjugation. The unequal effects of this law are still more evident, if we consider that, while it immediately deprives several of those provinces of the most essential supplies, it allows their enemies to draw supplies from hence, without which their troops could not move a step. It cannot be possible that, in refusing all manner of aid to those who are engaged in our bloody struggle, the United States should so far restrict their commerce as to prohibit the exportation of provisions.

I shall abstain from calling your attention to consequences still more injurious, resulting from such a precedent; but I cannot avoid observing that the fourth section of the law in question is evidently favorable to the King of Spain exclusively, if we attend to the time and circumstances when it passed.

I confidently rely, sir, on your laying before the President the subject of the present complaint, which nothing but the necessity of the case has compelled me to make; and also on your submitting to him, that, in our present struggle, we not only defend the rights of mankind and the best interests of civilized society, but that we are contending for the preservation of our families and for our existence.

God preserve you many years.

MANUEL H. DE AGUIRRE.

No. 17.

[TRANSLATION.]

Don Manuel H. de Aguirre to the Secretary of State.

SIR: CITY OF WASHINGTON, *January* 6, 1818.

In the last interview with which you honored me a few days ago, you were pleased to state that the act of the acknowledgment of the independence of the United Provinces in South America ought to be reduced to a formal treaty between the two independent Governments, as was practised in the case of the treaty of amity and commerce between the United States and His Most Christian Majesty, in 1778.

Not considering myself, in truth, sufficiently authorized by my Government to treat with that of the United States, in special terms, I then had the honor to explain to you that my powers did not extend so far; but, keeping in view the spirit and object of my commission, (as appear by the credentials now in your possession,) namely, "to promote as far as may be the honor and consolidation of the cause in which these provinces are now engaged;" and, it appearing evident, on the other hand, to be the intention and desire of the said sovereign congress closely to connect themselves by direct relations of mutual friendship and commerce with these United States, I have not the least hesitation to assure you that I consider myself fully authorized by my Government to enter into a negotiation with that of the United States, on the general basis of a reciprocal amity and commerce.

I have the honor to renew to you the assurances of the highest consideration, &c.

MANUEL H. DE AGUIRRE.

No. 18.

[TRANSLATION.]

Don Manuel H. de Aguirre to the Secretary of State.

SIR: WASHINGTON CITY, *January* 16, 1818.

I had the honor, in my interview with you on the 13th of this month, to state to you the light in which the invasion of one of the United Provinces, by the troops of the King of Portugal, was viewed by my Government,

thereby violating the neutrality which they had bound themselves to maintain conjointly with my Government. I likewise deemed it fit to inform you, that this act of invasion by a neutral nation, for the purpose of dismembering the integrity of the territory of Spanish America within its lawful limits, was considered by the councils of my Government as an act of hostility between the nations at variance, and that on this principle they had regulated their conduct towards the King of Portugal.

In the same conference, I had the satisfaction to represent to you that the trade and communication between the Provinces of Rio de la Plata and the United States had no other basis than a decree of the Government of those provinces, by which a free trade is granted to foreign nations, in consequence of the imperious circumstances of the mother country in the years 1808 and 1809, and by which that Government reserved the right of limiting its duration, on the termination of the urgency of the case.

In the note which I previously had the honor to address you, I considered it my duty to express the sincere and earnest desire of my Government to establish reciprocal and close relations of amity and commerce with the United States; and you will now permit me to request you, sir, that, in making the President acquainted with these loyal sentiments, you will also inform him that it is equally its desire to establish a solid and lasting friendship, in order that the consequent predilection may have its full effect on the communication and trade between both countries.

Our Lord preserve you many years.

MANUEL H. DE AGUIRRE.

15th Congress.] No. 299. [1st Session.

SPAIN AND THE SEMINOLE INDIANS.

COMMUNICATED TO CONGRESS, MARCH 25, 1818.

WASHINGTON, *March* 25, 1818.

To the Senate and House of Representatives of the United States:

I now lay before Congress all the information in the possession of the Executive respecting the war with the Seminoles, and the measures which it has been thought proper to adopt for the safety of our fellow-citizens on the frontier exposed to their ravages. The enclosed documents show that the hostilities of this tribe were unprovoked, the offspring of a spirit long cherished and often manifested towards the United States; and that, in the present instance, it was extending itself to other tribes, and daily assuming a more serious aspect. As soon as the nature and object of this combination were perceived, the major general commanding the southern division of the troops of the United States was ordered to the theatre of action, charged with the management of the war, and vested with the powers necessary to give it effect. The season of the year being unfavorable to active operations, and the recesses of the country affording shelter to these savages in case of retreat, may prevent a prompt termination of the war; but it may be fairly presumed that it will not be long before this tribe and its associates receive the punishment which they have provoked and justly merited.

As almost the whole of this tribe inhabits the country within the limits of Florida, Spain was bound, by the treaty of 1795, to restrain them from committing hostilities against the United States. We have seen with regret that her Government has altogether failed to fulfil this obligation; nor are we aware that it has made any effort to that effect. When we consider her utter inability to check, even in the slightest degree, the movements of this tribe, by her very small and incompetent force in Florida, we are not disposed to ascribe the failure to any other cause. The inability, however, of Spain to maintain her authority over the territory and Indians within her limits, and, in consequence, to fulfil the treaty, ought not to expose the United States to other and greater injuries. When the authority of Spain ceases to exist there, the United States have a right to pursue their enemy, on a principle of self-defence. In this instance, the right is more complete and obvious, because we shall perform only what Spain was bound to have performed herself. To the high obligations and privileges of this great and sacred right of self-defence will the movement of our troops be strictly confined. Orders have been given to the general in command not to enter Florida, unless it be in pursuit of the enemy, and, in that case, to respect the Spanish authority wherever it is maintained; and he will be instructed to withdraw his forces from the province as soon as he shall have reduced that tribe to order, and secure our fellow-citizens in that quarter, by satisfactory arrangements, against its unprovoked and savage hostilities in future.

JAMES MONROE.

[NOTE.—For the documents transmitted by this message, see Military Affairs, vol. 1, page 681.]

15th Congress.] No. 300. [1st Session.

SPAIN—ILLEGAL ARMAMENTS, AND OCCUPATION OF AMELIA ISLAND.

COMMUNICATED TO CONGRESS, MARCH 14, AND TO THE HOUSE OF REPRESENTATIVES, MARCH 26, 1818.

To the Senate and House of Representatives of the United States: MARCH 14, 1818.

In compliance with a resolution of the Senate of the 16th of December, and of the House of Representatives of the 24th of February last, I lay before Congress a report of the Secretary of State, and the papers referred to in it, respecting the negotiation with the Government of Spain. To explain fully the nature of the differences

between the United States and Spain, and the conduct of the parties, it has been found necessary to go back to an early epoch. The recent correspondence, with the documents accompanying it, will give a full view of the whole subject, and place the conduct of the United States, in every stage and under every circumstance, for justice, moderation, and a firm adherence to their rights, on the high and honorable ground which it has invariably sustained.

JAMES MONROE.

DEPARTMENT OF STATE, *March* 14, 1818.

The Secretary of State, to whom have been referred the resolutions of the Senate of 16th of December, and of the House of Representatives of 24th February last, has the honor of submitting to the President the correspondence between this Department and the Spanish minister residing here, since he received the last instructions of his Government to renew the negotiation, which, at the time of the last communication to Congress, was suspended by the insufficiency of his powers. These documents will show the present state of the relations between the two Governments.*

As in the remonstrance by Mr. de Onis, of the 6th of December, against the occupation by the United States of Amelia island, he refers to a previous communication from him, denouncing the expedition of Sir Gregor McGregor against that place, his note of 9th July, being the paper thus referred to, is added to the papers now transmitted. Its date, when compared with that of the occupation of Amelia by McGregor, will show that it was written ten days after that event; and the contents of his note of 6th December will show that measures had been taken by the competent authorities of the United States to arrest McGregor as soon as the unlawfulness of his proceedings within our jurisdiction had been made known to them by legal evidence, although he was beyond the reach of the process before it could be served upon his person. The tardiness of Mr. Onis's remonstrance is of itself a decisive vindication of the magistrates of the United States against any imputation of neglect to enforce the laws; for if the Spanish minister himself had no evidence of the project of McGregor, sufficient to warrant him in addressing a note upon the subject to this Department, until ten days after it had been accomplished, it cannot be supposed that officers whose authority to act commenced only at the moment of the actual violation of the laws, and who could be justified only by clear and explicit evidence of the facts in proof of such violation, should have been apprized of the necessity of their interposition, in time to make it effectual, before the person accused had departed from this country.

As in the recent discussions between Mr. Onis and this Department there is frequent reference to those of the negotiation at Aranjuez in 1805, the correspondence between the extraordinary mission of the United States at that period† and Don Pedro Cevallos, then the Minister of Foreign Affairs in Spain, will be also submitted as soon as may be, to be laid before Congress; together with the correspondence between Don Francisco Pizarro and Mr. Erving, immediately preceding the transmission of new instructions to Mr. Onis, and other correspondence of Mr. Onis with this Department, tending to complete the view of the relations between the two countries.

JOHN QUINCY ADAMS.

To the House of Representatives of the United States: MARCH 25, 1818.

I transmit to the House of Representatives, in compliance with their resolution of March the 20th, such information, not heretofore communicated, as is in the possession of the Executive, relating to the occupation of Amelia island. If any doubt had before existed of the improper conduct of the persons who authorized, and of those who were engaged in, the invasion and previous occupancy of that island, of the unfriendly spirit towards the United States with which it was commenced and prosecuted, and of its injurious effect on their highest interests, particularly by its tendency to compromit them with foreign Powers in all the unwarrantable acts of the adventurers, it is presumed that these documents would remove it. It appears by the letter of Mr. Pazos, agent of Commodore Aury, that the project of seizing the Floridas was formed and executed at a time when it was understood that Spain had resolved to cede them to the United States, and to prevent such cession from taking effect. The whole proceeding, in every stage and circumstance, was unlawful. The commission to General McGregor was granted at Philadelphia, in direct violation of a positive law; and all the measures pursued under it by him, in collecting his force and directing its movements, were equally unlawful. With the conduct of these persons I have always been unwilling to connect any of the Colonial Governments, because I never could believe that they had given their sanction either to the project in its origin, or to the measures which were pursued in the execution of it. These documents confirm the opinion which I have invariably entertained and expressed in their favor.

JAMES MONROE.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 2, 1817.

The mischiefs resulting from the toleration of the armament of privateers in the ports of this Union, and of bringing into them, with impunity, the plunder made by these privateers on the Spanish trade, for the purpose of distributing it among those merchants who have no scruple in engaging in these piracies, have risen to such a height, that I should be wanting in my duty if I omitted to call your attention again to this very important subject.

It is notorious that, although the speculative system of fitting out privateers and putting them under a foreign flag, one disavowed by all nations, for the purpose of destroying the Spanish commerce, has been more or less pursued in all the ports of the Union, it is more especially in those of New Orleans and Baltimore where the greatest violations of the respect due to a friendly nation, and, if I may say so, of that due to themselves, have been committed: whole squadrons of pirates having been [fitted] out from thence, in violation of the solemn treaty existing between the two nations, and bringing back to them the fruits of their piracies, without being yet checked in these courses, either by the reclamations I have made, those of His Majesty's consuls, or the decisive and judicious orders issued by the President for that purpose.

The American privateer "Swift," which, as I mentioned to you in my note of the day before yesterday, had captured, under the name of the "Mongore," and the flag of Buenos Ayres, the Spanish polacre "Pastora," just

* For the correspondence relating to indemnities, Florida, and limits, see No. 311, under date of February 22, 1819.
† This correspondence will be found in Foreign Relations, vol. ii. p. 613.

arrived at New Bedford, is now in Baltimore river; and her captain, James Barnes, who has so scandalously violated the laws of nations, the neutrality of this Government, and the existing treaty, has had the effrontery to make a regular entry of his vessel at the custom-house of Baltimore, declaring his cargo to consist of bales and packages containing silks, laces, velvets, and other valuable articles—all, as you may suppose, plundered from the Spaniards.

The three-masted schooner called the "Intrepid," lately arrived at New York from Montevideo, is, as His Majesty's consul there informs me, the Spanish vessel called the "Leona," captured off Cadiz by the schooner "Orb," of Baltimore, whose armament I denounced to you at the time, and communicated the positive information I had received that her object was to cruise against the subjects of the King, my master. This pirate (for that is the name by which both nations have agreed to consider a privateer of this description) was armed at Baltimore, manned by subjects of this republic, and commanded by a Portuguese called Almeyda, an American citizen.

The schooner "Leona," now at New York, under the name of the "Intrepid," and ostensibly owned by one Mifflin, at Philadelphia, had on board, when captured, thirty thousand dollars in specie, three hundred boxes of sugar, some grain, with other property belonging to Moreno, De Moro, and others, merchants at Cadiz; and had a cargo of jerked beef and other articles, belonging, as I have heard, to the merchants in Baltimore who furnished the funds for equipping the "Orb."

The consul at New Orleans informs me that the pirate Mitchell, with the vessels under his command, fitted out by different merchants at that port, of whom a Mr. Dupuy is supposed to be the principal, has lately taken several Spanish prizes to Galvezton, and that, from the proceeds of their sales, he has remitted to the said deputies one hundred and five thousand dollars, which he has deposited in the Bank of Louisiana, after deducting the shares of the captain and crew, amounting, as is supposed, altogether, to two hundred thousand dollars. The same consul adds, that two of the prizes, one from Campeachy and the other from Guatemala, were burnt, and their crews landed by that savage monster near Boquilla de Piedras, that they might be, as they actually were, put to death by his great friend Villapinto, a noted rebel ringleader, who, being pursued by the King's troops, had retreated to the seashore to make his escape. Of ninety men, composing these crews, only nine were saved.

The consul at Norfolk informs me of the arrival there of a privateer schooner from Buenos Ayres, one of several fitted out at Baltimore, and wholly owned there; that, from what he has been able to ascertain, among other vessels, she plundered a Spanish ship laden with a cargo of cochineal, indigo, and specie, to the amount of more than two hundred thousand dollars, and proceeded to Baltimore to divide the spoil among the concerned. The said consul, in the discharge of his duty, and the exercise of his rights, addressed an application to the collector of the customs, (copy of which is annexed, and also of the answer of the collector,) by which you will perceive that he declines this just reclamation. I could cite innumerable other cases, as well attested as those I have just stated, but I omit them, as their detail would fatigue you, without tending to demonstrate more effectually that they proceed from non-observance by the officers of this Government of the President's proclamation, and of the treaty of limits and navigation between the two Governments. Although His Majesty has too much confidence in the rectitude of the President to doubt that due compensation will be made for these injuries to his subjects, on the same principles as have been observed by His Majesty, on other occasions, towards the United States, yet I cannot omit requesting, in his royal name, that, in the mean while, the President may be authorized to take the most energetic measures required by the case, to put an end to these practices, and that he would be pleased to cause the vessels I have before mentioned to be confiscated, together with their cargoes, and security to be given by Mr. Dupuy for the amount of his deposite in the Bank of Louisiana, as being the proceeds of the Spanish prizes made by the pirate Mitchell; and that, as a general measure, every privateer coming into these ports under a flag not acknowledged be detained and sequestered, to be made responsible for the depredations committed by it.

I trust that the President will be the more disposed to accede to this request, as, in addition to its justice, it is strictly conformable to his friendly sentiments towards my sovereign, and the humane principles by which he is characterized.

I renew to you my respects, sir, and pray God to preserve you many years.

LUIS DE ONIS.

[Enclosure in Don Luis de Onis's letter of January 2, 1817.]

SIR: SPANISH CONSUL'S OFFICE, NORFOLK, *December* 16, 1816.

On seeing an armed vessel in this harbor, in front of the town, displaying a flag unknown to me, and, I will venture to say, unknown to the United States, and, at any rate, not recognised by them; and there being no doubt that this vessel is one of those known to be committing great depredations at sea on the Spanish trade, and frequently also on ships of all other nations, not excepting those under the merchant flag of these States, I have thought it my duty to apply to you, to request you to give me some information respecting said armed vessel, her character and nationality, and under what authority she navigates the seas as a public or private ship of war, who commands her, and how she is manned, and in what light you view her in your official capacity?

In making these inquiries of you, I hope that you will only see a desire on my part to acquire information upon a question of vast importance to the commerce of Spain, as it affects materially the safety of her merchant ships: whether or not those sea plunderers are to find an asylum in the ports of the United States, which would so greatly increase the means of carrying on their spoliations. I am confident that it is not the wish of this Government to afford any sort of protection to a set of men (for the most part foreigners to the country they pretend to serve) who avail themselves of the dissensions which unfortunately prevail between Spain and some of her colonies, to exercise their merciless rapacity upon the inoffensive merchant, not only of Spain, but in many instances of other countries; and I am too well acquainted with your own character to suppose that you would be inclined to favor them. Indeed, the intentions and good disposition of this Government towards Spain are rendered manifest in the President's proclamation of the 1st September, 1815; and it is there forbidden to American citizens to take any part in the contentions between Spain and some of her distant possessions; and it is enjoined on all officers, civil and military, under the Government, to be vigilant in searching out and bringing to punishment all such citizens as shall act contrary to the intent of said proclamation: and there being a report in town that many of those composing the crew of the vessel in question are Americans, I have thought it necessary to call your attention to this point, not doubting that you will consider it as meriting your particular examination. I will conclude by availing myself of this opportunity to assure you of the great respect with which I remain, &c.

ANTONIO ARGOTE VILLALOBOS.

CHARLES K. MALLORY, Esq.,
Collector of Norfolk and Portsmouth.

[ANSWER.]

SIR: COLLECTOR'S OFFICE, NORFOLK, *December* 16, 1816.

I have had the honor to receive your note of this morning. In respect to the vessel which is the subject of it, I deem it only necessary to remark, that she is recognised in this office in no other character than that of any other foreign vessel arriving in our waters from a foreign port; that my duty does not require of me to request her flag, so far as to make it a criterion or condition of her admission into this port; and that I shall take care, in this, as in other cases, to see that the laws of the United States and other regulations of the Government, so far as they come within the sphere of my authority, be duly observed.

I reciprocate the sentiments of respect you express for me, and am, &c.

CHARLES K. MALLORY.

Don ANTONIO ARGOTE VILLALOBOS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 15, 1817.

On the 1st instant I informed you of the arrival, at New Bedford, of the Spanish polacre "Pastora," captured by the American privateer "Swift," under the name of the "Mongore," and the flag of Buenos Ayres, commanded by a Captain Barnes, a citizen of these States. Two days afterwards I addressed to you another note, stating the arrival, in the river and port of Baltimore, of the said privateer, with the booty piratically plundered from the subjects of the King, my master; and requesting that you would be pleased to obtain of the President such orders as would most effectually insure the confiscation both of the vessel and of the privateer, that they might be made answerable for the damages justly claimed by the owners of the property. Although I am persuaded that it is the multiplicity of business that has prevented your answering my notes, yet I cannot doubt that the President will have given the orders I requested in them. Notwithstanding this, and the application made by His Majesty's consul at Baltimore, in the discharge of his duty, to the attorney for that district, (a copy of which is annexed,) I regret to announce to you that the collector and the aforesaid attorney have thought fit to allow the said pirate to depart; and that, after having ascertained that fact, the said attorney wrote a note to His Majesty's consul, (copy of which is enclosed,) inviting him to call at his house to confer with him on the subject of his note.

It is not my wish to trespass on your attention with the reflections that are naturally produced by such notorious proceedings, nor pointedly to notice the incivility of the attorney for that State towards a consul of my nation; my only object is to bring to your view what has occurred in the case of the vessel that, by submitting it to the President, he may be convinced that the injuries sustained by the King's subjects in these ports, by the violation of the existing treaty between the two nations, which has the force of a law, are daily augmenting, and that, the more they are diffused, the more difficult will it be hereafter to adjust the indemnities due to His Majesty's subjects.

I trust, sir, that you will only see in the step I now take a continued proof of my desire to restore that good understanding and sincere sense of justice between the two countries which form the basis of real harmony in every society, and that you will therefore be induced to give this subject all the attention due to its importance.

I beg leave to renew the assurances of my perfect respect, and pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 16, 1817.

I have just received information, from the King's consul at New Orleans, of the capture, within sight of the Balize of that port, and at little more than musket-shot from the land, of the Spanish schooner "Hipolita," Captain Don Buenaventura March, by the pirate "Jupiter," under the Margarita flag. To enable you fully to judge of the atrociousness of this capture, manifestly in violation of the territory of the United States, I have the honor to enclose the declaration of the captain of the said schooner, made before His Majesty's consul at the aforesaid port; by which it appears he was at anchor in the Pass of the Mississippi, and with *Pratigue*, from the Balize, on board, when he was boarded by the aforesaid pirate, and so inhumanly treated by him as to be left weltering in his blood on the deck.

It would be superfluous to affect your sensibility by a detail of the multiplied injuries and outrages incessantly sustained by His Majesty's subjects in these ports; they have already been admitted by the President in his message to Congress, recommending the adoption of such measures as in their wisdom may appear best calculated to repress them; thereby offering to the King, my master, a pledge that his excellency admits the necessity of indemnifying them as far as possible. It is, however, with great regret that I have to remark on the delay in carrying such urgent measures into execution, and that the injuries complained of have not been prevented by a due observance of the laws of nations and of the existing treaty, which, by the constitution, has the force of a law in all the courts, in consequence of its ratification by the President and the Senate.

I pray you, sir, to accept the assurances of my perfect consideration.

God preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 16, 1817.

I have just learned, with the greatest satisfaction, that the marshal of Baltimore has despatched a boat, with a picket of soldiers, in pursuit of the pirate Mongore, which has been brought back to that port, in conformity to the orders which I had flattered myself would have been issued by the President. I shall lose no time in giving an account to His Majesty of the friendly dispositions manifested by this Government; and add the hope that this evidence of it will be the forerunner of sentiments calculated to remove every shadow of misunderstanding between the two Governments.

I offer you, sir, the renewed assurances, &c., and pray God to preserve you many years.

LUIS DE ONIS.

Mr. Onis to the Secretary of State.

SIR: FEBRUARY 10, 1817.

In addition to the schooner Hipolita, which I informed you, in my note of the 16th of last month, had been captured by the pirate Jupiter, in the pass of the Balize of New Orleans, at anchor, within musket-shot of the land, I have just received official notice of the capture, by the same pirate, of the Spanish brig called "Reyna de los Angeles," proceeding from Campeachy. This vessel was also at anchor in the Balize, very near the land, and with the pilot on board to ascend the river; but no consideration was sufficient to restrain that pirate in his injustice. I am informed that Commodore Patterson, in consequence of the reclamation made by the consul of His Majesty in the said port, has depatched a vessel in pursuit of her, and there are appearances that he will succeed in rescuing the prizes, and placing them at the disposition of their owners; but you cannot but know that, if the perpetration of this crime go unpunished, as has been the case on other occasions, or if their escape be permitted, as has happened in Baltimore with the captain and crew of the pirate Mongore, neither the vassals of His Majesty will be able to obtain the evidence which might be drawn from their declarations, in order to reclaim their property, nor the crimes discovered that they may have committed, nor the number of these robbers be diminished, who so highly compromit the neutrality of the Government, robbing, indiscriminately, the vessels of all nations, confident that all the harm that can happen to them is, that they should be deprived of some of the proceeds of their piracies.

In proof of the solidity of these assertions, I ought to add that, at the time these captures took place at New Orleans, in violation of the territory of this republic, General Hubbert, the chief of a band of robbers, armed and equipped in the province of Louisiana, who had occupied Galvezton, had arrived at New Orleans to solicit provisions and munitions for that establishment. Not only have they been sent under the American flag, but the agent (Mr. de Souvinet) has bought a brig with the products of the robberies of these pirates, which are now deposited in the Bank of Louisiana, amounting to $180,000, as you will see by the annexed paragraph of the Gazette of New Orleans; and this vessel is preparing to carry more provisions and munitions to that establishment, and to take back to the United States the spoils of the Spaniards, which are not considered secure in that place.

In the port of Baltimore, the brig Peace, (Paz,) mounting sixteen guns, commanded by Captain Stafford, well known for having before commanded the privateer schooner Maria, which was confiscated in Port au Prince, has been lately bought for the purpose of cruising against the Spanish commerce. According to information which I have received, the brig called the Fourth of July has gone out of that port with the same object, commanded by Captain Watkins, and armed by order of the famous Thomas Taylor, commissioner of Buenos Ayres: finally, schooner Romp, whose outrages and piracies are of public notoriety, has again sailed for Norfolk, with the design of equipping there, to proceed again on her cruise.

I consider it my duty to make you acquainted with all these acts, which are in manifest contravention of the treaty existing between the two nations, to the end that the President, giving them the consideration which they deserve, may issue the orders that may appear to him best adapted to restrain them, until Congress determines to destroy them at the root, whereby the commerce of all nations may be secure.

I renew, &c. LUIS DE ONIS.

Mr. Onis to the Secretary of State.

SIR: WASHINGTON, *February* 11, 1817.

When I had the honor to communicate to you that, in virtue of the orders which the President had sent to the marshal at Baltimore, the pirate Mongore had been detained and embargoed in that port, I had a right to believe that the marshal, as well as the attorney of the United States, would have caused the captain and crew to be immediately arrested, to take from them the declarations which public vengeance and the interests of Spain, as well as of this Government, required, to ascertain the names of the vessels plundered by that pirate, the depository of the effects, and the fate of the Spanish crews.

You may consider what was my surprise on receiving positive information that the marshal has liberated the captain and crew of that pirate; that he has not proceeded to take from them any declaration; and has even permitted that the Mongore should go to sea again, under bond, to commit her piracies. The said vessel is yet in the river, stopped by the ice, and her captain (Barnes) very tranquil in his house, occupied in taking out of it, publicly, the effects plundered by him, which, it is calculated, exceed eighty thousand dollars in value, without any impediment being put to his proceedings by the authorities at Baltimore.

It is extremely painful to me to interrupt your attention so often, on such unpleasant subjects; but I should be wanting in my duty if I should delay to inform this Government of the manner in which the orders of the President are eluded in Baltimore, in order to heap injury upon injury on a friendly nation, and promote the revolution of its provinces. In vain will it be alleged, in order to cover this proceeding, that the laws are not sufficient to pursue, without a positive evidence, those citizens who commit hostilities against Spain. The treaty which exists between the two nations is a law of the republic; and no tribunal can decline its observance. The proofs of its infraction cannot be more manifest or decisive. The Spanish schooner captured by this same vessel, which is permitted to go out to sea, is now in a port of this Union; the effects on board of the one and the other belonging to the King's vassals. The seamen, the log-book of the respective vessels, and the captain himself, ought to give all the evidence that justice requires to decide. If these are not examined, on the equivocal pretext that they cannot be found, or that there is no evidence for proceeding against them, the consequence will be the continuation of an organized piracy for the robbery of all nations, that public vengeance will remain unsatisfied, and humanity exposed to all the horrors of such highway robbers.

I cannot do less than repeat my solicitation to the President, in the name of the King, my master, that the corsair Mongore may be secured; that the effects found on board may be deposited, as well as those which may have been already discharged from her; that the papers on board be examined, as well as the journals, crew, and captain; and that it be proposed to make all the investigations that would, under similar circumstances, be made in Spain, if a like case should occur to the United States, in order to remedy the damages and prevent their repetition.

I flatter myself that you cannot fail to find my solicitude just, and that the President will accede the more cheerfully to it, as it is agreeable to the sentiments of humanity and impartiality which characterize him, and to the desire which he has manifested to me to strengthen the bonds of friendship with my sovereign.

I renew, &c.

LUIS DE ONIS.

The Minister of Spain to the Secretary of State.

SIR: WASHINGTON, *February* 12, 1817.

After my official letters of the 10th and 11th of this month were written, I received advice from Baltimore that Captain John Chase was now there, and that it was understood that he had left the command of the privateer Potosi, (*alias* the Spartan, of Baltimore,) and likewise that there were in that city more than thirty officers and sailors who had belonged to the said privateer, and who had come there for the purpose of claiming from the said Chase their portion of the prize money from the Spanish ship "Ciencia," of which they had taken possession at sea, in the manner you will see detailed in the declarations of four of the sailors of the said privateer, copies of which are enclosed.

This, without doubt, is a case which merits all your attention, as it is proven, in the most positive manner, that a certain number of American citizens had armed and equipped a vessel in Baltimore, had gone to sea in her, and had committed an act of hostility against Spain, contrary to the laws of nations, and in violation of the fourteenth and of other articles of the treaty existing between the two nations; thus compromitting the dignity of the United States, who cannot but disapprove such conduct, and violating the rights of the King, my master.

The consul of His Majesty in Baltimore has, without loss of time, proceeded judicially against the before-mentioned John Chase, by soliciting his arrest; and at the same time is taking measures to attach, in the hands of Mr. Didier, merchant, of Baltimore, twenty odd thousand dollars, which it is known he has received from the said prize; but I see at once that all the efforts of the consul will be in vain, unless this Government interpose all their authority, by giving the proper orders for vindicating their own dignity, which has been compromitted by the atrocious conduct of these bad citizens. I do not deem it necessary to repeat to you the many observations I have had the honor to make to you, upon various occasions, on occurrences of this kind; and I therefore limit myself to asking of you to communicate this case to the President, who, I ought to expect, will take such measures as he may think best adapted to the correction of this disorder, and for doing justice to the aggrieved party.

I renew to you my respects, and pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *February* 22, 1817.

In confirmation of what I had the honor to state in my note to you of the 12th instant, I now enclose a list of the articles which Mr. Henry Didier, a merchant of Baltimore, has landed there, under the usual forms of the custom-house, from on board the American schooner "Remittance," Captain James Rogers, from Aux Cayes; they being the same which had been plundered from the Spanish ship "Ciencia" by the privateer "Potosi," Captain James Chase, by whom they were transhipped on board the said schooner, and consigned to the above-mentioned Didier.

In consideration of these proofs, I trust that you will be pleased to obtain from the President the necessary order to effect the delivery or security of this property, for the benefit of its lawful owners; and that you will have the goodness to advise me of the same for my Government.

I renew to you my respects, and pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *February* 28, 1817.

The session of Congress being within two days of closing, and the Senate not having given its assent to the bill passed by the House of Representatives for the purpose of putting a stop to the armaments making in different parts of the Union, in violation of the laws of nations and of the treaty existing between His Catholic Majesty and this republic, I have considered it my duty to represent to you the injuries resulting from this delay to Spain, and likewise to all the nations of Europe; to the end that, if the President sees fit, he may be pleased to cause this subject to be taken into serious consideration.

I renew to you my respects, and pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Acting Secretary of State.

SIR: WASHINGTON, *March* 11, 1817.

In an official letter, under date of the 11th of last month, which I had the honor to direct to the Secretary of State, I represented to this Government that, contrary to my expectation, I had just received positive information that the marshal at Baltimore had left at liberty the captain and crew of the pirate "Mongore," and had even permitted her to go to sea to renew her excesses, without having even so much as taken their declarations, which the public vengeance and the interests of both Governments demanded; I dwelt on the great injuries which would follow to my nation from the impunity and toleration which these highway robbers met with in this country; and requested that the President would give the correspondent directions for preventing this injury.

In my official letter of the 12th of the same month I took occasion again to call the attention of this Government to the same subject, though in a different case, in consequence of having received advice that Captain John Chase, who commanded the privateer "Potosi," *alias* the Spartan, of Baltimore, and more than thirty persons belonging to her crew, had arrived at Baltimore, of whom four had given very detailed declarations respecting the capture of the Spanish vessel the "Ciencia," of her halting place, and of the existence in Baltimore, in the possession of Mr. Henry Didier, [of articles] to the amount of more than $20,000; and requested that the Government would interpose its authority to give effect to the prosecution which the consul of His Majesty had set on foot against the person of Chase, and [to] the legal proceedings under which he has succeeded in attaching, in the hands of Mr. Didier, the said interests; and, under date of the 22d of same month, I enclosed a list of these effects, which were in the hands of Mr. Didier.

I have not, as yet, had the honor to receive an answer to any of the above-mentioned notes; and I have just understood that the authorities at Baltimore, contemning the evidence of the four witnesses who had presented

themselves, and the entry in the custom-house, in the name of Didier, of the effects robbed from the Spanish, have permitted the said Captain Chase to go very tranquilly to Norfolk, to enjoy the fruits of his depredations; that, with universal scandal, and notwithstanding the character of Captain Barnes, as a pirate, was established by the decision of the court of the United States in Boston, which had declared as illegitimate his prize, the Spanish schooner "Pastora," and ordered that she should be restored to her owners, he has sailed from Baltimore, with his privateer "Mongore," as soon as the ice permitted, and gone down the bay, to go to sea, to repeat his cruelties, without its having been possible for the consul of the King to get the declaration of Barnes and his people taken as to what had been the lot of the crews of the Spanish vessels which they had captured; declarations which, not only by the laws of nations, but by the more sacred law of humanity, should have been taken, considering the vehement and well-founded suspicions there were that they had assassinated all the individuals who had had the misfortune to fall into their hands.

In consideration, then, of the excesses committed against the subjects of the King, my master, and of those which, from the impunity and toleration on the part of the authorities of this country, are in a state to be repeated, with vessels purchased, armed, manned, and equipped in the ports of these States, contrary to all the laws of nations, to the express stipulations of the treaty which exists between the two countries, and to the laws of humanity itself, I cannot do less, in discharging my obligation, than to represent and reclaim, in the name of my sovereign, the damages and injuries which have resulted, and may hereafter result, to his subjects, and to protest against the authors of all of them. At the same time, I cannot omit to beg you, with earnestness, to be pleased to inform me of the measures which this Government may have taken for the purpose of having restored to the Spanish owners the effects of which they have been robbed, and also to ascertain the fate of the unfortunate crews of the Spanish vessels which have been captured and destroyed by the two pirates above mentioned, as likewise by the other two, called the Orb and the Romp, that were, in like manner, armed in Baltimore.

I hope you will have the goodness to give me the information I ask, that I may bring it to the knowledge of the King, my master.

I renew to you my respects, &c.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *March* 15, 1817.

I had the honor to receive your note of the 13th instant, in which, by order of the President, you enclose a copy of the act passed by Congress on the 3d, entitled "An act more effectually to preserve the neutral relations of the United States," by which the President trusts that my Government will perceive a new proof on the part of the United States of a desire to cultivate just and friendly dispositions towards Spain.

I cannot but be highly gratified by all those occasions on which the Government of these States manifests a disposition corresponding with that entertained by the King, my master, to maintain and strengthen the amicable relations subsisting between the two nations; and I therefore hope that the President will cause the most effectual measures to be taken to enforce an observance of this law by the officers of this Government, with greater exactness than has hitherto been paid to the existing laws, and to the express stipulations of the present treaty between the two nations.

I shall embrace the first opportunity to transmit a copy of this act to my court, for the information of my sovereign; and, with renewed assurances of my respects, I pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *March* 26, 1817.

I have just been informed that there have entered at Norfolk two pirates, under the flag of Buenos Ayres, the principal of which is called the "Independencia del Sud," armed with sixteen guns and one hundred and fifty men; her captain is the well-known pirate called Commodore Chaytor. The second is the schooner "Romp," which, to enter that port, has her name changed to that of "Altavela;" she has a crew of seventy men, and appeared to be commanded by a person called Grennolds. Both vessels were built and fitted out at Baltimore, belong to citizens of that place, and others in this republic, and their crews and captains are of the same. Their entrance into Norfolk has been public, to revictual and return to their cruise against the subjects of the King, my master; but their principal object is to place in safety the fruits of their piracies, which must be of great importance, if we attend to the information from Havana, which states that they have robbed a single Spanish vessel coming from Vera Cruz of ninety thousand dollars; and to the fact that, on the 21st of the present month, they had deposited sixty thousand dollars in the Bank of Norfolk, had landed a number of packages of cochineal, and had declared that they had taken to the amount of two hundred and ninety thousand dollars. I am informed that the person called Commodore Chaytor was about to set out for Baltimore, probably to settle accounts and divide his robberies with the persons interested in the outfit. It is a circumstance worthy of remark, that these two pirates saluted the fort at Norfolk, and that it returned the salute upon the same terms as would have been done with a vessel of war of my sovereign, or of any other nation acknowledged by all independent Powers.

It would be superfluous to take up much time in representing to you how sensible my sovereign, and likewise all maritime nations, must be, to see that their flags are treated on an equality with pirates in the territory of this Union. So obvious a reflection cannot be withheld from your knowledge and that of the President. I therefore do not doubt, that if, as I persuade myself, there has been a mistake in the honors paid to these pirates, you will be pleased to disapprove of the conduct of the commander of the fort, and give suitable orders to prevent its happening in future.

At the same time that I expect this measure from the justice of the President, I claim, in the name of the King, my master, that all steps be taken for the arrest of these pirates, whether they be at Norfolk, or that they repair, as is probable, to Baltimore, where their principal associates are; that they be proceeded against according to the act of Congress of the 3d instant, and to the stipulations of the treaty between His Majesty and this republic; that legal means be taken to ascertain all the captures made by them during their cruise, the fate of the Spanish crews that have fallen into their hands, and the places of deposite of the property taken from on board them, in order that, by attaching the same by the competent tribunals, it may be held for the disposal of the owners who may prove their property.

This request, being moreover founded in justice, is supported by the friendly sentiments of this Government towards His Catholic Majesty, by the assurances which the President has given to me of his sincere desire to put an end to a piracy which, although in opposition to the sentiments of the administration, highly compromits the dignity and character of a people distinguished for their rectitude, morality, and refined virtue. I, therefore, cannot but confidently hope that you will enable me to inform my Government of the measures which may be taken in this matter.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: MARCH 26, 1817.

The pirate Orb, fitted out at Baltimore, under the name of the "Congreso," and flag of Buenos Ayres, commanded by Joseph Almeyda, a Portuguese, and a citizen of this republic, has had the audacity to return and enter the said port, there to deposite a part of his robberies. The piratical character of this vessel is as fully acknowledged, as it is proved that she was armed and manned with people of this country and of others in the abovementioned port, and that she had made different prizes in the neighborhood of Cadiz and other points, since there now is in the port of New York the Spanish polacre, the "Leona," captured by her, whose cargo, consisting of two hundred thousand dollars, is concealed—where, it is not known; and in the same port of Baltimore, there are deposited the proceeds of the Spanish brig "Sereno" and her cargo, captured by the same vessel. No evidence can, in my judgment, be offered, which gives greater certainty to facts so notorious. If, by chance, any thing could be added thereto, it would be the acknowledgment of their atrocities. Nevertheless, I have the mortification to say, that neither this notoriety nor the reclamations of His Majesty's consul at that port have as yet been sufficient to produce those steps which are required by humanity, to secure the person of this notorious pirate, to take the declarations of the crew, and to prevent their enjoying their plunder to the prejudice of the lawful owners.

I think it my duty to bring this incident to your knowledge, and I doubt not that the President, when informed thereof by you, will take it into the serious consideration which it merits, and give the most positive orders that a suit be instituted against this pirate, that an attachment be laid on all his property and funds wheresover they may be placed throughout this republic, and that they be held at the disposal of those owners who may prove their property.

As I propose to despatch a messenger in a few days to my Government, and it will be very agreeable to me to give to His Majesty an assurance that the United States are seriously disposed to put an end to the injuries resulting to Spain from the non-observance of the treaty between the two nations, I will thank you to inform me as speedily as possible of the measures which may be taken in this case, and in that on which I address you in a separate despatch of this date.

LUIS DE ONIS.

SIR: DEPARTMENT OF STATE, *March* 28, 1817.

I have had the honor to receive your two notes, dated the 26th of this month, stating that you have been informed that two armed vessels, which have been committing unauthorized depredations upon the commerce of Spain, have recently arrived at Norfolk, and that a third, liable to the same charge, has arrived at Baltimore; thus bringing themselves within the reach of those laws against which, in the above, and in other ways, it is alleged they have offended.

Conformably to the constant desire of this Government to vindicate the authority of its laws and the faith of its treaties, I have lost no time in writing to the proper officers, both at Norfolk and Baltimore, in order that full inquiry may be made into the allegations contained in your notes, and adequate redress and punishment enforced, should it appear that the laws have been infringed by any of the acts complained of.

I use the present occasion to acknowledge also the receipt of your note of the 14th of this month, which you did me the honor to address to me, communicating information that had reached you of other and like infractions of our laws within the port of Baltimore; in relation to which I have to state, that letters were also written to the proper officers in that city, with a view to promote every fit measure of investigation and redress. Should it prove necessary, I will have the honor to address you more fully at another time upon the subjects embraced in these several notes. In the mean time, I venture to assure myself, that in the readiness with which they have thus far been attended to, you will perceive a spirit of just conciliation on the part of this Government, as well as a prompt sensibility to the rights of your sovereign.

I pray you, sir, to accept the assurances of my distinguished consideration and respect.

RICHARD RUSH.

The CHEVALIER DE ONIS.

Don Luis de Onis to the Acting Secretary of State.

SIR: WASHINGTON, *March* 29, 1817.

By your note of yesterday I am apprized that the President, on being informed, by the notes to which you have replied, of the audacity with which the pirates armed in this country introduce into it the fruits of their robberies, has been pleased to give suitable orders to the authorities at Norfolk and Baltimore that, having ascertained the facts which I have brought to his knowledge, they should duly proceed according to law against the violators of the laws of this republic. The district attorney for the United States at Baltimore has replied to the King's consul there that he has no evidence upon which he can proceed against Captain Almeyda; but if a witness should offer, who will depose to the facts referred to, he will proceed to order an embargo to be laid on his vessel. I am perfectly aware that good order, the personal security of individuals, and the prevention of any violence being committed upon them, require that suits should be instituted according to the rules of court: but when a crime is notorious to all, and is doubted by none; when the tranquillity and security of the state, the honor of the nation, and the respect that independent Powers owe to each other, are interested in putting a stop to crimes so enormous as those I have had the honor to denounce to you, it appears to me that the magistrates are authorized to collect a summary body of information, to inquire whether the public opinion is doubtful, and if there be ground to institute a suit. The collector of the customs cannot be ignorant that the three vessels which I have named to you were built and fitted out at Baltimore; that they were cleared at that custom-house as Americans; that their crews were, at their departure, composed of citizens of this Union, as were their captains; and that the effects which they

have landed can only come from Spanish countries. What stronger testimony (if more is wanted) than their own declaration can be desired, to proceed against these pirates?

The ships' papers, the declarations of the crews, the log-book, are all testimony which can throw light upon the truth or falsehood of the crime alleged, and makes it unnecessary to trouble them, until it be ascertained that there is ground for proceeding judicially against them.

It must have been known to you, sir, that when the rebel Mina armed and equipped at Baltimore for the purpose of attacking the dominions of the King, His Majesty's consul presented two declarations, sworn to by two officers, who had accompanied him, setting forth all the plans and projects of this traitor, and the manner in which he had violated the laws of the republic; that, on another occasion, the same consul presented the declarations, on oath, of four sailors of the pirate Potosi, stating the prizes they had made, the merchants to whom were addressed the effects stolen from the vassals of the King, and that, in both cases, they were considered insufficient to proceed against these highway robbers, and to afford the vassals of His Catholic Majesty that protection which they had a right to expect of a friendly Power.

At this very moment I have received advice from His Majesty's consul at Norfolk, stating that a quantity of zeroons of cochineal, indigo, and Jesuit's bark, brought in by the two privateers, the Independence of the South, Captain Chaytor, and the Altavela, *alias* Romp, Captain Grennolds, has been shipped at that port on board the packet which sailed on the 23d instant for New York, in order that, by changing place and appearing to be cleared out by other merchants, the vassals of His Majesty may be deprived of their property, and the pirates and merchants who have fitted them out become the owners of the booty. No one renders more justice to the rectitude of the President than I do, and to the sincere desire that he has to put a stop to practices so contrary to the virtue and good faith which characterize this republic; but it is that very cause which lays me under the necessity of exposing these practices, with an entire confidence that the President will only see in this communication my anxious desire to prevent any obstacles being thrown in the way of the friendly arrangement now pending between the two Powers. The treaty of limits and navigation existing between them establishes, in the most positive manner, that the two nations have agreed to consider as pirates all vessels fitted out in the two countries, respectively, manned and commanded by their respective subjects or citizens, acting in a hostile manner against one or the other of the two contracting parties under a foreign commission. The acts of Congress of the 5th of June, 1794, of the 14th of June, 1797, and the second section of that of the 30th of April, 1790, prescribe the punishment to be inflicted on these persons, and the steps to be taken on both sides to restore the property to its lawful owners.

I rely on your justice and friendly sentiments towards my Government for promoting with the President such orders as, in his wisdom and foresight, will seem to him best adapted to prevent the evasion of the laws, and the sacrifice of that portion of His Catholic Majesty's subjects who have been robbed by these pirates.

I renew, &c. LUIS DE ONIS.

Don Luis de Onis to the Acting Secretary of State.

SIR: WASHINGTON, *April* 4, 1817.

Although I have always made it a duty not to intrude on the attention of this Government by remonstrances which are not founded on incontestable facts, or at least on moral evidence, yet it appeared to me, in the conference which I had with you yesterday, that you were not satisfied with the complaints I lately addressed to you against the pirates Potosi, Mongore, Congreso, Independencia del Sud, and Altavela. I have now the honor to annex a copy of a letter from the owners of the Spanish ship Nuestra Señora de los Dolores, and of one from the consignee at Havana, by which you will be informed that the said vessel was captured near to Cadiz by the pirate Independencia del Sud, Captain James Chaytor.

I also enclose to you the declaration, on oath, of Joseph Ojeda, captain of the Spanish schooner Catalina, captured by the pirate Almeyda, commanding the Orb, *alias* the Congreso. By this declaration you will see the number of Spanish vessels he has plundered, those he has burnt, and those he has sent to other ports. I flatter myself that you will find in these documents, if not all the evidence required by the laws of the United States for the punishment of a man who has committed so many atrocious acts, at least sufficient to justify the detention, for the benefit of the lawful owners, of the property which he is endeavoring to introduce clandestinely into this country, in violation of the treaty of friendship, limits, and navigation now existing between the two Powers.

I hope, sir, that you will allow me to use the term *pirates*, in speaking of these banditti. My impression is, (and I found it upon the treaty of amity I have just referred to,) that every vessel built or fitted out within the jurisdiction of this republic, manned and commanded by citizens of the Union, which is navigated and commits hostilities under a foreign flag, is and must be deemed a pirate; that, as such, it is liable to confiscation, with all the property on board, that it may be afterwards restored to the lawful owners, although no one should present themselves to make the claim in their behalf, as would be done in the case of any known murderer, or of one against whom there existed strong suspicions of having committed a crime against society, and this for the purpose of satisfying the calls of public vengeance. I hope that you will have the goodness to inform me if I am mistaken in this conception, and, in case it should be that of the President, that you would be pleased to obtain such measures of him as, in his wisdom, he may deem most proper to prevent the vessels above mentioned, together with their captains, again putting to sea, and to afford that protection to His Majesty's subjects which they have a right to expect, from the close friendship existing between the two Governments, by laying an attachment on the property on board those vessels, that it may be delivered up when its owners are ascertained.

I renew, &c. LUIS DE ONIS.

No. 1.

SIR: HAVANA, *December* 17, 1816.

The foregoing is a copy of my last of the 4th instant, which I confirm. I am again obliged to trouble you by requesting you would be on the watch, if the ship called the Na. Sa. de los Dolores, *alias* the Primera, should put into any port of the United States; which vessel I despatched for Cadiz on the 10th of July, under the command of Captain Nicholas Larrea, with a cargo of sugar consigned to the owner, Don Juan Fsco. de Vergara, of the same place, who, under date of the 3d of September, informs me of her capture on the 27th of August, near Cape St. Vincent, by the privateer Independencia del Sud, Captain James Chaytor, and gives me authority to claim or ransom her, as you will see by a copy of his letter, enclosed. I therefore hope you will do me the favor to advise me of whatever may turn up in the affair, that the requisite orders may be promptly given.

FRANCO. DE PAULD DE MAURA.

Don THOMAS STOUGHTON.

No. 2.

SIR: CADIZ, *September* 3, 1816.

On the 27th of August last, at the distance of twenty-two leagues from Cape St. Vincent, the ship Na. Sa. de los Dolores, alias Primera, Captain Nicholas Larrea, which sailed on the 10th of July of the present year, was captured by the insurgent schooner brig of Buenos Ayres, called the Independencia del Sud, commanded by James Chaytor. On being captured, Captain Larrea endeavored to ransom his vessel and cargo, and the commander of the privateer actually agreed to estimate the sale at $50,000, including therein $5,000 for the vessel, the ransom to be paid in Cadiz. When they were on the point of drawing up the necessary writings, the brig Golondrina, from Cumana, appeared in sight, which being likewise made prize of, she was afterwards liberated to carry to Cadiz the crew of the Primera, and on that account the ransom was not carried into effect. As it appears, by information, that the privateer which captured her was fitted out in North America, and commissioned by the insurgent Government of Buenos Ayres, she will be purchased for little or nothing. I understand that she will be ordered to the Cayes of St. Louis, St. Thomas, St. Bartholomew, North America, Jamaica, or some other English port. It will, therefore, be for my interest and that of your brother, Don Pascal, &c.

JUAN FSCO. DE VERGARA.

Don F. DE P. MORENA DE MAURA.

No. 3.

BALTIMORE COUNTY, *State of Maryland, to wit:*

Be it remembered that, on the 1st day of April, 1817, personally appeared before me, Daniel Rogers, notary public for this State, Diego José Ojeda, and, being first duly sworn according to law, deposes as follows: That he was captain of a Spanish schooner called the Nueva Catalina; that he was taken in the said schooner, on the coast of Cuba, by a privateer called the Congreso de Buenos Ayres, commanded by Joseph Almeyda; that, in the night of the same day, the 9th of February last, his said schooner was taken by the Spanish brig of war Campeador, and immediately afterwards taken again by the same privateer; when, having taken out all the provisions and best part of the sails, fire was put to the said schooner Catalina, and her crew put on board an American schooner, with the exception of the captain, the second mate, the cook, and two passengers; whom Captain Almeyda said he would not liberate until the same had been done with one of his officers and five men who had been taken prisoners there; during the deponent's stay on board of Almeyda's privateer he took the schooner Ardilla from Omoa with a cargo of sarsaparilla and $2,000; which sum was taken out and the schooner burnt.

On the 19th of February he captured two brigs, the San Antonio de Padua, from Vera Cruz, for the Havana, in ballast, and having some money on board; this vessel was also burnt. The other brig, San José, from Havana to Campeachy, with a cargo of brandy, wine, and other goods, was completely plundered, and the prisoners of the Ardilla and San Antonio, with the two passengers of the Catalina, were put on board of her, keeping a man of each vessel on board of the privateer; the San José was then allowed to proceed to Campeachy.

On the 24th he captured the Paz, bound from Sisal to Havana, on board of which vessel a prize-master and eight sailors were sent, as also the mate of the Catalina. She was then despatched for Galvezton. Her crew were put on shore at about eleven leagues from the port of Sisal; and this deponent further states that Almeyda made sail for this place, where the said deponent was not allowed to land until the 28th of March last, when he was sent on shore without any of the papers of his vessel, Almeyda having taken possession of them.

In testimony whereof, the said deponent hath hereunto subscribed his name, and I, the said notary, have hereunto set my hand and affixed my notarial seal, the day and year first hereinbefore written.

DANIEL ROGERS, *Notary Public*, [L. S.]
DIEGO OJEDA.

The foregoing is a copy of the original, transmitted under this date to the district attorney for the district of Maryland.

PABLO CHACON.

Don Luis de Onis to the Acting Secretary of State.

SIR: WASHINGTON, *April* 5, 1817.

As nothing can be more flattering to me than to prove to you that all my reclamations bear the stamp of the most scrupulous exactness and truth, I have the honor to enclose the declaration, on oath, of two seamen of the Spanish brig San Antonio de Padua, captured by the pirate Almeyda, by which you will see that this pirate has not confined himself to taking and burning Spanish vessels, but has also detained and robbed an English vessel upon the high seas.

I hope that you will have the goodness to bring the said document to the knowledge of the President, as a corroboration and support to the reclamations which I have addressed to you, in order that the property plundered by that pirate, and by the Potosi, Independencia del Sud, Mongore, and Altavela, may be secured for the subjects of the King, my master, and that they may not be permitted to return to sea, to continue their depredations.

I renew my respects, &c.

LUIS DE ONIS.

BALTIMORE COUNTY, *State of Maryland, to wit:*

Be it remembered that, on the 4th day of April, in the year of our Lord 1817, personally appeared before me, a justice of the peace of said county, Lewis Falcone and Bernard Falcone, Italians, and, being first duly sworn according to law, depose as follows:

That they belonged to the crew of the Spanish schooner San Antonio de Padua, he, the said Lewis, being gunner thereof; that having sailed from St. Jago de Cuba, bound for Havana, on or about the 28th of January last, they were chased and captured the same day by a Buenos Ayres privateer, called the Congreso, commanded by one José Almeyda, who took the deponents on board his vessel, depriving them of fifty boxes of segars, four barrels and five bundles of Spanish tobacco, and a bag containing silk handkerchiefs; that, during their stay on board Almeyda's vessel, he took seven Spanish prizes, three of which he burnt; and on or about the 15th of March, near the port of Havana, he fell in with a British brig, chased her under Spanish colors, and, when sufficiently near, fired into her, hoisting at the same moment the Buenos Ayres flag. The brig, being armed, was defended by discharges of grape shot nearly the whole day, but, being boarded in the evening, was compelled to surrender: during the whole transaction the British ensign was at her main peak, and no other flag. Her crew were taken on board the Congreso, and the vessel plundered of several valuable articles of gold and silver. She was given up and

allowed to proceed. Her mate received a musket-shot through the head, of which wound it was almost impossible he could recover. And these deponents further state, that Almeyda after this proceeded to the United States, and arrived at Baltimore on or about the 28th of March last.

LEWIS FALCONE,
BERNARD FALCONE, his × mark.

Sworn to and subscribed before me, by Anthony Canno,

THO. W. GRIFFITH.

The Chevalier de Onis to the Acting Secretary of State.

SIR: WASHINGTON, *April* 18, 1817.

By the information which has been transmitted to me by His Majesty's consul at Baltimore, in relation to the legal steps taken by him for the seizure of the pirate "Congreso," Captain Almeyda, and the attachment of her cargo, it appears that the court of Baltimore county has declared its incompetency to take cognizance of this cause, on the plea that the Congress had not the power to alter the mode pointed out by the constitution, in which similar causes are heard and decided in the Supreme Court of the United States; from which decision it follows that no State judge, or justice of the peace, has power to arrest any individual for a violation of the laws of this republic. I will not permit myself [to indulge in] any reflection upon the form of law which may be laid down for cases of this nature, nor upon the powers which are, or are not, within the competency of the Legislature; but I cannot the less express to you my surprise that the States' attorney has not given the direction recommended by the laws to an affair which, in addition to the justice due to the subjects of His Catholic Majesty, so essentially interested the honor of the United States, by the violation of its statutes, its treaties, and its neutrality with foreign nations.

The result of all which is, that the pirate Almeyda is at full liberty; that his vessel, the "Congreso," is released from attachment; and that he is free to land, and place in safety, the fruits of his piracies; that, during several weeks, he has had thirty hands at work upon his vessel, sheathing her with copper, making new sails, and giving her a thorough repair; and that there is an appearance that he will profit by the first favorable wind to put to sea, and continue with greater fury his atrocities and piracies, before the suit can be instituted in the court which is now designated, if effectual measures be not taken to prevent him.

I therefore hope that you will be pleased to lay the foregoing subject before the President; and I doubt not that, animated by his desire to preserve the friendship which happily subsists between Spain and this republic, he will adopt those measures which appear to him most suitable to prevent the evasions employed to obstruct the course of justice, and burden the United States with an indemnification for injuries of such magnitude, occasioned to the subjects of the King, my master, by reason of the non-observance of the treaty which exists between the two nations.

LUIS DE ONIS.

The Chevalier de Onis to the Acting Secretary of State.

SIR: WASHINGTON, *April* 19, 1817.

Although I was persuaded that the act of Congress of the 3d of March, relative to the preservation of the neutrality of the United States, in addition to the treaty of friendship, limits, and navigation, existing between Spain and this republic, and to the act of 1797, which prescribes the mode of pursuing the violators of the laws of this republic, would exempt me from again calling your attention, by new reclamations, to the injuries which the subjects of the King, my master, incessantly experience from the privateers armed in the ports of this Union, the annexed copies of notes which His Majesty's consul at Norfolk has addressed to the States' attorney, and to the collector of the customs, and the answer which he received from the latter, will show you that nothing is sufficient to put a stop to the evil of which I have so often complained to this cabinet.

By these documents you will see, notwithstanding the proofs presented by Don Antonio Argote Villalobos, that the pirates "Independencia del Sud" and "Altavela" were both fitted out at Baltimore; that their captains, Chaytor and Grennolds, are American citizens, as well as their crews; that both the one and the other have received commissions, and cruised under a foreign flag, against the Spanish commerce; that they were then strengthening their armament and increasing their crew; and, finally, that the same collector, who acknowledges they bring no manifest *(registro)* of the articles they have on board from any authority or port, known or unknown, thereby evidently proving that they were stolen on the high seas, refused to arrest this property, unquestionably stolen, to hold it at the disposal of the owners, who might prove their claims; and to detain the vessels, which, in manifest violation of the laws of this republic, and, above all, of the act of Congress of the 3d of March, are there preparing to return to their cruise.

I shall abstain from fatiguing you further upon a subject to which I have so often claimed your attention and that of the President. I flatter myself that the transmission of the proceedings, such as they have been transmitted to me, and the elucidation afforded by the annexed copies, will be sufficient to induce the President to acknowledge the urgency of adopting measures really effectual, at once to put an end to these piracies; otherwise His Majesty will not be able to see, in a continuance of these excesses, a confirmation of the assurances which the President has given me of his desire amicably to adjust, by means of a treaty, all the differences pending between the two Governments, and to strengthen the friendly relations with His Majesty by new arrangements mutually advantageous to both states; nor the pledge which I have already given him, that if the above-mentioned act of the 3d of March did not repair the evils suffered by his subjects until that period, it would at least prevent those by which they were threatened in future.

I renew to you, &c.

LUIS DE ONIS.

No. 1.

SIR: SPANISH CONSUL'S OFFICE, NORFOLK, *April* 10, 1817.

I found it my duty, on a former occasion, to make an official application to you, in the case of the armed schooner "Potosi," Captain Chase, said to be acting under a commission from the pretended Government of Buenos Ayres, (where, by the by, she had never been,) but which had been fitted out, armed, and equipped in the port of Baltimore, to cruise against the subjects of Spain, contrary to the law of nations, and in violation of the neutrality

of the United States, their laws, and stipulations in the existing treaty between the two nations, concluded on the 27th October, 1795, and in opposition to the intentions of the Government, manifested in the President's proclamation of the 1st September, 1815, and since more fully displayed by the act of Congress passed on the 3d March ultimo, entitled "An act more effectually to maintain the neutral relations of the United States."

I do not doubt, sir, but that you participate in the indignation which every honest man feels at the lawless proceedings, the greedy rapacity, and, in many instances, horrid cruelties of this set of sea depredators, who, being for the most part citizens of the United States, are a disgrace to this country; but still, you did not think yourself authorized to interfere, though in your reply, dated the 16th of December ultimo, you expressed that you would take care in that, as in other cases, to see that the laws of the United States and other regulations of the Government are duly observed.

Impelled again by duty, and relying on the assurance (just quoted) in your said letter of the 16th of December ultimo, I do myself the honor of addressing you the present letter, to request you to interpose your authority for the purpose of detaining the armed brig "Independencia del Sud," *alias* the "Mammoth," commanded by James Chaytor, and the schooner "Altavela," *alias* the "Romp," Captain Grennolds; both which vessels have been armed and equipped in this country, in violation of the law of nations, the neutrality, laws, explicit stipulations, and professed intentions of the Government of the United States, and are commanded, and principally manned, by citizens thereof.

As these violators of all law pretend to shield their conduct under a commission from a Government the existence of which is not acknowledged by this or any other civilized country, it becomes necessary for me to call your attention to the fourteenth article of the treaty existing between Spain and this country, by which you will find that it is expressly forbidden to the citizens and subjects of either nation, respectively, to take any commission from any prince or state with which the other nation shall be at war; and such as will take such a commission are punishable as pirates. Upon the strength of this article, and in vindication of the laws and honor of the United States, I must solicit you to put a stop to the further proceedings of these freebooters, and to deter them from going on in their criminal course to the great detriment of the commerce of Spain, a nation in amity with this country, and to the annoyance of the peaceable commercial subjects of all other nations. I must further solicit you to stop these vessels, on the ground that they have in this port improved their equipment and considerably augmented their crews, by enlisting several individuals, contrary to the said act of Congress of the 3d of March ultimo; which enlistment is the more aggravating, because most of the individuals so enlisted are known to be citizens of this country. I also solicit you to stop and keep in your possession certain stolen goods, namely, cochineal and indigo, which I am told are now in the custody of the custom-house under your direction, reserving to myself to prove hereafter the true owners of this property. I must add the request to be furnished with a copy of the entry or manifest of the goods or articles of merchandise imported by, and landed at this port from, the said cruisers.

In closing this letter, I cannot forbear expressing a hope that you will give to this application all the attention which the nature of the case requires, and that you will not delay your answer, from the tenor of which I shall regulate my conduct, so as to acquit myself of that duty to my King and country imposed upon me as well by my office as by my personal feelings.

With great respect, I remain, &c.

ANTONIO ARGOTE VILLALOBOS.

CHARLES K. MALLORY, *Collector of Norfolk and Portsmouth.*

No. 2.

SIR: SPANISH CONSUL'S OFFICE, NORFOLK, *April* 10, 1817.

The enclosed is a copy of an official letter which I have addressed this day to the collector of the customs of this port.

As there is no question but that the Government of the United States are bound to punish such of their citizens as, in defiance of all law, have committed hostilities against a friendly nation, and also to arrest them in their progress when they are seen within their jurisdiction preparing to continue their nefarious course; and as it is in your province, as district attorney, to see that the laws of the Union are duly enforced, both in the punishment of crimes and in the prevention of them, I make the same application to you that I have made to the collector, requesting you, in the name of my Government and the suffering subjects of Spain, to issue such process as will deter James Chaytor and Captain Grennolds, their officers and crews, mostly American citizens, from going out of this port to renew their depredations on Spanish commerce; at the same time that I leave it to your discretion to institute any further proceedings that the nature of the offences already committed may admit of, and of which I shall furnish proofs in due time. I must also request you to secure, in behalf of the true owners of the stolen property which can be come at, namely, a parcel of cochineal and indigo, landed by these privateersmen at this port, and said to be now in the custody of the custom-house.

I hope, sir, that you will see the propriety of my applying to you in the present instance, and that you will do me the favor to answer this letter, apprizing me of the course you mean to adopt, for my information, and to enable me to give proper intelligence to my minister.

I remain, &c.

ANTONIO ARGOTE VILLALOBOS.

WILLIAM WIRT, Esq., *District Attorney of the United States, Richmond.*

No. 3.

SIR: COLLECTOR'S OFFICE, NORFOLK, *April* 11, 1817.

I had the honor to receive your note of yesterday, in relation to the two armed vessels now lying in this port, under the flag of the Government styling itself "the United Provinces of the river Plate," the one called "Independencia del Sud," and the other "Altavela." You require me to detain these vessels upon the grounds that, in violation of the law of nations, the neutrality, laws, explicit stipulations, and professed intentions of the Government of the United States, they have been armed and equipped "in this country, and are commanded and principally manned by citizens thereof;" that, under the fourteenth article of the treaty between Spain and this country, they are pirates; and that, in violation of the act of Congress of the 3d March last, "more effectually to preserve the neutral relations of the United States," "they have in this port improved their equipment, and considerably augmented their crew, by enlisting several individuals." In reply to which, I conceive it proper only to

remark, that these vessels have not been unnoticed by me, and that, in my conduct towards them, I shall endeavor, as I have done, to observe that course which my official duties appear to me to have prescribed. In pursuing which, that I may have the aid of every light to guide me which facts can afford, and the allegations thus made by you in an official form must be presumed to be bottomed on positive facts, which have come to your knowledge, you will have the goodness, I trust, to furnish me, with as little delay as possible, with the evidence of their existence in your possession.

In respect to the merchandise landed from these vessels, and deposited in the public store, which you request me to retain in my custody for proofs to be obtained by you as to the owners of it, I have to observe, that the circumstances of the case, as far as they are at present known to me, do not seem to require that I should take upon myself the responsibility; on the contrary, that these goods should be regarded as the property of those who deposited them, subject to be delivered to them, on complying with all the requisites of the laws for the protection of the public revenue.

There was no regular manifest or entry of these articles, or a copy of it should be furnished to you, according to your request; but simply a memorandum of them, and a receipt of the keeper of the public store, from which it appears that there were ninety-two bales or packages of cochineal, jalap, and varilla, consisting chiefly of the first-mentioned article.

I am, &c.

CHARLES K. MALLORY.

Don Antonio Argote Villalobos, *His Catholic Majesty's Consul, Norfolk.*

No. 4.

Sir: Spanish Consul's Office, Norfolk, *April* 12, 1817.

I have the honor to acknowledge the receipt of your letter of yesterday, in answer to mine of the day before, soliciting you to detain the privateers "Independencia del Sud" and "Altavela," on the grounds that those vessels have been originally armed and equipped in this country, and are now commanded and principally manned by citizens of the United States, and because they have in this port improved their equipment, and augmented their crews by enlistment; and further, soliciting you to retain in your possession, and not to re-deliver to those privateersmen, certain articles of stolen goods now under your custody; in reply to which you are pleased to observe, that those vessels have not been unnoticed by you, and that you shall endeavor to observe, with regard to them, that course which you think your official duties prescribe to you; requesting me, at the same time, to furnish the evidence to prove the facts that I have set forth, in order that you may have the aid of every light to guide you; and, finally, you observe that, from the circumstances of the case, you do not think you ought to take upon yourself to retain possession of the property above mentioned, of which you give a description in general terms.

With regard to the evidence you require, I will not hesitate to say that, as the facts I have stated are matter of public notoriety, known to every body, and I had no reason to suppose that you were ignorant of them, I did not deem it incumbent upon me to add any proof to the simple narration of them; and I was confident that, by going on to point out to you the stipulations and laws which are infringed in consequence of those facts, you would think yourself authorized to interfere in the manner requested.

I will assert, sir, as a known fact, that the brig, now called Independencia del Sud, is the same vessel which was formerly known under the name of the Mammoth privateer, belonging to Baltimore, armed and equipped in that port, from which she sailed under the command of the same Chaytor who still commands her; that the very same James Chaytor was necessarily then, and cannot have ceased since to be, a citizen of the United States; is settled, and has a family in Baltimore, whence his wife came down a few days ago in the packet Walter Gray, and is now in this town on a visit to her husband; that he has enlisted men in this port, many of whom are not so obscure as not to be generally known. I will mention, as an example, Mr. Young, of Portsmouth, who is now acting as first lieutenant on board the said brig. I will assert as a fact that the Altavela is the very schooner known before under the name of the Romp, the same that underwent a trial for piracy before the federal court in this State; that her present commander, Captain Grennolds, is a native of one of the neighboring towns, and very well known in this place; and, finally, that this vessel has been at one of the wharves altering her copper, which I call an improvement in her equipment.

If these public facts, falling within the knowledge of every individual, require more proof than the public notoriety of them, I must request to be informed as to the nature of that proof; and, also, whether you are not warranted to act upon just grounds of suspicion, without that positive evidence which is only necessary before a court of justice.

Respecting the property which I have solicited you to stop, as you seem not to think yourself authorized so to do, I must observe to you that, by the law in general practice in this and other countries, property in suspicious hands is frequently stopped; and I will go further, and assert that there is no doubt of the goods in question being stolen goods, or what, by way of softening the expression, are called prize goods; and all such property hitherto brought into this country by this sort of cruisers has been adjudged by the federal courts stolen property, and has been ordered to be restored to the rightful owners. I do, therefore, most solemnly lay claim to this property in behalf of the lawful owners, who, I am confident, will, at no distant period, come forward themselves to demand it; and I hereby reserve to them their rights unimpaired, to sue and recover from whomsoever they may be entitled to claim under the law of nations, and in conformity to the sixth and ninth articles of the treaty between Spain and this country, concluded on the 27th of October, 1795, and under any other law that may make in their favor.

I will now conclude by expressing a hope that, upon a thorough view of the subject, you will consider it consistent with the duties of your office to accede to my solicitation for the relief of the injured subjects of Spain, and to prevent a number of bad citizens of this country from committing further depredations on their commerce.

I remain, &c.

ANTONIO ARGOTE VILLALOBOS.

Charles K. Mallory, Esq.

No. 5.

Sir: Collector's Office, Norfolk, *April* 14, 1817.

I have had the honor to receive your letter of the 12th instant, and have bestowed upon it all the attention which the limited time allowed me would admit of.

From the view I have taken of the facts, as now stated by you, which it is to be presumed are to be regarded as specifications under the more general charges set forth in your letter of the 10th instant, I must really confess I do not at present see grounds sufficient to justify the steps you require me to take against the armed vessels now in this port, and the merchandise which has been permitted to be landed from them, and deposited in the public store.

You assert, as known facts, that the brig now called the "Independencia del Sud" is the same vessel that was formerly known under the name of the Mammoth privateer, belonging to Baltimore, armed and equipped in that port, from which she sailed under the command of the same James Chaytor who still commands her. That this very same James Chaytor was necessarily then, and cannot have ceased since to be, a citizen of the United States; is settled, and has a family in Baltimore, whence his wife came down a few days ago in the packet Walter Gray, and is now in this town on a visit to her husband. That he has enlisted men in this port, many of whom are not so obscure as not to be generally known; and you mention, as an instance, Mr. Young, of Portsmouth, who you allege is now acting as first lieutenant on board the brig. You further assert as a fact, "that the Altavela is the very same schooner which was known under the name of the Romp, the same that underwent a trial for piracy before the federal court in this State; that her commander, Captain Grennolds, is a native of one of the neighboring towns, and is very well known in this place." And, finally, that this vessel has been at one of the wharves altering her copper, which you call an improvement in her equipment.

Now, sir, supposing these facts to be what you affirm they are, matter of too great public notoriety to require any thing like demonstration; do they prove so clearly that the brig now called Independencia del Sud was originally fitted out in this country to aid the United Provinces of the river Plate in their struggle for independence? that James Chaytor, a citizen of the United States, assumed the command of her with that intention, under a commission from that Government, in the port of Baltimore? and that he *commenced his cruise* against the vessels of the subjects of His Catholic Majesty, with whom the United States are in amity, from that port? On the contrary, do they not, with equal or greater certainty, tend to show that this brig, which you acknowledge was formerly the Mammoth privateer, belonging to Baltimore, was fitted out during the late war between this country and Great Britain, to cruise against the vessels of the subjects of His Britannic Majesty; that she was then under the command of, and probably owned in whole or in part by, the said James Chaytor; that on the termination of that war, the owners of the said vessel, having a right to dispose of her wheresoever and to whomsoever they thought fit, may have sent her under the command of the said James Chaytor, from Baltimore to Buenos Ayres, where she may have been purchased by the Government of that place, and put upon their naval establishment, and that the same James Chaytor might *then* and *there* have accepted the commission appointing him to the command of her? I wish not to be understood as contending that this was the *case*, but that it is an inference which may be fairly deduced from the facts as specified by you. The log-book and other documents which I have in my possession seem, moreover, to corroborate this view of the subject. It appears from them that she is a public armed vessel, not a privateer, and *commenced her cruise* from Buenos Ayres under the orders of that Government (be it whatever you may please to term it) in May, 1816. Whether the said James Chaytor had the right, under such circumstances, to accept the commission or not; or whether, when he sailed from Baltimore, being then a citizen of the United States, he cannot have since ceased to be one, appears to me plainly and simply the question: has a citizen of the United States the right to expatriate himself, and enter the service of a foreign Power not at war with his native country? A question which it is not my province to discuss, but about which, I apprehend, there can be but little doubt in this country, whatever be the antiquated notions prevailing upon the subject in the old Governments of Europe. His having a wife in Baltimore, and her coming to see him here, does not appear to me to affect the case at all; inasmuch as nothing is more common than for foreigners to have wives here, natives of the country; an illustrious instance of which might be given.

With respect to the facts assumed by you, of the enlistment of men in this port, of which you mention Mr. Young as an evidence, suffice it to say, that from intimations I had received anterior to the date of your letter, I had determined to make the proper inquiries, and to be satisfied upon this point before those vessels are permitted to sail, and shall be governed by the result; although it does not appear altogether perfectly certain that such an augmentation of their force is interdicted by the act of Congress of the 3d of March last, which, being a law highly penal in its nature, will admit of no latitude of construction. Permit me to observe, "*en passant*," that this Mr. Young is by birth an Englishman, served several years in the British navy, several in ours, and, I suppose, has now an equal right, provided it be not done in a manner to violate the laws of the United States, to enter into the service of the Government calling itself the "United Provinces of the river Plate," or any other Government that will receive him.

With respect, also, to the vessel called the Altavela, asserted by you to be the very schooner formerly known by the name of the Romp, and tried for piracy, I proceed to remark, that this vessel furnishes a strong argument against you; for, after a full investigation of all the charges against her, supported, as I believe they were, by some of *her own crew*, she was acquitted, as well as the commander of her, Squire Fish, who had previously been an officer in the navy of the United States. The same remark will apply with equal force to her present commander, Captain Grennolds.

Upon the subject of the fact lastly stated by you, of the improvement in the equipment of this vessel at one of our wharves, I have to observe that, on the arrival here of these vessels, I had them examined, and an inventory of their armament, equipment, &c. taken; and before their departure I shall cause a re-survey to be made, with a view to ascertain whether they have undergone, in any respect, any alterations prohibited by the laws of the United States. I cannot agree with you, however, that a mere alteration of her copper, rendered necessary, perhaps, by some damages which I understand were sustained in the bottom of the vessel, can be considered as an improvement "in her equipment."

As for the merchandise which you "most solemnly lay claim to," in behalf of those whom you term the lawful owners, which you assert "there is no doubt of being stolen, or what, by way of softening the expression, are called prize goods," I can only say, that I neither officially nor individually have any claim to it whatsoever. It is only deposited in the public store for safe-keeping, to guard against injury, as in other cases, which might result to the revenue of the United States; and I see no reason, from any thing you have advanced, to change the opinion expressed in my last upon the subject. I know of no decisions, such as you speak of, in the federal courts, adjudging prize goods to be "stolen property, and ordering it to be restored to the rightful owners." If there be any such decisions, they only go to show that it is by *such authority only*, and not by any that *I possess*, that the articles in question can be detained or restored.

Having thus, sir, gone through the different topics presented by you for my consideration, I shall conclude by assuring you it did not require any thing you have pointed out to me to remind me of any duty which the circumstances of this case have rendered, or may render, it incumbent on me to perform.

I am, &c.

CHARLES K. MALLORY.

Don Antonio Argote Villalobos, *His Catholic Majesty's Consul.*

No. 6.

SIR: SPANISH CONSUL'S OFFICE, NORFOLK, *April* 15, 1817.

I have received the letter which, in answer to mine of the 12th instant, you did me the honor to address to me yesterday.

Without denying any of the facts, on the strength of which I requested your interposition to prevent two armed vessels now in this port, commanded and principally manned by citizens of the United States, from sallying forth to renew their depredations upon the commerce of Spain, you state that you do not see sufficient grounds for stopping those vessels, or the merchandise landed from them, and now in deposite in the public storehouse in this place.

I do not mean to enter, on the present occasion, into a minute discussion of the several reasons you assign for the line of conduct which you think proper to pursue in this case, because I think it sufficient for me to transmit copies of my correspondence with you to my Government, through the channel of the minister plenipotentiary of His Catholic Majesty in this country. Still, you will permit me to advert to that part of your argument, purporting that it is not so clearly proved that Chaytor's views on leaving Baltimore with the armed vessel under his command, were to cruise against the subjects of Spain under a commission from the pretended Government of the river Plate; upon which I will remark, that it is no longer necessary to form conjectures about the probable intentions of men, when facts and overt acts have already fully developed their evil purposes. Thus, whether James Chaytor, in going out of Baltimore with the armed vessels still under his command, had hostile views against the subjects of Spain, a nation in amity with this country, is sufficiently solved by the hostilities which he has already committed, and still intends to commit, in the *same vessel*, against the said subjects.

I must also be allowed to notice that part of your argument, "that, whatever may be the antiquated notions prevailing upon the subject in the old Governments of Europe, there is little doubt in this country about the question whether a citizen of the United States has a right to expatriate himself, and enter the service of a foreign Power not at war with his native country." In this you certainly appear to me to have set up a mere speculative opinion in opposition to a positive law, namely, the stipulations in the fourteenth article of the treaty with Spain, by which the United States have solemnly pledged themselves not to permit their citizens to accept commissions from any prince or state at war with Spain, for the purpose of cruising against her subjects, and to punish as pirates such of their said citizens as will act contrary to that stipulation.

With regard to the schooner Altavela, formerly the Romp, which vessel, you say, "furnishes a strong argument against me," because, although tried for piracy, she was not actually condemned, I cannot avoid remarking, that since the time when she escaped merited condemnation, and her commander and crew condign punishment, she has been out cruising with the armament and commission she took out from this country; (it is pretty well ascertained that she has never been at Buenos Ayres;) and that, in every respect, she is evidently a pirate, under the true meaning and intent of the said fourteenth article of the treaty with Spain; and that her said commander and crew are actually engaged in piratical pursuits, in which course it behooves the constituted authorities of this country to stop them when within their jurisdiction and completely in their power.

Nor can I forbear to observe, before I dismiss the subject, that the self-styled Government of the United Provinces of the river Plate will gain very little "in their struggle for independence" by commissioning such a gang of greedy freebooters, the scum of this and other countries, who, caring little for the fate of that deluded people, excite, by their voracious appetite for plunder, the indignation not only of the people of Spain, but of the honest and good of all other nations.

I will now conclude, sir, by repeating my solicitations and assertions contained in my letters of the 10th and 12th instant, and by solemnly protesting, in the name of my sovereign, against permitting a number of citizens, now within their jurisdiction, and under their control, to go out to cruise against the commerce of Spain, and to renew their hostilities against her subjects; and I do also protest against delivering back to them certain articles of merchandise, described by you in general terms in your letter of the 11th instant, which articles of merchandise are obviously taken from Spanish subjects, contrary to law, and especially contrary to the fourteenth article of said treaty with Spain, and which, from the tenor of the sixth and ninth articles of the same treaty, ought to be retained in behalf of the lawful owners.

I am, &c.

ANTONIO ARGOTE VILLALOBOS.

CHARLES K. MALLORY, Esq., *Collector of Norfolk and Portsmouth.*

No. 7.

SIR: COLLECTOR'S OFFICE, NORFOLK, *April* 15, 1817.

I have been honored with your letter of to-day, in answer to mine of yesterday, and am perfectly pleased that our correspondence has issued in a determination on your part to transmit copies of it to your Government, through its minister in this country.

I have nothing further to add on my part, but assurances of the respect with which I am, &c.

CHARLES K. MALLORY.

Don ANTONIO ARGOTE VILLALOBOS, *H. C. M. Consul, Norfolk.*

Mr. Rush to the Chevalier de Onis.

SIR: DEPARTMENT OF STATE, *April* 22, 1817

By direction of the President, I have the honor to ask whether you have received instructions from your Government to conclude a treaty for the adjustment of all differences existing between the two nations, according to the expectation stated in your note to this Department of the 21st of February. If you have, I shall be happy to meet you for that purpose. If you have not, it is deemed improper to entertain discussions of the kind invited by your late notes. This Government, well acquainted with and faithful to its obligations, and respectful to the opinion of an impartial world, will continue to pursue a course in relation to the civil war between Spain and the Spanish provinces in America, imposed by the existing laws, and prescribed by a just regard to the rights and honor of the United States.

I have the honor to be, &c.

RICHARD RUSH.

Don Luis de Onis to the Acting Secretary of State.

SIR: WASHINGTON, *April* 23, 1817.

I have received your letter of yesterday's date, in which you are pleased to inform me, by order of the President, that, if I have received the instructions which I expected, to conclude a treaty for the arrangement of all the differences pending between the two nations, you are authorized to enter into that negotiation with me; but, if not, you consider it improper to entertain discussions on the subjects treated of in my last notes.

In reply to these points, I have to inform you, with respect to the first, that (my conjectures being confirmed) my instructions have been intercepted by the pirates which infest the seas, whereby their arrival is so much delayed. I have despatched my secretary, Don Luis Noeli, in order that, by informing His Majesty of this unexpected event, he may cause them to be renewed to me. As to what relates to the second point, I refer to what I stated to you in my letter of the 21st of February, that I would entirely conform to the wishes of the President, to wait the discussion of those points until the arrival of the instructions.

In the same note you have been pleased to add, in reply to the different notes which I have addressed to you on the subject of the armament of privateers in this country for the purpose of cruising against the subjects of the King, my master, that this Government, faithful to its obligations, and respectful to the opinion of the impartial world, will continue to pursue a course, in relation to the civil war between Spain and the Spanish provinces in America, imposed by the existing laws, and prescribed by a just regard to the rights and honor of the United States.

As all my notes have been directed to this single object, and as I have, in conformity to your intimations, given correspondent orders to His Majesty's consuls to require of the tribunals the execution of those same laws, there is nothing left for me to do but to transmit to His Majesty this new assurance of the President, and to continue on my part to inform this Government of every thing which may contribute to maintain unalterable the relations of friendship which exist between the two nations, until the arrival of the instructions which I have requested, and further to strengthen them by a treaty which may put an end to all pending discussions.

I have the honor, &c.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: PHILADELPHIA, *September* 2, 1817.

The viceroy of New Spain informs me, in several despatches which I have lately received, of the frequent cases which have occurred of American vessels, both merchantmen and armed ships, which, in running along the coasts of those parts of the dominions of His Catholic Majesty, enter their bays, roads, and harbors, sometimes for the purpose of exploring the country and examining the state of things there, and at others for that of assisting the rebels with provisions, arms, and warlike stores, and of landing adventurers and other dangerous persons, whose object is to join the insurgents. The viceroy states that the American Colonel Perry had joined the traitor Mina with five hundred men; and Savary, the commandant of the mulattoes, with another body, having gone from New Orleans to incorporate their force with that of Mina and Aury at Galvezton, a place within the Spanish dominions; that American vessels are continually sailing from New Orleans with supplies of arms, ammunition, and provisions, for those banditti; that the American schooner "Saeta," from New Orleans, entered the harbor of Tampico, under the pretence of stress of weather, but, without any manner of doubt, for the purpose of examining the country; and that the privateer or pirate "Jupiter" had captured two Spanish vessels off the bar of the Mississippi, very near to several American vessels, &c. The viceroy concludes by saying, that he cannot possibly think that so many acts of hostility and violation of the laws of nations and of the existing treaty can be permitted or tolerated by the Government of the United States; and that, being desirous to contribute on his part to the maintenance of the amicable relations subsisting between this Government and that of His Catholic Majesty, he had treated the American vessels and citizens, even in the cases of hostility and violation referred to, with unexampled kindness; but that now he left it to my zeal to endeavor to obtain of this Government effectual remedies against these excesses; that, in the mean time, he had given orders to the governors, commandants, and other officers, at the most suitable places within his viceroyalty, neither to admit nor tolerate any American vessel, or of any other foreign nation, without the requisite passport and license; and that he would exercise the rigor of the laws against those who should disturb the good order and tranquillity of the King's dominions.

In consequence, therefore, of this request of the viceroy, I add this reclamation to those which I have already had the honor to address to the President, through the medium of the Department committed to you, on similar cases, and in the name of the King, my master; and I trust that, on your laying the whole before his excellency, he will cause the most effectual measures to be adopted to prevent the continuation of these excesses, and to enforce the due observance of the general principles of the laws of nations, and of the treaty which governs between Spain and the United States.

I renew, &c. LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: PHILADELPHIA, *September* 19, 1817.

A complaint having been laid before His Catholic Majesty's Government, by a part of the crew of the Spanish polacre "Santa Maria," captured on her passage from Havana to Cadiz by the pirate called the "Patriota Mexicano," commanded by José Guillermo Estefanos, manned with citizens of these States, and covered by their flag, under which he chased and brought-to the said polacre, until, having ascertained her capture, he hoisted the insurgent flag. I have received the commands of the King, my master, to request of the President, through your medium, the most decisive measures for putting an end to the abuses practised in the ports of this Union, by arming privateers to cruise against the Spanish trade; thus prostituting the flag of the United States by these predatory acts, and trampling under foot, with unparalleled audacity, national rights and the existing treaty between Spain and these States.

I, therefore, now renew those urgent reclamations which, on former occasions, I have submitted to the President, through your Department, on this important point; and I trust that the numerous instances of these abuses and horrible depredations will induce his excellency to adopt energetic measures to restrain these excesses, which so deeply compromit the neutrality of the United States in the eyes of all nations, and are wholly repugnant to the friendship and good understanding happily subsisting between them and His Catholic Majesty.

I renew, &c. LUIS DE ONIS.

The Chevalier de Onis to the Secretary of State.

PHILADELPHIA, *November* 2, 1817.

SIR:

His Majesty's consul at New York has transmitted to me a copy of his correspondence with the United States attorney for that district, whereby he requests that, in conformity with the act of Congress of the 3d of March last, he would oblige a certain armed brigantine to give security, or cause her to be seized; the said vessel having arrived at that port from Norfolk, under the flag of Venezuela, and recruited men to increase her crew, in order to proceed afterwards to Amelia island, there to join the adventurer McGregor, and to co-operate in his nefarious plans against the possessions of my sovereign and against the Spanish trade.

I have the honor to enclose a copy of the said correspondence, on the contents of which I think it entirely superfluous to make any comment; leaving it to you, sir, to decide whether the solicitude of His Catholic Majesty's consul at New York has been in conformity with the laws and the above-mentioned act of Congress, and whether the attorney for that district will rightfully have conformed thereto, by his strict observance of them, in obliging the owner or captain of the said armed brigantine to give the requisite security that he will commit no hostilities against the subjects of His Catholic Majesty, and in preventing him from proceeding freely to sea to commit new depredations.

It is very disagreeable to me to have to repeat to you, sir, what, unfortunately, I have been several times under the necessity of submitting to the President, through the medium of your predecessors, namely, that the act of Congress of the 3d of March, 1817, has in nowise lessened the abuses by which the laws are evaded, and render entirely illusory the laudable purposes for which they were enacted. From the greater part of the ports of these States there frequently sail a considerable number of vessels, with the premeditated intention of attacking the Spanish commerce, which carry their armanent concealed in the hold. It rarely happens that they can be arrested, inasmuch as the collectors of the customs say that they have not at their disposition the naval force necessary to effect it; on the other hand, armed vessels, under the flag of the insurgents, enter into the ports of the Union, and not only supply themselves with all necessaries, but also considerably increase the means they already have of destroying the trade of Spain, as has recently been the case at New York, whereby the (so called) privateers of His Majesty's revolted provinces, which are in reality nothing more than pirates, manned by the scum of all countries, enjoy greater privileges than the vessels of independent Powers.

I request you, sir, to lay particularly before the President the case which now obliges me to trouble you, in order that his excellency, being made fully acquainted therewith, may be pleased to take such measures as are within his reach to cause the provisions of the laws of this republic to be carefully fulfilled, to preserve the observance of the neutrality with other Powers, and prevent the infraction of the treaty existing between the two nations; and thus avoid not only the serious evils that the said pirates cause to the subjects of His Catholic Majesty, but the increase of the difficulties which the two Governments are endeavoring to overcome, for the purpose of establishing their relations upon a more friendly and permanent footing.

I flatter myself that you will honor me with your answer; and, reiterating my respects, &c.

LUIS DE ONIS.

No. 1.

[Enclosed in Don Luis de Onis's letter of November 2, 1817.]

SIR:

CONSULATE OF SPAIN, NEW YORK, *September* 16, 1817.

Some days ago there arrived in the port of New York an armed brig proceeding from Norfolk, which, I have been very credibly informed, is a vessel pretending to have a commission from Venezuela, but whose object, in coming to this port, was to procure an additional supply of men wherewith to commit hostilities against the subjects and possessions of the King of Spain. A few days ago I presented to the collector of the port of New York an affidavit of a man named John Reilley, stating that he had been requested to enlist on board of a vessel, which was represented to him to be the privateer schooner Lively, bound to Amelia island, to join General McGregor, to invade the territories of His Catholic Majesty.

I am now informed that the brig above mentioned is the vessel alluded to, Reilley having either been mistaken in the name, or designedly deceived by the agents of the privateer. I now enclose the affidavit of John Finegan, by which you will perceive that the officers of the above brig (whose name is the Americana Libre, commanded by Captain Barnard) are enlisting, and have enlisted, men in this port to proceed against the Spanish possessions. I have caused application to be made to the collector, who doubts the extent of his authority in interfering with this vessel. Now, as there must be provisions in the laws and treaties of the United States vesting an authority in some of its officers to prevent the equipment of vessels and the enlistment of men in the United States to proceed against a foreign nation at peace with the United States, I make this application to you, most urgently requesting you to take whatever measures may be necessary immediately, in order to prevent the departure of the above vessel, at least until she shall give bonds that she will not commit hostilities against Spanish subjects. The vessel, it is said, will sail to-morrow morning.

Indeed, if an inquiry were instituted, I am induced to believe that the above brig would be found to be a pirate.

I have the honor, &c.

THOMAS STOUGHTON.

J. FISK, Esq., *District Attorney General of the United States.*

Copy: LUIS DE ONIS.

No. 2.

[Enclosed in Don Luis de Onis's letter of 2d November, 1817.]

STATE OF NEW YORK, *ss:*

John Finegan, at present in the city of New York, being duly sworn, saith: That he was requested by a man, who is represented to be the commissary of the vessel next mentioned, to go out in the patriot brig now lying at the quarantine ground; that the destination of the said vessel is to fight against the Spaniards; that the deponent was told, that, on his arrival in the Spanish possessions, he was to join the land service of the patriots; that deponent knows of five persons who have been engaged in like manner, who are about to proceed on board said brig; that

deponent was told, that, as soon as he gets on board, he will receive his advance; that officers are at present employed in the city of New York, in looking out for men, and endeavoring to enlist them to proceed in the said vessel.

JOHN FINEGAN, his × mark.

Sworn this 16th day of September, 1817, before me,

SAMUEL B. ROMAINE.

Es copia: THOMAS STOUGHTON.
Es copia: LUIS DE ONIS.

No. 3.

[Enclosed in Don Luis de Onis's letter of 2d November, 1817.]

SIR: CONSULATE OF SPAIN, NEW YORK, *September* 17, 1817.

I enclose the deposition of John Reilley, relating to the privateer brig, about which I yesterday had the honor to address you. You will perceive, by the affidavit, that officers belonging to that brig are openly employed in this city in recruiting and enlisting men to join with General McGregor, and invade the possessions of the King of Spain.

I need not remind you that, by the existing laws of the United States, these enlistments are unlawful, and that not only the vessel on board of which they are to embark is liable to seizure and forfeiture, but that the captain and the officers thereof, who are engaged in this business, are liable to a heavy fine and imprisonment. As these are flagrant violations of the laws of the United States, and calculated to produce serious injury to the property and to the possessions of His Majesty's subjects, I flatter myself that you will take, without delay, such steps as may be necessary to put a stop to these proceedings.

I have the honor, &c.

THOMAS STOUGHTON.

J. FISK, Esq., *District Attorney General of the United States.*

Copy: LUIS DE ONIS.

No. 4.

[Enclosed in Don Luis de Onis's letter of 2d November, 1817.]

STATE OF NEW YORK, *City of New York, ss:*

John Reilley, at present of the city of New York, mariner, being duly sworn, saith: That some days ago, deponent was requested to embark on board of a vessel which was said to be lying at the Narrows, in the bay of New York, for the purpose of going to join General McGregor, and to fight against the Spaniards; that, after he arrived at Amelia island, he might either join the land service or the naval service; that deponent would be paid as soon as he got on board; that several persons were engaged in looking out for recruits to proceed upon the same service, and many men were spoken to for the purpose. Deponent was then informed that the vessel was the privateer schooner "Lively," but has since learned that it was a mistake, and that the vessel in question is the patriot brig "Americano Libre," Captain Barnard, which is lying at quarantine ground, and is armed with several large guns, and many men; that several persons, who are officers, captains, lieutenants, and so forth, are at present employed in recruiting men to join that service, and proceed in the said brig to Amelia; that many hands have already been bespoken, and are now waiting for money, which has been promised to them; that the offers made to them are to give them eight dollars a month, and clothing, together with ten or twelve dollars advance. Deponent supposes that the officers above mentioned were in treaty with about twenty persons, who were to go on board as soon as their advance was paid to them, and which the said officers told them would be during the course of the day; among the officers there is one who is called a general. That the above men were told, in deponent's presence, by the officers who were enlisting them, that they were principally wanted to join the land service against the royalists. And further the deponent saith not.

JOHN REILLEY.

Sworn this 16th day of September, 1817, before me, FRANCIS R. TILLON, *Notary Public.*

Es copia: THOMAS STOUGHTON.
Es copia: LUIS DE ONIS.

No. 5.

[Enclosed in Don Luis de Onis's letter of 2d November, 1817.]

SIR: NEW YORK, *September* 17, 1817.

I have duly received your notes of yesterday evening and of this day, and have referred to the statutes providing for the punishment of the offences stated. It is not a case, from the evidence mentioned, that would justify the collector in detaining the vessel; the aggression is to be punished in the ordinary mode of prosecuting those who are guilty of misdemeanors. Oath is to be made of the facts by the complainant, who enters into a recognizance to appear and prosecute the offenders, before any process can issue. This oath being made, and recognizance taken, the judge of the circuit court will issue a warrant to apprehend the accused, and bring them before him, to be further dealt with according to law. When apprehended, it is the province of the attorney of the United States to conduct the prosecution to judgment. I have no authority to administer an oath, or to issue a warrant, nor have I the power to issue any process to arrest and detain the vessel in question, unless by the direction of an executive officer of the United States. By the reference you have furnished, the parties complained of are to be prosecuted either under the fourth section of the act of Congress passed on the 3d March, 1817, or under the second section of the act passed 5th June, 1794. By adverting to these statutes, it will be seen that the vessel is not liable to seizure for the act of any person enlisting himself to go on board, or for hiring or retaining another person to enlist. The punishment is personal to the offenders; and those who disclose the fact, on oath, within thirty days after enlisting, are protected from prosecution. The offenders are to be arrested and prosecuted in the manner I have stated. I beg

you to be assured, sir, that it is not from a disposition either to shrink from the performance of my duty, or to decline interfering to defeat any illegal enterprise against the subjects or possessions of a Power with whom the United States are at peace, that I have stated to you the embarrassments I must encounter in attempting a compliance with your request upon any information with which I am furnished. If it is in your power to procure the names of the parties, and the evidence upon which a prosecution for a misdemeanor can be founded, I will readily co-operate with the proper authorities in having every offender arrested and brought to justice. It is impracticable for me, or any other officer of the United States, to take any legal measures against aggressors upon the indefinite statement of certain persons being concerned in an illegal transaction. Since the receipt of your notes, I have had an interview with the collector, and we are unable to discover any other legal course of proceeding in this case than that adopted in the ordinary cases of misdemeanor.

I have the honor to be, &c.

JONATHAN FISK.

THOMAS STOUGHTON, Esq.

Es copia: THOS. STOUGHTON.
Copy: LUIS DE ONIS.

No. 6.

[Enclosed in Don Luis de Onis's letter of 2d November, 1817.]

SIR: CONSULATE OF SPAIN, NEW YORK, *September* 19, 1817.

I have the honor to acknowledge having received yesterday your letter dated the 17th instant, in reply to mine of the 16th and 17th, wherein you mention that the case whereof I informed you in those communications was not one which would justify the collector in detaining the vessel; that the aggression is to be punished in the ordinary mode of prosecuting those who are guilty of misdemeanors; that oath is to be made of the facts by the complainant, who enters into a recognizance to appear and prosecute the offenders before any process can issue; that this oath being made, and recognizance taken, the judge of the circuit court will issue a warrant to apprehend the accused and bring them before him, to be further dealt with according to law; and that, when apprehended, it is the province of the attorney of the United States to conduct the prosecution to judgment; that you have no authority to administer an oath or to issue a warrant, nor have you the power to issue any process to arrest and detain the vessel in question, unless by the direction of an executive officer of the United States.

In reply, permit me to request that you will take this subject again into your serious reflection. I do not urge it for the present occasion, because, even though you should upon consideration adopt a different opinion from that which you have communicated to me, it is now too late, since the vessel in question sailed from this port this morning. But, sir, can it be possible that the doctrine can be correct which you lay down in your letter, and which forms your reason for declining to proceed against the persons who were enlisting men in this city, with the open and avowed design of taking them in a privateer under the Venezuela flag to join with McGregor, and commit hostilities against the Spanish possessions? I furnished you with the affidavits of two persons stating the fact, and you will excuse me in saying that I cannot think the laws of the United States render it incumbent upon me to present myself before a judge of the circuit court, and enter into bonds to appear and prosecute the offenders. On the contrary, sir, the thirty-fifth section of the judiciary act imposes upon the attorney of the United States for each district the duty of prosecuting all delinquents for crimes and offences cognizable under the authority of the United States. I conceive, therefore, that as soon as the attorney of the United States receives information of the infraction of the laws, it becomes his duty to take such measures as may be necessary to bring the offenders to justice; he is the person who must take the witnesses before a judge or magistrate; he must become the informer; he must prosecute; that is, he must take, or cause to be taken, the steps which are necessary to arrest the offenders and bring them to punishment. I am the more confirmed in this belief, because the thirty-third section of the judiciary act directs that offenders may be imprisoned by a judge or magistrate, at the expense of the United States, and leaves it discretionary to the witnesses to appear and testify. That act does not require that the informer should enter into bonds to appear and prosecute. The offence of which I have complained is of a most serious nature. The United States should not afford means to one nation at peace with them to annoy and invade another nation also at peace with them. And it becomes the duty of all the officers of the United States, as they value the reputation and the interest of their country, to discharge with alacrity and zeal those duties assigned to them, which can preserve the neutrality of their country, and prevent its becoming the centre of reunion for the enemies of Spain, and to prevent their own citizens joining in measures of hostility and aggression. It is a matter of notoriety that the insurgent Governments of South America all have their agents in this country; that swarms of privateers are fitted out, armed, and equipped for war in the United States; and all the injuries and desolation committed by them upon the Spanish commerce emanate from the facilities which they find in the United States to prepare for themselves these outrages. And, sir, Congress having passed laws rendering these acts illegal, I cannot admit that individuals must undertake the task of informing against and prosecuting the offenders. These offences are against the dignity of the country; they affect the community at large. I cannot, therefore, bring myself to believe that it is the province of individuals to bind themselves to prosecute offenders, any more than I can think that it is the duty of an individual who gives information that a murder has been committed to enter into bonds to prosecute the murderer. No, sir; the laws must have confided this odious but necessary task to its public officers; they must see that offenders are brought to punishment; and, sir, I do further consider that this duty has by law been devolved upon you. Regretting, therefore, that this expedition has been permitted to proceed unmolested, notwithstanding the information which I communicated to you, you will excuse me if, on all future occasions of a similar nature, I should renew my application to you to prevent a new aggression.

I beg you to be assured, &c.

THOMAS STOUGHTON.

J. FISK, Esq., *District Attorney General of the United States.*

Es copia: LUIS DE ONIS.

The Chevalier de Onis to the Secretary of State.

SIR: PHILADELPHIA, *November* 2, 1817.

I have just received a statement, dated the 14th of July, addressed to me by the directors of the Royal Philippine Company at Madrid, informing me of the unfortunate fate of two ships belonging to the said company, the one named "Nuestra Señora del Buen Suceso," alias "La Esperanza," and the other "El Triton," captured,

the first on the 8th of June last, the day on which she sailed from Cadiz for Calcutta and Manilla, by the pretended insurgent privateers "La Independencia del Sud," commanded by James Chaytor, of 18 guns and one traversing 42-pounder; and the Mangore, under the orders of the same Chaytor, of 14 guns and one traversing 36-pounder; and the ship "Triton," from Calcutta and the coast of Coromandel, which was captured off the Cape de Verd islands, after a gallant defence of two hours and a half, in which she lost twenty killed, and sprung her foremast, by a privateer (of the same description as the two above mentioned) called the Regent, *alias* Trepacamara, commanded by one Manson, who, when seventeen days out from Baltimore, fell in with the "Triton," and conducted her as a prize to Buenos Ayres, where she arrived on the 2d of April last, according to the advices received by the underwriters at Lloyd's from their agent at Buenos Ayres.

The directors of the Royal Philippine Company, in giving me an account of these distressing events, inform me that they have understood, by the advices which I have given to the principal Secretary of State of the King, my master, that Captain James Chaytor, of the piratical vessel "La Independencia del Sud," kept depending a demand made at the instance of the Spanish consul at Norfolk, relative to the safe-keeping of certain Spanish property deposited in the custom-house of that port by the above-named pirate, and one called the "Altavela;" whence it is incontestably proven that the armament of "La Independencia del Sud" is made in the ports of these States, and that the captain, officers, and the greater part of her crew, are likewise subjects of the same States. From presumptive causes and circumstances, they suppose that the other privateer may be the "Regent," *alias* "Trepacamara," Captain Manson, which vessel sailed from Baltimore seventeen days previous to his capturing the "Triton."

I have repeatedly found myself under the painful necessity of representing to the President, through the medium of your predecessors, that the fourteenth article of the treaty between His Catholic Majesty and the United States establishes the most positive right of reclamation on the Government and those citizens who have taken or do take part in the numerous armaments of privateers which have taken place in the ports of this republic, under cover of the pretended commissions so profusely circulated by the insurgents of the revolted provinces of the King, my master, to attack openly and in a barefaced manner the subjects and commerce of Spain; and that the same article declares those to be pirates who engage in these horrid cruises, and consequently obliges the contracting parties to punish them as such, as a just atonement for their offences. On the 2d and 15th of January, and on the 29th of March last, I officially addressed your immediate predecessor, and remonstrated against the robberies and outrages committed by various privateers, and, among others, by those called "Independencia del Sud" and "Mangore," the captains of which, James Chaytor and Barnes, are citizens of these States. In the note transmitted to the Secretary on the 4th of March, [14th March,] I found myself under the necessity, in consideration of the excesses committed against the subjects of the King, my master, and of those which, through the impunity and toleration of some of the authorities of this country, were about to be repeated by vessels bought, armed, manned, and equipped in the ports of this republic, in violation of the laws of nations, of the express stipulations of an existing treaty, and of the rights of humanity; and in discharge of my duty, I was laid under the necessity, I say, of representing and remonstrating, in the name of my sovereign, on the subject of the injuries and losses which had already resulted, and might further result, to his subjects; and, at the same time, of protesting against the authors of the same. The capture of the ship "Esperanza" has been one of the fatal consequences of allowing the privateer "Independencia del Sud" to proceed freely to sea from Norfolk, after His Catholic Majesty's consul, Don Antonio Argote Villalobos, had made proof of the illegal conduct and atrocious acts of her captain, James Chaytor; and that of the ship "Triton" proceeds likewise from toleration granted in this country of arming and equipping against the trade of Spain; under which supposition, I cannot refrain from stating to you, in order that you may be pleased to communicate the same to the President, that the aforesaid Royal Company of the Philippines have an incontestable right to claim of this republic full compensation for the value of the said ships and cargoes, by reason of the armament of the privateers which captured them having been made in its ports.

I have the honor to enclose, for the suitable purposes, a note of the articles shipped on board the "Esperanza," at Calcutta and Manilla, for the account of the Royal Philippine Company, and of the return cargo of the "Triton," from Bengal and the coast of Coromandel to Cadiz; which sums united, amount, according to the invoice, to that of seven hundred and one thousand nine hundred and eighty dollars; to which is to be added an interest of fifteen per cent. on the disbursement of the amount of the cargo of the "Triton," for the period of one year and a half, and of six per cent. in Europe on the cargo of the "Esperanza."

I hope you will take into consideration the contents of this note, and be pleased to call the attention of the President to the interesting subject treated of in it, that His Catholic Majesty may adopt such measures as his wisdom may dictate to him, for the purpose of collecting, as far as it may be possible, any parts of the two prizes above named, for the benefit of their owners, and at the same time giving orders to the competent authorities in the ports of this republic to discover such effects as may arrive, making part of the same.

I therefore hope this from your established zeal, and the well-known rectitude of the President, deferring to my return to the seat of Government the verbal communication of a plan which I have meditated, from a desire to settle amicably an affair of such importance.

I avail myself, &c.

LUIS DE ONIS.

15th Congress.] **No. 301.** [1st Session.

GREAT BRITAIN—NAVAL ARMAMENT ON THE LAKES.

COMMUNICATED TO THE SENATE, APRIL 6, 1818.

To the Senate of the United States: APRIL 6, 1818.

An arrangement having been made and concluded between this Government and that of Great Britain, with respect to the naval armament of the two Governments, respectively, on the lakes, I lay before the Senate a copy of the correspondence upon that subject, including the stipulations mutually agreed upon by the two parties. I submit it to the consideration of the Senate whether this is such an arrangement as the Executive is competent to enter into by the powers vested in it by the constitution, or is such a one as requires the advice and consent of the Senate, and, in the latter case, for their advice and consent, should it be approved.

JAMES MONROE.

Mr. Bagot, Envoy Extraordinary and Minister Plenipotentiary, to Mr. Monroe, Secretary of State.

WASHINGTON, *July* 26, 1816.

SIR:

Mr. Adams having intimated to His Majesty's Government that it was the wish of the Government of the United States that some understanding should be had, or agreement entered into, between the two countries, in regard to their naval armaments upon the lakes, which, while it tended to diminish the expenses of each country, might diminish also the chances of collision, and prevent any feelings of jealousy, I have the honor to acquaint you that I have received Lord Castlereagh's instructions to assure you that His Royal Highness the Prince Regent will cheerfully adopt, in the spirit of Mr. Adams's suggestion, any reasonable system which may contribute to the attainment of objects so desirable to both states.

Mr. Adams not having entered into any detailed explanation of the precise views of his Government for giving effect to the principle which he had offered for consideration, the British Government is unacquainted with the particular arrangements which the Government of the United States would propose to make for this purpose; but I have been instructed to assure you of the general disposition of His Royal Highness the Prince Regent to listen with satisfaction to any proposal which may secure such ends, and of his readiness to act in a spirit of the most entire confidence upon the principle which has been suggested by Mr. Adams.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES BAGOT.

The Hon. JAMES MONROE, *&c.*

Mr. Monroe to Mr. Bagot.

SIR:

DEPARTMENT OF STATE, *August* 2, 1816.

I have had the honor to receive your letter of the 26th of July, by which you inform me that Mr. Adams had intimated to your Government the desire of the President to arrange, by compact, the naval force which should be retained on the lakes by both nations, with a view to lessen equally the expense of each, and likewise to guard against collision, but that he had not explained in sufficient detail the proposal which he had been authorized to make, to lead, at that time, to any practical result. You assure me that His Royal Highness the Prince Regent is well disposed to the object, and that, in concert with this Government, he is willing to adopt such measures as may be deemed expedient to give it effect.

The President, being satisfied that, if each nation should maintain on the lakes a large naval force, it would expose both to considerable and useless expense, while it would multiply the risks of collision between them, instructed Mr. Adams, shortly after the peace, to make the proposals which you mention, in the hope, from the amicable spirit in which it was conceived, and the advantage which it was believed both parties would derive from it, that it might be carried into immediate effect. It is very satisfactory to the President to find that your Government approves the principle on which the proposal is founded, and that His Royal Highness the Prince Regent is willing to act on it.

I infer from your letter that you are desirous of obtaining a precise project, either for the purpose of acting on it here immediately, in conformity with the powers already given you, or of transmitting it to your Government for its consideration. Whether it be for the one or the other purpose, I am instructed to afford all the facility that I may be able; though it would, undoubtedly, be more agreeable to the President that the arrangement should be made and executed with the least delay possible.

I have the honor now to state that the President is willing, in the spirit of the peace which so happily exists between the two nations, and until the proposed arrangement shall be cancelled, in the manner hereinafter suggested, to confine the naval force to be maintained on the lakes, on each side, to the following vessels: that is, on Lake Ontario, to one vessel not exceeding one hundred tons burden, and one eighteen-pound cannon; and on the upper lakes, to two vessels of like burden and force; and on the waters of Lake Champlain, to one vessel not exceeding the like burden and force; and that all other armed vessels on those lakes shall be forthwith dismantled; and, likewise, that neither party shall build or arm any other vessel on the shores of those lakes.

That the naval force thus retained by each party on the lakes shall be restricted in its duty to the protection of its revenue laws, the transportation of troops and goods, and to such other services as will in no respect interfere with the armed vessels of the other party.

That should either of the parties be of opinion, hereafter, that this arrangement did not accomplish the object intended by it, and be desirous of annulling it, and give notice thereof, it shall be void and of no effect after the expiration of ——— months from the date of such notice.

If this project corresponds with the views of your Government, and you are authorized to accede to it, under any modifications which you may propose, and in which we can agree, I am instructed to give it immediate effect, either by convention, the interchange of notes, or in any form which may be thought best adapted to the ends proposed. If, on the other hand, you consider it your duty to submit this project to your Government for consideration, and to wait its sanction before you can adopt it, and have power to make, *ad interim*, any provisional reciprocal arrangement, having the same objects in view, I shall be happy to digest with you such provisional arrangement, and to carry it reciprocally into effect, for such time, and in such manner, as may be agreed on; or, should your powers be adequate, I am ready to concur in an immediate suspension of any further construction or equipment of armed vessels for any of the waters above named.

I have the honor to be, &c.

JAMES MONROE.

The Right Hon. CHARLES BAGOT, *&c.*

Mr. Bagot to Mr. Monroe.

SIR:

WASHINGTON, *August* 6, 1816.

I have had the honor to receive your letter of the 2d instant, containing the project of an arrangement into which it is proposed that our respective Governments should enter, for the purpose of giving effect to the principle upon which I had the honor to acquaint you, in my letter of the 26th ultimo, that His Royal Highness the Prince Regent was willing to act in respect to the naval armaments upon the lakes.

The general coincidence of sentiment which exists between our Governments, in regard to entering into some arrangement upon this subject, gives reason to hope that the several parts of it will become matter of easy adjustment; but as, in the consideration of any precise proposition to this effect, reference must necessarily be had to

various points connected with the internal administration of His Majesty's provinces, and to the naval assistance which the ordinary business of a peace establishment may require, I am not authorized to conclude, definitively, any agreement as to details, without previously submitting it to my Government.

I shall, therefore, immediately forward for consideration the proposal contained in your letter; but I shall, in the mean time, willingly take upon myself to give effect to any arrangement upon which we may mutually agree, for the purpose of suspending the further construction and equipment of armed vessels upon the lakes, and of generally abstaining from exertion in those quarters.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES BAGOT.

Hon. JAMES MONROE, *&c.*

Mr. Monroe to Mr. Bagot.

SIR: DEPARTMENT OF STATE, *August* 12, 1816.

I have had the honor to receive your letter of the 6th of this month, by which you inform me that, although you have full confidence that an agreement will be finally entered into by our Governments to limit in a satisfactory manner the naval force to be maintained by them on the lakes, you consider it your duty to submit to your Government the project which I lately communicated to you to that effect, and to wait its orders, before you can proceed to make a definitive arrangement on the subject. You intimate, however, that you are willing to give effect to any arrangement on which we may agree, for suspending, in the mean time, the further construction and equipment of armed vessels on the lakes, and for abstaining from further exertion there.

To this delay no objection is entertained, provided such a provisional arrangement is made as may accomplish the just objects which our Governments have in view. This arrangement, however, like the other, should be equal. In the same spirit, therefore, I now propose the regulations stated in my former note to be adopted as a provisional arrangement. If your powers authorize, and you approve those regulations, on being assured that you will adopt a similar measure, an order will be immediately issued by this Government for carrying them fully into effect.

If your powers do not extend to this object, but are confined exclusively to the suspension of the further augmentation of the naval force on the lakes, I have then to observe, that, on receiving from you a statement of the force which your Government now has on the lakes, with an assurance that its further augmentation shall be suspended, an order will be immediately issued by this Government for confining the naval force of the United States there strictly within the same limit.

I have the honor to be, &c.

JAMES MONROE.

The Right Hon. CHARLES BAGOT, *&c.*

Mr. Bagot to Mr. Monroe.

SIR: WASHINGTON, *August* 13, 1816.

I have had the honor to receive your letter of yesterday's date. For the same reasons which I have assigned in the letter which I had the honor to address to you on the 6th instant, I conceive that I am not authorized to make, even provisionally, any precise agreement as to the exact manner in which the respective naval forces upon the lakes shall be limited; as, in any such agreement, whether permanent or provisional, reference must equally be had to the arrangements of a peace establishment and the ordinary administration of His Majesty's provinces.

I am not in possession of a correct statement of His Majesty's naval force now in commission upon the lakes, but I will take the earliest means of procuring and communicating to you the most accurate information upon this point; and I can, in the mean time, give you the assurance that all further augmentation of it will be immediately suspended.

I have the honor to be, with the highest consideration,
Sir, your most obedient, humble servant,

CHARLES BAGOT.

The Hon. JAMES MONROE, *&c.*

The same to the same.

SIR: WASHINGTON, *November* 4, 1816.

In conformity with the arrangement made between us in our correspondence of the 12th and 13th August last, I have now the honor to enclose to you an account of the actual state of His Majesty's naval force upon the lakes; and to acquaint you that its further augmentation is suspended until the sentiments of His Majesty's Government upon the project contained in your note of the 5th [2d] of August (and which I have transmitted to Lord Castlereagh) are known.

I have the honor to be, with the highest consideration,
Sir, your most obedient, humble servant,

CHARLES BAGOT.

The Hon. JAMES MONROE, *&c.*

Statement of His Majesty's naval force on the lakes of Canada, September 1, 1816.

ON LAKE ONTARIO.

St. Lawrence,	can carry	110	guns,	laid up in ordinary.
Psyche,	do.	50	do.	do.
Princess Charlotte,	do.	40	do.	do.
Niagara,	do.	20	do.	condemned as unfit for service.
Charwell,	do.	14	do.	hauled up in the mud; condemned likewise.
Prince Regent,	do.	60	do.	in commission, but unequipped, being merely used as a barrack or receiving ship, and the commander-in-chief's head-quarters.

Montreal, in commission, carrying 6 guns; used merely as a transport for the service of His Majesty.

Star, carrying 4 guns; used for current duties only, and unfit for actual service.

Netley, schooner, carrying no guns; attached for the most part to the surveyors, and conveying His Majesty's servants from port to port.

There are, besides the above, some row-boats, capable of carrying long guns; two 74 gun ships on the stocks, and one transport of four hundred tons, used for conveying His Majesty's stores from port to port.

ON LAKE ERIE.

Tecumseh and Newark, carrying 4 guns each; and Huron and Sauk, which can carry 1 gun each. These vessels are used principally to convey His Majesty's servants and stores from port to port.

ON LAKE HURON.

The Confiance and Surprise schooners, which may carry 1 gun each, and are used for purposes of transport only.

ON LAKE CHAMPLAIN.

Twelve gun-boats; ten of which are laid up in ordinary, and the other two (one of which mounts 4 guns, and the other 3 guns) used as guard-boats. Besides the above, there are some small row-boats, which are laid up as unfit for service.

Keel, stem, and stern-post of a frigate laid down at the Isle aux Noix.

J. BAUMGARDT,
Captain of His Majesty's ship Prince Regent, and senior officer.

Mr. Monroe to Mr. Bagot.

SIR: DEPARTMENT OF STATE, *November* 7, 1816.

I have received and laid before the President your letter of the 4th instant, in which you do me the honor to give me an account of the actual state of His Britannic Majesty's naval force on the lakes, with an assurance that its further augmentation is suspended until the sentiments of your Government upon the project contained in my note of the 5th [2d] August are known.

As this proceeding is in conformity to one of the propositions heretofore made by me, I have now the honor to enclose to you an account of the actual state of the naval force of the United States on the lakes, and to assure you that orders will be immediately given by this Government to prevent any augmentation of it beyond the limit of the British naval force on those waters.

I have the honor to be, &c.

JAMES MONROE.

The same to the same.

SIR: DEPARTMENT OF STATE, *November* 8, 1816.

I have the honor to inform you that the orders alluded to in my letter of yesterday's date, in relation to the naval force on the lakes, have been given by this Department.

I am, &c. JAMES MONROE.

Mr. Bagot to Mr. Monroe.

SIR: NOVEMBER 8, 1816.

In the statement of the American naval force upon the lakes, which I yesterday morning received from you, at your office, in exchange for a similar statement at the same time delivered to you of the naval force of His Majesty, I observe that no return is made of any force upon the upper lakes.

I shall be much obliged to you if you will have the goodness to acquaint me whether the force upon those lakes is comprehended in the return of that upon Lake Erie.

I have the honor to be, with the highest consideration,
Sir, your most obedient, humble servant,

CHARLES BAGOT.

The Hon. JAMES MONROE, *&c.*

Mr. Monroe to Mr. Bagot.

SIR; NOVEMBER 8, 1816.

I hasten to inform you, in reply to your letter of this date, that the naval force of the United States upon the upper lakes is comprehended in the return of that upon Lake Erie, which I gave to you yesterday.

I have the honor to be, &c.

JAMES MONROE.

Mr. Bagot to Mr. Rush, acting Secretary of State.

WASHINGTON, *April* 28, 1817.

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to acquaint Mr. Rush that, having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the undersigned, upon the subject of a proposal to reduce the naval force of the respective countries upon the American lakes, he has received the commands of His Royal Highness the Prince Regent to acquaint the Government of the United States that His Royal Highness is willing to accede to the proposition made to the undersigned by the Secretary of the Department of State, in his note of the 2d of August last.

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees that the naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

And His Royal Highness agrees, that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed.

His Royal Highness further agrees, that, if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government that His Royal Highness has issued orders to His Majesty's officers on the lakes, directing that the naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned has the honor to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT.

Mr. Rush to Mr. Bagot.

DEPARTMENT OF STATE, *April* 29, 1817.

The undersigned, acting Secretary of State, has the honor to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannic Majesty the correspondence which passed last year between the Secretary of State and himself, upon the subject of a proposal to reduce the naval force of the two countries upon the American lakes, he had received the commands of His Royal Highness the Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the 2d of August last.

The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent having acceded to the proposition of this Government as contained in the note alluded to; and, in further answer to Mr. Bagot's note, the undersigned, by direction of the President, has the honor to state that this Government, cherishing the same sentiments expressed in the note of the 2d of August, agrees that the naval force to be maintained upon the lakes by the United States and Great Britain shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

On the upper lakes, to two vessels, not exceeding the like burden each, and armed with like force; and

On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

And it agrees that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed.

And it further agrees that, if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned is also directed by the President to state, that proper orders will be forthwith issued by this Government to restrict the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

Mr. Rush to Mr. Crowninshield, the Secretary of the Navy.

SIR: DEPARTMENT OF STATE, *April* 30, 1817.

I have the honor to enclose to you, herewith, the copy of a letter, dated yesterday, embracing the terms of a stipulation which has been entered into with the British Government relative to the reduction of the naval force upon the lakes, and to request, in conformity with the President's desire, that you will be so good as to issue such orders as may be necessary for giving all the contemplated effect to the stipulation in question.

I am, &c.

RICHARD RUSH.

Mr. Crowninshield, Secretary of the Navy, to Captain D. S. Dexter, commanding naval officer of the United States, Erie, Pennsylvania.

SIR: NAVY DEPARTMENT, *May* 2, 1817.

Conformably to stipulations which have been recently entered into between this Government and that of Great Britain, it is agreed that the naval force to be maintained on the upper lakes, viz: Erie, Huron, &c., shall henceforth be confined to two vessels on each side, neither of which to exceed one hundred tons in burden, nor mount more than one eighteen pounder. The schooners Porcupine and Ghent, the former armed with an eighteen pounder and the latter with a twelve or eighteen pounder, will be retained for occasional service upon the upper lakes; in the performance of which you will be particularly careful not to interfere in any respect with the proper duties of the British armed vessels.

For your information and government, I enclose to you, herewith, an extract copied from the stipulations.

I am, very respectfully, &c.

B. W. CROWNINSHIELD.

Captain D. S. DEXTER, *Commanding Naval Officer, Erie, Penn.*

The Secretary of the Navy to Captain Woolsey.

SIR: NAVY DEPARTMENT, *May* 2, 1817.

Conformably to stipulations which have been recently entered into between this Government and that of Great Britain, it is agreed that the naval force to be maintained on Lake Ontario shall henceforth be confined to

one vessel on each side, not exceeding one hundred tons burden, and mounting not more than one eighteen-pounder. The schooner Lady of the Lake, armed with one eighteen pounder, will be retained on Lake Ontario for occasional service; in the performance of which you will be particularly careful not to interfere in any respect with the proper duties of the British armed vessel.

For your information and government, I enclose to you, herewith, an extract copied from the stipulations.

I am, very respectfully, &c.

B. W. CROWNINSHIELD.

Captain M. T. WOOLSEY, *Commanding Naval Officer, Sackett's Harbor.*

The Secretary of the Navy to Captain Leonard.

SIR: NAVY DEPARTMENT, *May* 2, 1817.

Conformably to stipulations which have been recently entered into between this Government and that of Great Britain, it is agreed that the naval force to be maintained on Lake Champlain shall henceforth be confined to one vessel on each side, not exceeding one hundred tons burden, and mounting not more than one eighteen pounder. The galley Allen, with an armament of one twelve or eighteen pounder, will be retained for occasional service upon Lake Champlain; in the performance of which you will be particularly careful not to interfere in any respect with the proper duties of the British armed vessel.

For your information and government, I enclose to you, herewith, an extract copied from the stipulations.

I am, very respectfully, &c.

B. W. CROWNINSHIELD.

Captain JAMES T. LEONARD, *Commanding Naval Officer, Whitehall, N. Y.*

[This arrangement having been approved by the President, the following proclamation was issued.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, Esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the right honorable Charles Bagot, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of His Britannic Majesty; which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes, by His Majesty and the Government of the United States, shall henceforth be confined to the following vessels on each side, that is—

"On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

"On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

"On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect; the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty:

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

15th CONGRESS.] **No. 302.** [1st SESSION.

SPAIN—IMPRISONMENT OF CITIZENS OF THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 15, 1818.

To the House of Representatives of the United States: APRIL 15, 1818.

In compliance with a resolution of the House of Representatives of the 10th instant, relative to the capture and imprisonment of certain persons, citizens of the United States, therein specifically mentioned, I now transmit a report from the Secretary of State, which, with the documents accompanying it, embrace the objects contemplated by the said resolution.

JAMES MONROE.

DEPARTMENT OF STATE, *April* 13, 1818.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 10th inst. requesting information relative to the capture and imprisonment, at Santa Fé, in Mexico, of Auguste Pierre Chouteau, Julius Demun, and their company, Robert McKnight, James Baird, and their company, likewise J. Farro, citizens of the United States, has the honor of submitting to the President copies of the papers in this Department concerning the subject of that resolution, in relation to McKnight, Baird, and their company. He transmits, at the same time, the original papers which contain the information relative to the place where Chouteau, Demun, and their company were captured, requested by the resolution of the House.

1. Deposition of Baptisti Ficio and others, taken 25th September, 1817, before F. M. Guyolo, a justice of the peace in the Missouri Territory.
2. Depositions of Toussaint Charbonneau and Michel Carriere.
3. Letter from Julius Demun to the Governor of the Missouri Territory, enclosing a draught of a map, showing the spot where he (Demun) and his company were taken.
4. Statements marked A, B, C, and D, of expenditures by Chouteau and Demun.

There is at the Department no information relative to the capture or imprisonment of J. Farro.

It is desirable that the original papers, after being communicated to the House, should, if they think proper, be returned to this Department.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

SIR: DEPARTMENT OF STATE, *February* 8, 1817.

As you have intimated a willingness to interpose your good offices in behalf of the unfortunate persons to whom the enclosed papers relate, I deem it unnecessary to do more than request your early attention to the subject.

If you could, in addition to your application to the Viceroy of Mexico, address one to the local authorities at Santa Fé, the relatives of the unfortunate captives would undertake to have it forwarded across the country from St. Louis, provided you would give the passport necessary for the protection of the messenger. This appears to me the best method of effecting an early release of the captives, and I take the liberty to recommend it accordingly.

I have the honor to be, &c.

The CHEVALIER DE ONIS. JAMES MONROE.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *February* 13, 1817.

I have had the honor to receive your note of the 8th instant, with several enclosures, relating to certain individuals detained in the province of Santa Fé, on the ground of their having entered the Spanish territory without being furnished with the necessary passports.

In conformity to what I before stated to you, I shall transmit these documents to the Viceroy of Mexico, and specially recommend this business to his attention, with a request to exert his authority to cause these persons to be immediately liberated, provided there appear no sufficient reason to the contrary.

With respect to the passport requested by you, to enable the families of the parties so detained to send a messenger by land, and apply immediately to the local authorities of Santa Fé, I am sorry to say it is not in my power to grant it; His Majesty having, under the existing circumstances, reserved to himself the right of issuing passports, through the medium, exclusively, of his principal Secretary of State, for the admission and passage of any individual whatsoever into his colonial territories; but, with a view to facilitate, as far as depends on me, this application to the viceroy, I now do myself the honor to enclose a duplicate of my letter to that officer, to enable you to avail yourself of one of the frequent opportunities which now offer directly for Vera Cruz, in consequence of the opening of that port for the vessels of all friendly nations taking provisions thither.

I renew to you, &c. LUIS DE ONIS.

Hon. JOHN Q. ADAMS.

SIR: WASHINGTON CITY, *December* 29, 1817.

In 1811 or 1812, Robert McKnight, Benjamin Shrive, James Baird, Alfred Allen, Michael McDonough, William Mines, Samuel Chambers, Peter Baum, Thomas Cook, and one —— Miers, as their interpreter, and probably some others whose names I do not know, all *citizens* of the United States, of the Missouri Territory, went up the Missouri river, and from thence into the Spanish provinces; they were arrested and imprisoned by the authorities of that country, at Santa Fé, and from then till now have been detained from returning to their families and their homes. Last winter I laid this subject before the Secretary of State, and he procured from the Spanish minister something like an order (the minister not feeling authorized to give more) for their release, (triplicates;) one was stated to have been sent directly to the viceroy, another was said to have been sent on for the royal signature, and the third was given to me, with a view of having it sent directly on from St. Louis, by some gentlemen who were expected to go shortly through, but who did not go. The paper thus obtained did not amount to a passport to protect any person who would bear the same; and the consequence was, no person would venture to be the bearer of it, when they also ran the risk of being immersed with those they went to relieve; and it is presumed, from the delay, either that the orders have never reached the viceroy, or have been disregarded. I understood, even if the copy of the order destined directly to reach the viceroy did arrive, that it did not amount to positive orders for their release, but recommended it, and that they should be furnished with the means of returning home; and, should this fail, the one sent for the royal signature at all events would procure their release.

I hope you will take up this subject; and if an order for their discharge can be obtained, together with a passport, they have friends (and some of them brothers) at St. Louis, who would go or send instantly to their assistance.

If deemed proper by you, I should be glad to know the result as early as possible.

I have the honor to be, &c.

Hon. J. Q. ADAMS. JOHN SCOTT.

The Secretary of State to Don Luis de Onis, Envoy Extraordinary and Minister Plenipotentiary from Spain.

SIR: DEPARTMENT OF STATE, WASHINGTON, *January* 7, 1818.

I have the honor to enclose a copy of a letter received at this Department from the Delegate in Congress of the Missouri Territory, and to request information of you whether you have received any advices showing the

effect of the applications suggested in the letter to have been transmitted by you, in behalf of the persons stated to have been imprisoned at Santa Fé; and, if you have not, I am directed by the President to ask of you a renewed application for the release of these citizens of the United States; and, if that is obtained, a passport or safe-conduct for any friend or relation of the prisoners to go to Santa Fé, for the purpose of furnishing them the means of returning to their country.

Be pleased, sir, to accept, &c.

JOHN QUINCY ADAMS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 12, 1818.

In answer to your very esteemed note of the 7th of this month, enclosing a letter from the Delegate of the Missouri Territory, I have to assure you of my great regret in not being able to communicate to you positive information of the result or effect of the application which I made on the 13th of February last, to the Viceroy of New Spain, in behalf of Mr. James Baird, Mr. McKnight, and other individuals arrested by the Spanish authorities, on the ground of their having entered the territory of New Mexico, on their way from St. Louis to the capital, without being furnished with the necessary passports.

On the same date I made a representation of this case to His Catholic Majesty's Government, and I requested both His Majesty and the Viceroy of New Spain to be pleased to take into consideration the innocence or good faith of the parties in question, by permitting and facilitating their return to St. Louis, or other point on the frontier most convenient to them.

I have yet received no answer either from my court or from Mexico, which is doubtless to be attributed to accidental circumstances, such as the miscarriage of letters, and others of the like nature, which frequently happen. But, being anxious to comply with your wishes, and render a service to the above-mentioned individuals, I shall renew my application and request to the viceroy of New Spain, and again make a communication on this subject to my sovereign. I am sorry, however, to inform you, that it is not within my province to grant the passport wished for Santa Fé, in New Mexico, as it is only His Catholic Majesty's principal Secretary of State who has authority to issue passports of that nature.

In consequence of which, I enclose a duplicate open letter for the Viceroy of Mexico, which may be transmitted by the parties interested, by way of Havana, to some merchant or other person there, to be by them forwarded and properly recommended to Vera Cruz, for the purpose of obtaining a speedy answer and ascertaining the result, which I flatter myself will be completely satisfactory, provided nothing has occurred in the case repugnant to the laws of the monarchy, and those particularly regulating the affairs of the Indies.

I shall forward a triplicate and quadruplicate of the same letter to the viceroy, it not being in my power to do more.

I avail myself of this occasion to renew, &c.

LUIS DE ONIS.

Don Luis de Onis to Don Ruiz de Apodaca, Viceroy of the kingdom of New Spain.

MOST EXCELLENT SIR: WASHINGTON, *January* 12, 1818.

On the 13th of February, of the last year, I had the honor to inform your excellency that the Secretary of State of this republic had addressed to me a note, requesting me to employ my good offices with your excellency in behalf of a Mr. James Baird, who, together with the persons named McKnight, Mercer, Server, Allen, Brown *alias* Baum, McDonough, and others, had been arrested and imprisoned at Santa Fé, having been found within the territory of New Mexico without passports. I then stated to your excellency, that it was alleged by the families of the above-mentioned citizens of these States, that their error proceeded from their ignorance of our laws for the administration of the Indies, that is, those which prohibit an entrance into the country to all foreigners, and that their object in going to Santa Fé was purely and simply commercial; in consideration of which, I could not do less than recommend to your excellency to give due attention to the request of the said Secretary, by ordering the requisite inquiries to be made, and the persons so detained to be liberated, provided there appeared no sufficient reasons to the contrary, that they might immediately return to their families.

As I have yet received no answer from your excellency on this subject, and the Secretary of State has addressed to me another note, on the 7th instant, enclosing a copy of a statement of the deputy of the Missouri Territory, to which the parties in question belong, and requesting me to communicate to him the result of my recommendation to your excellency in behalf of the sufferers, I think it my duty to renew it to you, as I now do in the most particular manner, in the hope that your excellency will give immediate orders that, with an especial preference to this matter, the necessary inquiries be made into the case of James Baird and other American citizens confined at Santa Fé, and that, in consideration of the length of time since their arrest and separation from their distressed families, and of their unintentional error, your excellency will be pleased to mitigate as far as possible the punishment they may have incurred, by granting them permission and the requisite facilities to return to the Missouri Territory, or other part of the American territory most suited to their convenience.

I doubt not that your excellency will pay due attention to this request, and communicate to me the result with all possible despatch, that I may give the necessary information to this Government.

In the mean time, I renew, &c.

LUIS DE ONIS.

Statement and proof in case of Chouteau and Demun, of their loss and treatment by the Spaniards.

UNITED STATES, TERRITORY OF MISSOURI, *County of St. Louis, sct:*

The undersigned, having been first duly sworn on the holy evangelists, severally depose and say: that, in the beginning of September, 1815, they were engaged by Auguste P. Chouteau and Co. at St. Louis, in the Territory of Missouri, for a trading expedition with the Indians of the head waters of the rivers Arkansas and Platte. The party, conducted by the said Auguste P. Chouteau, proceeded to their grounds on the head waters of the Arkansas, and continued the trade until the spring of 1817; at which time our encampment was visited by a guard of Spaniards, two hundred or more in number, the commanding officer of which guard was the bearer of an order from the Governor of New Mexico to conduct our whole party to Santa Fé. This order was executed.

Auguste P. Chouteau, together with the whole party, consisting of twenty-one persons, accompanied the troop or guard, and, on their arrival at Santa Fé, were reviewed by the Governor, and immediately put into close confinement. At the time of the arrest of our persons within the limits of the United States, Mr. Chouteau, conscious, no doubt, that he had violated none of the Spanish regulations, took with him a part of his property to defray expenses; none of which he was permitted to retain, to exchange, or to make any use of. Not only that, but also the whole stock of the company *cached* or concealed in the ground near our camp, east of the mountains, and on the head waters of the Arkansas, was seized by the Spaniards under special order from the Governor, and taken to Santa Fé. We remained in prison (some of us in irons) forty-eight days, during which time we were dieted in a very coarse and meager manner, with boiled corn or beans, without salt.

When we speak of the review and confinement of the party, we mean the men generally; for Mr. Chouteau and the conductors of our trade preceded us, and arrived first at Santa Fé. We know not the particulars of their reception or treatment, except that, when they were liberated, (after forty-eight days,) their property was not restored to them.

Long previously to our arrest, Mr. Chouteau had equipped several parties for different parts of the upper country; all, as we constantly understood, within the acknowledged limits of the United States. Of the fate of these detached parties we know nothing. Our arrest and detention in the Spanish province interrupted that correspondence on which their success must, in a great degree, have depended. As well as we recollect, Mr. Chouteau's party, on leaving St. Louis, amounted to forty-six.

JEAN BATISTE BRIZAR, his × mark.
BAPTISTI FICIO, his × mark.
CHARLES BOURGUIGNON, his × mark.
JOSEPH CISDELLE, his × mark.
ETIENNE PROVOTT, his × mark.
FRANCOIS MAUANT, his × mark.
PIERRE LEGRIS, his × mark.
FRANCOIS PAKET, his × mark.
FRANCOIS DERPORT, his × mark.
ANTOINE BIZET, his × mark.
JOSEPH BISSONET, his × mark.

Sworn to, and delivered and signed before me, a justice of the peace in the county and township aforesaid, this 25th day of September, 1817.

F. M. GUYOLO, *Justice of the Peace.*

William Clark, Governor of the Territory of Missouri, commander-in-chief of the militia, and superintendent of Indian affairs, to all whom it may concern:

Be it known, that F. M. Guyolo is, and was on the 25th September last, a justice of the peace within and for the county of St. Louis, Territory of Missouri, regularly commissioned. In testimony whereof, I have caused the seal of the Territory to be hereunto affixed.

Given under my hand, at St. Louis, the 22d day of November, A. D. 1817, and of the independence of the [L. S.] United States the forty-second.

WILLIAM CLARK.

By the Governor:

FREDERICK BATES, *Secretary of Missouri Territory.*

TERRITORY OF MISSOURI, *County of St. Louis, ss:*

Toussaint Charboneau, being of lawful age, and duly sworn, on his oath, saith: That he did, some time in the month of July, in the year eighteen hundred and sixteen, engage with Julius Demun, of the firm of Auguste P. Chouteau and Co., to go on a trading voyage in the rivers Arkansas and Platte, among the different nations of Indians residing on the said rivers and the waters thereof; that the said Auguste P. Chouteau and Co. agreed to pay him for said voyage the sum of two hundred dollars; that he staid with the said Auguste P. Chouteau and Co. from the said month of July, the time of their starting from this place, until July in this same year; and, on his return to this town of St. Louis, did receive from the said Auguste P. Chouteau and Co. the sum agreed upon, to wit, the sum of two hundred dollars: and further saith not.

TOUSSAINT CHARBONEAU, his × mark.

Sworn to and subscribed this 8th day of December, A. D. 1817, before me,

J. V. GARNIER, *Justice of the Peace.*

Frederick Bates, Secretary, exercising the government of the Territory of Missouri, to all whom it may concern:

Be it known, that J. V. Garnier was on the 8th ultimo, and is, a justice of the peace within and for the county of St. Louis, in the Territory of Missouri, regularly commissioned. In testimony whereof, I have hereunto affixed the Territorial seal.

Given under my hand, at St. Louis, the 3d day of January, A. D. 1818, and of the independence of the [L. S.] United States the forty-second.

FREDERICK BATES.

TERRITORY OF MISSOURI, *County of St. Louis, ss:*

Michel Carriere, being of lawful age, and duly sworn, on his oath, saith: That he did, on or about the beginning of September, in the year 1815, engage with Auguste P. Chouteau and Julius Demun, being then and there preparing for a trading voyage under the style, name, and description of Auguste P. Chouteau and Co., to go and trade among the different tribes of Indians residing and hunting on the rivers Arkansas and Platte, and the waters thereof; that he did, according to his contract with the said Auguste P. Chouteau and Co., go on his said voyage, and remained thus employed for the space of two years, for which he did receive from the said Auguste P. Chouteau and Co., as a compensation or wages, a sum of four hundred dollars, which was actually paid to him by his said employers: and this deponent further saith not.

MICHEL CARRIERE, his × mark.

Sworn to and subscribed this 22d day of December, A. D. 1817, before me,

J. V. GARNIER, *Justice of the Peace.*

Frederick Bates, Secretary, exercising the government of the Territory of Missouri, to all whom it may concern:

Be it known, that J. V. Garnier is, and was on the 27th ult., a justice of the peace within and for the county of St. Louis, Territory of Missouri, regularly commissioned. In testimony whereof, I have hereunto affixed the seal of the Territory.

Given under my hand, the 3d day of January, A. D. 1818, and of the independence of the United States the [L. S.] forty-second.

FREDERICK BATES.

St. Louis, *November* 25, 1817.

Sir:

Having to relate to your excellency the unfortunate event which has thrown me, Mr. Auguste P. Chouteau, and twenty-four men, for forty-eight days, in the dungeons of Santa Fé, and which, by depriving us of every thing we possessed, has brought us to the brink of ruin, I must beg your excellency's indulgence if I take too much of your time. But I think myself bound to give a detailed account of what has happened; the more so, as your excellency's right of granting us a license to go to the head waters of Arkansas and Platte rivers was denied by the Governor of New Mexico, Don Pedro Maria de Allaude.

In the month of September, 1815, Mr. A. P. Chouteau and myself fitted out an expedition to go to the head waters of Arkansas river, to trade with the Aarapahos, and other Indians living thereabout; and, having obtained a license from your excellency, we started from this place on the 10th of same month, in company with Mr. Philibert, a trader, who had gone to the mountains the year before, and who had come back to get a supply of goods to enable him to buy horses to bring in his furs.

It being late in the season, we had great difficulties to encounter; some of our horses giving out every day, we had to walk more than one-half of the way to the mountains, where we arrived on the 8th of December.

On our way we had bought of Mr. Philibert his furs, goods, horses, &c., and the time of his men. These we expected to find at the fork called by the Spaniards *El Haerfano*, and denominated on Pike's map the Third Fork, where Philibert had given them rendezvous; but in this we were disappointed. After our researches were over, we met some Indians, who told us that the men, not seeing Philibert return about the appointed time, and being destitute of every thing necessary to support themselves, had gone over to the Spaniards. We had then no alternative. We determined that I should go in quest of them; and I started in the beginning of January, 1816.

I arrived at Taos, where I found the men, who had been received with the greatest hospitality, and allowed to pass the winter there. I went on to Santa Fé, to explain to the Governor the reasons of my coming into the country. As soon as I alighted in the capital I was presented to the then Governor, Don Alberto Maynez, who at first expressed his surprise to see me; but no sooner had I told him the circumstances under which I came than he treated me very politely.

Don Alberto is an old gentleman of good information, who possesses, in a great degree, the good manners and politeness peculiar to his nation.

Having seen on my way to Santa Fé that the rivers abounded with beaver, I asked the Governor the permission of coming, with a fixed number of hunters, to catch beaver in the rivers which empty themselves into Rio del Norte. This he could not take upon himself to grant, but had the goodness to write on that subject to the commandant general. As I could not wait for the answer, Don Alberto told me to come back, when convenient, to know the general's answer. I must not omit to say that the Governor did not seem a moment to doubt that we had a right to frequent the east side of the mountains, and there to trade or catch beaver if we could; for he advised me *not to go to the south of Red river of Natchitoches, but from that river to the northward we might trade and hunt as we pleased.*

I returned to Taos, from whence I started, with all our engagees and two Spaniards the Governor had ordered to accompany us, to the Rio della Trinehera; from thence, in three days, we reached Mr. Chouteau's camp at the mouth of the Third Fork. Finding ourselves with more men than we expected at our departure from St. Louis, and not having a necessary equipment, it was necessary for one of us to come back. I started on the 27th February with Philibert and one of our men, and did not reach this place but after forty-six days' journey, through barren prairies, which, at that season, did not afford any pastures for our horses, having sometimes to travel in the night to avoid the Panis' war parties we had the good fortune to discover in the day time. I bought the goods and engaged men for a new expedition, and, having taken another license, started on the 15th July to go by water to the Kansas river, where Mr. Chouteau and I had appointed to meet. On his way from the mountains Mr. Chouteau was attacked by the Pawnees, about two hundred in number, had one man killed and three wounded; five Pawnees remained on the spot, and a great many wounded.

At the Kansas river we found ourselves forty-five. We shipped the furs to St. Louis, and started again for the mountains. There we met a party of Spanish traders, who told us that the Yutas and Apaches Indians were hovering in this quarter; and as those Indians had already killed two of Philibert's men, our return would not have been safe had our party gone to any distance, so that we agreed that Chouteau should wait for me at the pass called by the Spaniards *La Sangre de Christo*, or thereabout. Myself and two men went in company with the Spanish traders to the *Rio de la Culevra*, where we left them, and continued our way to Taos. When I arrived at Rio Colorado (a small fork of Rio del Norte) I found that a new village had been established since my first passing there. I alighted at the house of the commandant of the place, who told me that I could not go further till he had given notice to the alcade of Taos, and received his orders. I waited patiently that night and next day. On the second night, at about 12 o'clock, arrived a party of forty men, commanded by Don Mariano Penne, with verbal orders that I must go back with him to my men, and that the Governor would not allow me to go to Santa Fé. I answered that I was ready and willing to follow him, but wished to write to his excellency; to which he consented.

In my letter I explained the object of my coming—that it was by the orders and with the consent of his predecessor, and begged of him to permit me to go to Santa Fé, in order to know precisely what to depend on. This appeared to me the more necessary, as Don Mariano had not brought any written orders.

My letter being despatched, we started from Rio Colorado to go and rejoin our party. Mr. Chouteau was not at Sangre de Christo, but we traced him up the Rio del Norte, near where it enters into the mountains. Here Don Mariano, after spending one day with us, took leave. At his departure, he told us that we should remain there, or rather go lower down the river, to wait for the Governor's answer.

I do not know what caused the delay, but it was not until about twenty days after that I received a letter from the Governor, saying that the commandant general would not permit us any time to stay in the Spanish dominions, and to go out of them immediately. I wrote to the alcade of Taos that I had just received the Governor's orders, and, in compliance with them, we were recrossing the mountains; that, when on the east side of them, we should remain all winter; that we gave this notice, having no bad intentions, nor any motives to conceal our movements

Receiving no answer, we took it for granted that, being on this side of the mountains, we gave the Spaniards no uneasiness. We had almost every week some traders from the upper villages, of whom we bought several horses, bread, flour, &c.

We had fixed on the 15th of March, 1817, for the day of our departure, to go in search of the Crow Indians, whom we knew to be somewhere about the head waters of the Columbia; but as the Spanish traders, during the winter, repeatedly told us that the Governor had written to the commandant general, in order to obtain permission to hunt on the rivers running west of the mountains, we did not think proper to abandon a subject so interesting to us. For that purpose, I went to Taos in March; there I was told that there were very unfavorable reports. It was said that at the first fork of the Arkansas (Rio de las Animas) we had built a fort; that we had there twenty thousand men, with many cannons and ammunition, and other such idle tales; that a party of two hundred men had been raised to go and investigate the truth of all those absurd reports. The alcade having to write to the Governor, I wished him to say that I felt very satisfied to have come under such circumstances; that I proposed to remain as a hostage till the truth should be known; and that my life would answer for the good behavior and pacific occupation of our party. Two days after, the two hundred men commanded by Lieutenant Don Francisco Salagar, of the militia, and Sergeant Manuel Vaca, of the regulars, arrived at Taos. They intimated their orders, which were to take me back to my party, visit all the places where we had encamped from the mountains to the Rio de las Animas, and to dig out all the goods we had put in the ground for security, having no use for them in the winter. We started from Taos, and a few days after reached this side of the mountains, where we were soon joined by Mr. Chouteau, to whom we had sent an express. We took out of the ground all the goods and furs, &c. we had hidden in different places. This being done, Sergeant M. Vaca told us that the Governor had further ordered that the whole of our party must go to visit with them our former encampments, as low down as Rio de las Animas; that, if no fort was found, he would leave us there, to get to St. Louis as well as we could. To this we could not consent, for it would have carried us to an inevitable destruction, it being the time when the Pawnees were lurking for prey in all directions about Arkansas river; besides, we should have lost the benefit of our spring trade. We proposed to the sergeant that I should go with him to the Rio de las Animas; that Mr. Chouteau would remain where we then were, with a party that he (the sergeant) would leave to guard him; and that at our return we would go away in a northern direction. Both commanders agreed to this proposition. I started with a party of fifty men to search the so-much-talked-of fort, which, it is needless to say, could not be found. Every thing was in order, and a good understanding existed between our people and the Spaniards when we returned. Next day we parted, and were accompanied some distance by the lieutenant, sergeant, and a few men. Much delay having taken place by the coming of the Spaniards, it was now impossible for us to proceed to the head waters of the Columbia by the route we had at first intended to go, which was by following the foot of the mountains, up the Rio del Almagre, and then turn to the west. Though we knew the road to be good, we could not undertake it for want of time, therefore we resolved to enter the mountains on the north side of Arkansas river. We passed the first chain with great ease, but we were no sooner on the other side than we foresaw all the difficulties we had to encounter. We had before us a chain of snow-capped mountains much higher than the one we left behind. The cold was intense, and the recital of hardships would renew the sufferings we underwent. After three days of steady labor through the snow, in order to cut a route, we had the mortification to retrace our way back. Perceiving that nothing advantageous could be performed that season, it was agreed that seventeen men, with the most reduced horses, should go down the river Platte, and there wait for Chouteau, who was determined to remain one year longer. Both he and I, with the balance of our men, (except five Shawnee Indians, who had left us several days before,) came on this side of the first chain of mountains, to take the goods we had put into the ground at the entrance of the mountains, and myself to take the furs and return to St. Louis, which was fixed on the 23d of May.

In the night a very heavy rain commenced, which continued all day on the 23d, and prevented my starting. At about two o'clock P. M., one corporal and four soldiers came to us; they said that a large party was behind, and would come up to us next day. On the 24th Sergeant Mariano Vernal came up with his party, and informed us his orders were to take us all to Santa Fé. (Afterwards we were told he had instructions to take us alive or dead.) We secured again our goods in the earth, and were escorted to New Mexico. When on our way there, Sergeant Vernal, as it was reported, sent a detachment of his men back to steal our property, of which we never heard any thing until three days previous to our leaving Santa Fé, while the Governor made a kind of an inventory of the same. When we got to the Rio de la Culevra, Chouteau, myself, and one of our hands, under an escort of ten men, took the advance, and on the 1st of June arrived at Santa Fé. I was first introduced to the Governor, who inquired, in a very angry manner, why I had not obeyed him, when ordered to go out of the Spanish domains? I replied, his orders were obeyed as soon as received; that we were taken on the American territory, where our Governor had given us a license to go. At this he got in a violent rage, saying that we should pay for our own and our Governor's ignorance; using all the time very abusive language; repeating several times that he would have our brains blown up; that we were fortunate he had not come himself, for he would not have taken us alive.

Mr. Chouteau told me, since, that he experienced the same treatment, and was likewise confined in a dungeon and in irons.

On the 7th of the same month, the lieutenant, Don José Maria de Arce, came in to give the welcome intelligence that the Governor had ordered my irons should be taken off. After forty-four days' imprisonment, we were presented before a court-martial, composed of six members and a president, who was the Governor himself. Only one of the six members appeared to have some information, the others not knowing even how to sign their names. Many questions were asked, but more particularly why we had staid so long in the Spanish dominions? I answered, that, being on the waters of the Arkansas river, we did not consider ourselves in the domains of Spain, as we had a license to go as far as the head waters of said river. The president denied that our Government had a right to grant such a license, and entered into such a rage that it prevented his speaking, contenting himself with striking his fist several times on the table, saying, *gentlemen, we must have this man shot.* At such conduct of the president I did not think much of my life, for all the other members were terrified in his presence, and unwilling to resist him; on the contrary, do any thing to please him. He (the president) talked much of a big river that was the boundary line between the two countries, but did not know its name. When mention was made of the Mississippi, he jumped up, saying, that that was the big river he meant; that Spain had never ceded the west side of it. It may be easy to judge of our feelings, to see our lives in the hands of such a man. That day the court did not come to any determination, because the president (as I heard himself say to Lieutenant de Arce) had forgot every thing he had to say. Next day we were again presented to the court, but, as I knew then what kind of a man I had to deal with, I never attempted to justify myself of his false assertions. We were dismissed, and Mr. Chouteau and myself put in the same room.

Half an hour afterwards, the lieutenant came in with a written sentence; we were forced to kneel down to hear the citure of it, and forced likewise to kiss the unjust and iniquitous sentence that deprived harmless and inoffensive men of all they possessed—of the fruits of two years' labor and perils.

What appears the more extraordinary is, that the Governor acknowledged to me afterwards, and in the presence of Don Pedro Pino, the deputy of New Mexico to the Cortes, and several others, that we were very innocent men; yet, notwithstanding this, all our property was kept, and we permitted to come home, each with one of the worst horses we had.

I have already taken too much of your time in narrating our journey. Many incidents are probably unnecessary, but, by relating facts as they really are, I thought you would sympathize with our sufferings. Our actual loss amounts to $30,380 74½. The benefits which we had a probable, indeed a most assured, confidence to reap from our labors, would no doubt have fully compensated us. It remains now to know whether our Government will demand satisfaction of the King of Spain for outrages committed by his ignorant Governor on American citizens. Our accounts have been forwarded to the Honorable I. Scott, our Delegate; and we hope that your excellency will assist our case with the zeal and generosity so congenial with your feelings of justice.

I remain, &c.

JULIUS DEMUN.

His Excellency WILLIAM CLARK, *Governor, &c.*

No. 303.

HANSEATIC CITIES—REPEAL OF DUTIES.

PROCLAMATION MADE AUGUST 1, 1818.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by an act of Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels, and on goods, wares, and merchandise imported into the United States, as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, were repealed, so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong; such repeal to take effect in favor of any foreign nation, whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished:

And whereas satisfactory proof has been received by me, from the burgomasters and senators of the free and Hanseatic city of Hamburgh, that, from and after the 13th day of November, 1815, all discriminating or countervailing duties of the said city, so far as they operated to the disadvantage of the United States, have been and are abolished:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States, as imposed a discriminating duty of tonnage between vessels of the free and Hanseatic city of Hamburgh and vessels of the United States, and between goods imported into the United States in vessels of Hamburgh and vessels of the United States, are repealed, so far as the same respect the produce or manufacture of the said free Hanseatic city of Hamburgh.

Given under my hand, at the city of Washington, this first day of August, in the year of our Lord one thousand eight hundred and eighteen, and the forty-third year of the independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

15th CONGRESS.] **No. 304.** [2d SESSION.

PRESIDENT'S MESSAGE AT THE COMMENCEMENT OF THE SESSION.

COMMUNICATED TO CONGRESS, NOVEMBER 17, 1818.

Fellow-citizens of the Senate and of the House of Representatives: NOVEMBER 16, 1818.

The auspicious circumstances under which you will commence the duties of the present session will lighten the burden inseparable from the high trust committed to you. The fruits of the earth have been unusually abundant; commerce has flourished; the revenue has exceeded the most favorable anticipation; and peace and amity are preserved with foreign nations on conditions just and honorable to our country. For these inestimable blessings we cannot but be grateful to that Providence which watches over the destinies of nations.

As the term limited for the operation of the commercial convention with Great Britain will expire early in the month of July next, and it was deemed important that there should be no interval during which that portion of our

commerce which was provided for by that convention should not be regulated, either by arrangement between the two Governments, or by the authority of Congress, the minister of the United States at London was instructed, early in the last summer, to invite the attention of the British Government to the subject, with a view to that object. He was instructed to propose, also, that the negotiation which it was wished to open might extend to the general commerce of the two countries, and to every other interest and unsettled difference between them, particularly those relating to impressment, the fisheries, and boundaries, in the hope that an arrangement might be made, on principles of reciprocal advantage, which might comprehend and provide in a satisfactory manner for all these high concerns. I have the satisfaction to state that the proposal was received by the British Government in the spirit which prompted it, and that a negotiation has been opened at London embracing all these objects. On full consideration of the great extent and magnitude of the trust, it was thought proper to commit it to not less than two of our distinguished citizens, and, in consequence, the envoy extraordinary and minister plenipotentiary of the United States at Paris has been associated with our envoy extraordinary and minister plenipotentiary at London; to both of whom corresponding instructions have been given, and they are now engaged in the discharge of its duties. It is proper to add, that, to prevent any inconvenience resulting from the delay incident to a negotiation on so many important subjects, it was agreed, before entering on it, that the existing convention should be continued for a term not less than eight years.

Our relations with Spain remain nearly in the state in which they were at the close of the last session. The convention of 1802, providing for the adjustment of a certain portion of the claims of our citizens for injuries sustained by spoliation, and so long suspended by the Spanish Government, has at length been ratified by it; but no arrangement has yet been made for the payment of another portion of like claims, not less extensive or well-founded, or for other classes of claims, or for the settlement of boundaries. These subjects have again been brought under consideration in both countries, but no agreement has been entered into respecting them. In the mean time, events have occurred which clearly prove the ill effect of the policy which that Government has so long pursued on the friendly relations of the two countries, which, it is presumed, it is at least of as much importance to Spain as to the United States to maintain. A state of things has existed in the Floridas, the tendency of which has been obvious to all who have paid the slightest attention to the progress of affairs in that quarter. Throughout the whole of those provinces to which the Spanish title extends, the Government of Spain has scarcely been felt. Its authority has been confined almost exclusively to the walls of Pensacola and St. Augustine, within which only small garrisons have been maintained. Adventurers from every country, fugitives from justice, and absconding slaves have found an asylum there. Several tribes of Indians, strong in the number of their warriors, remarkable for their ferocity, and whose settlements extend to our limits, inhabit those provinces. These different hordes of people, connected together, disregarding, on the one side, the authority of Spain, and protected, on the other, by an imaginary line which separates Florida from the United States, have violated our laws prohibiting the introduction of slaves, have practised various frauds on our revenue, and committed every kind of outrage on our peaceable citizens, which their proximity to us enabled them to perpetrate. The invasion of Amelia island last year, by a small band of adventurers, not exceeding one hundred and fifty in number, who wrested it from the inconsiderable Spanish force stationed there, and held it several months, during which a single feeble effort only was made to recover it, which failed, clearly proves how completely extinct the Spanish authority had become; as the conduct of those adventurers, while in possession of the island, as distinctly shows the pernicious purposes for which their combination had been formed.

This country had, in fact, become the theatre of every species of lawless adventure. With little population of its own, the Spanish authority almost extinct, and the colonial Governments in a state of revolution, having no pretension to it, and sufficiently employed in their own concerns, it was in a great measure derelict, and the object of cupidity to every adventurer. A system of bucaneering was rapidly organizing over it, which menaced, in its consequences, the lawful commerce of every nation, and particularly of the United States, while it presented a temptation to every people, on whose seduction its success principally depended. In regard to the United States, the pernicious effect of this unlawful combination was not confined to the ocean. The Indian tribes have constituted the effective force in Florida; with these tribes, these adventures had formed, at an early period, a connexion, with a view to avail themselves of that force to promote their own projects of accumulation and aggrandizement. It is to the interference of some of these adventurers, in misrepresenting the claims and titles of the Indians to land, and in practising on their savage propensities, that the Seminole war is principally to be traced. Men who thus connect themselves with savage communities, and stimulate them to war, which is always attended, on their part, with acts of barbarity the most shocking, deserve to be viewed in a worse light than the savages. They would certainly have no claim to an immunity from the punishment which, according to the rules of warfare practised by the savages, might justly be inflicted on the savages themselves.

If the embarrassments of Spain prevented her from making an indemnity to our citizens for so long a time, from her treasury, for their losses by spoilation and otherwise, it was always in her power to have provided it, by the cession of this territory. Of this, her Government has been repeatedly apprized; and the cession was the more to have been anticipated, as Spain must have known that, in ceding it, she would, in effect, cede what had become of little value to her, and would likewise relieve herself from the important obligation secured by the treaty of 1795, and all other compromitments respecting it. If the United States, from consideration of these embarrassments, declined pressing their claims in a spirit of hostility, the motive ought at least to have been duly appreciated by the Government of Spain. It is well known to her Government that other Powers have made to the United States an indemnity for like losses sustained by their citizens at the same epoch.

There is, nevertheless, a limit, beyond which this spirit of amity and forbearance can in no instance be justified. If it was proper to rely on amicable negotiation for an indemnity for losses, it would not have been so to have permitted the inability of Spain to fulfil her engagements, and to sustain her authority in the Floridas, to be perverted by foreign adventurers and savages to purposes so destructive to the lives of our fellow-citizens and the highest interests of the United States. The right of self-defence never ceases. It is among the most sacred, and alike necessary to nations and to individuals. And, whether the attack be made by Spain herself, or by those who abuse her power, its obligation is not the less strong. The invaders of Amelia island had assumed a popular and respected title, under which they might approach and wound us. As their object was distinctly seen, and the duty imposed on the Executive, by an existing law, was profoundly felt, that mask was not permitted to protect them. It was thought incumbent on the United States to suppress the establishment, and it was accordingly done. The combination in Florida for the unlawful purposes stated, the acts perpetrated by that combination, and, above all, the incitement of the Indians to massacre our fellow-citizens, of every age, and of both sexes, merited a like treatment, and received it. In pursuing these savages to an imaginary line, in the woods, it would have been the height of folly to have suffered that line to protect them. Had that been done, the war could never cease. Even if the territory had been exclusively that of Spain, and her power complete over it, we had a right, by the law of nations, to follow the enemy on it, and to subdue him there. But the territory belonged, in a certain sense, at least, to the savage enemy who inhabited it; the power of Spain had ceased to exist over it; and protection was sought, under her

title, by those who had committed on our citizens hostilities, which she was bound by treaty to have prevented, but had not the power to prevent. To have stopped at that line would have given new encouragement to these savages, and new vigor to the whole combination existing there, in the prosecution of all its pernicious purposes.

In suppressing the establishment at Amelia island, no unfriendliness was manifested towards Spain, because the post was taken from a force which had wrested it from her. The measure, it is true, was not adopted in concert with the Spanish Government, or those in authority under it; because, in transactions connected with the war in which Spain and the colonies are engaged, it was thought proper, in doing justice to the United States, to maintain a strict impartiality towards both the belligerent parties, without consulting or acting in concert with either. It gives me pleasure to state, that the Governments of Buenos Ayres and Venezuela, whose names were assumed, have explicitly disclaimed all participation in those measures, and even the knowledge of them, until communicated by this Government; and have also expressed their satisfaction that a course of proceedings had been suppressed, which, if justly imputable to them, would dishonor their cause.

In authorizing Major General Jackson to enter Florida, in pursuit of the Seminoles, care was taken not to encroach on the rights of Spain. I regret to have to add, that, in executing this order, facts were disclosed, respecting the conduct of the officers of Spain in authority there, in encouraging the war, furnishing munitions of war and other supplies to carry it on, and in other acts not less marked, which evinced their participation in the hostile purposes of that combination, and justified the confidence with which it inspired the savages, that by those officers they would be protected. A conduct so incompatible with the friendly relations existing between the two countries, particularly with the positive obligation of the fifth article of the treaty of 1795, by which Spain was bound to restrain, even by force, those savages from acts of hostility against the United States, could not fail to excite surprise. The commanding general was convinced that he should fail in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated, and of the protection on which they had relied in making the war. As all the documents relating to this occurrence will be laid before Congress, it is not necessary to enter into further detail respecting it.

Although the reasons which induced Major General Jackson to take these posts were duly appreciated, there was, nevertheless, no hesitation in deciding on the course which it became the Government to pursue. As there was reason to believe that the commanders of these posts had violated their instructions, there was no disposition to impute to their Government a conduct so unprovoked and hostile. An order was, in consequence, issued to the general in command there to deliver the posts—Pensacola, unconditionally, to any person duly authorized to receive it; and St. Mark's, which is in the heart of the Indian country, on the arrival of a competent force to defend it against those savages and their associates.

In entering Florida to suppress this combination, no idea was entertained of hostility to Spain; and, however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Mark's and Pensacola, to terminate it, by proving to the savages and their associates that they should not be protected even there, yet, the amicable relations existing between the United States and Spain could not be altered by that act alone. By ordering the restitution of the posts, those relations were preserved. To a change of them, the power of the Executive is deemed incompetent. It is vested in Congress only.

By this measure, so promptly taken, due respect was shown to the Government of Spain. The misconduct of her officers has not been imputed to her. She was enabled to review, with candor, her relations with the United States, and her own situation, particularly in respect to the territory in question, with the dangers inseparable from it; and, regarding the losses we have sustained, for which indemnity has been so long withheld, and the injuries we have suffered through that territory, and her means of redress, she was likewise enabled to take, with honor, the course best calculated to do justice to the United States, and to promote her own welfare.

Copies of the instructions to the commanding general; of his correspondence with the Secretary of War, explaining his motives, and justifying his conduct, with a copy of the proceedings of the courts-martial in the trial of Arbuthnot and Ambrister; and of the correspondence between the Secretary of State and the minister plenipotentiary of Spain near this Government, and of the minister plenipotentiary of the United States at Madrid with the Government of Spain, will be laid before Congress.

The civil war which has so long prevailed between Spain and the provinces in South America still continues, without any prospect of its speedy termination. The information respecting the condition of those countries, which has been collected by the commissioners recently returned from thence, will be laid before Congress, in copies of their reports, with such other information as has been received from other agents of the United States.

It appears, from these communications, that the Government of Buenos Ayres declared itself independent in July, 1816, having previously exercised the power of an independent Government, though in the name of the King of Spain, from the year 1810; that the Banda Oriental, Entre Rios, and Paraguay, with the city of Santa Fé, all of which are also independent, are unconnected with the present Government of Buenos Ayres; that Chili has declared itself independent, and is closely connected with Buenos Ayres; that Venezuela has also declared itself independent, and now maintains the conflict with various success; and that the remaining parts of South America, except Montevideo, and such other portions of the eastern bank of the La Plata as are held by Portugal, are still in the possession of Spain, or, in a certain degree, under her influence.

By a circular note, addressed by the ministers of Spain to the allied Powers with whom they are respectively accredited, it appears that the allies have undertaken to mediate between Spain and the South American provinces, and that the manner and extent of their interposition would be settled by a congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceeding observed by the allied Powers in regard to this contest, it is inferred that they will confine their interposition to the expression of their sentiments; abstaining from the application of force. I state this impression, that force will not be applied, with the greater satisfaction, because it is a course more consistent with justice, and likewise authorizes a hope that the calamities of the war will be confined to the parties only, and will be of shorter duration.

From the view taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course heretofore pursued by the United States in regard to this contest, and to conclude that it is proper to adhere it, especially in the present state of affairs.

I have great satisfaction in stating that our relations with France, Russia, and other Powers, continue on the most friendly basis.

In our domestic concerns we have ample cause of satisfaction. The receipts into the treasury during the first three quarters of the year have exceeded seventeen millions of dollars.

After satisfying all the demands which have been made under existing appropriations, including the final extinction of the old six per cent. stock, and the redemption of a moiety of the Louisiana debt, it is estimated that there will remain in the treasury on the 1st day of January next more than two millions of dollars.

It is ascertained that the gross revenue which has accrued from the customs during the same period amounts to twenty-one millions of dollars, and that the revenue of the whole year may be estimated at not less than twenty-

six millions. The sale of the public lands during the year has also greatly exceeded, both in quantity and price, that of any former year; and there is just reason to expect a progressive improvement in that source of revenue.

It is gratifying to know, that, although the annual expenditure has been increased by the act of the last session of Congress, providing for revolutionary pensions, to an amount about equal to the proceeds of the internal duties which were then repealed, the revenue for the ensuing year will be proportionably augmented, and that, whilst the public expenditure will probably remain stationary, each successive year will add to the national resources, by the ordinary increase of our population, and by the gradual development of our latent sources of national prosperity.

The strict execution of the revenue laws, resulting principally from the salutary provisions of the act of the 20th of April last, amending the several collection laws, has, it is presumed, secured to domestic manufactures all the relief that can be derived from the duties which have been imposed upon foreign merchandise for their protection. Under the influence of this relief, several branches of this important national interest have assumed greater activity; and, although it is hoped that others will gradually revive, and ultimately triumph over every obstacle, yet the expediency of granting further protection is submitted to your consideration.

The measures of defence authorized by existing laws have been pursued with a zeal and activity due to so important an object, and with all the despatch practicable in so extensive and great an undertaking. The survey of our maritime and inland frontiers has been continued; and, at the points where it was decided to erect fortifications, the work has been commenced, and, in some instances, considerable progress has been made. In compliance with resolutions of the last session, the board of commissioners were directed to examine, in a particular manner, the parts of the coast therein designated, and to report their opinion of the most suitable sites for two naval depots. This work is in a train of execution. The opinion of the board on this subject, with a plan of all the works necessary to a general system of defence, so far as it has been formed, will be laid before Congress in a report from the proper department, as soon as it can be prepared.

In conformity with the appropriations of the last session, treaties have been formed with the Quapaw tribe of Indians inhabiting the country on the Arkansas, and with the Great and Little Osages north of the White river; with the tribes in the State of Indiana, with the several tribes within the State of Ohio and the Michigan Territory, and with the Chickasaws; by which very extensive cessions of territory have been made to the United States. Negotiations are now depending with the tribes in the Illinois Territory, and with the Choctaws, by which it is expected that other extensive cessions will be made. I take great interest in stating that the cessions already made, which are considered so important to the United States, have been obtained on conditions very satisfactory to the Indians.

With a view to the security of our inland frontiers, it has been thought expedient to establish strong posts at the mouth of the Yellow Stone river, and at the Mandan village on the Missouri, and at the mouth of St. Peter's on the Mississippi, at no great distance from our northern boundaries. It can hardly be presumed, while such posts are maintained in the rear of the Indian tribes, that they will venture to attack our peaceable inhabitants. A strong hope is entertained that this measure will likewise be productive of much good to the tribes themselves, especially in promoting the great object of their civilization. Experience has clearly demonstrated, that independent savage communities cannot long exist within the limits of a civilized population. The progress of the latter has, almost invariably, terminated in the extinction of the former, especially of the tribes belonging to our portion of this hemisphere, among whom loftiness of sentiment and gallantry in action have been conspicuous. To civilize them, and even to prevent their extinction, it seems to be indispensable that their independence as communities should cease, and that the control of the United States over them should be complete and undisputed. The hunter state will then be more easily abandoned, and recourse will be had to the acquisition and culture of land, and to other pursuits tending to dissolve the ties which connect them together as a savage community, and to give a new character to every individual. I present this subject to the consideration of Congress, on the presumption that it may be found expedient and practicable to adopt some benevolent provisions, having these objects in view, relative to the tribes within our settlements.

It has been necessary, during the present year, to maintain a strong naval force in the Mediterranean and in the Gulf of Mexico, and to send some public ships along the southern coast, and to the Pacific ocean. By these means, amicable relations with the Barbary Powers have been preserved, our commerce has been protected, and our rights respected. The augmentation of our navy is advancing with a steady progress towards the limit contemplated by law.

I communicate, with great satisfaction, the accession of another State, Illinois, to our Union; because I perceive, from the proof afforded by the additions already made, the regular progress and sure consummation of a policy, of which history affords no example, and of which the good effect cannot be too highly estimated. By extending our Government on the principles of our constitution over the vast territory within our limits, on the lakes and the Mississippi, and its numerous streams, new life and vigor are infused into every part of our system. By increasing the number of the States, the confidence of the State Governments in their own security is increased, and their jealousy of the National Government proportionally diminished. The impracticability of one consolidated Government for this great and growing nation will be more apparent, and will be universally admitted. Incapable of exercising local authority, except for general purposes, the General Government will no longer be dreaded. In those cases of a local nature, and for all the great purposes for which it was instituted, its authority will be cherished. Each Government will acquire new force and a greater freedom of action within its proper sphere. Other inestimable advantages will follow; our produce will be augmented to an incalculable amount, in articles of the greatest value for domestic use and foreign commerce. Our navigation will in like degree be increased; and as the shipping of the Atlantic States will be employed in the transportation of the vast produce of the western country, even those parts of the United States which are most remote from each other will be further bound together by the strongest ties which mutual interest can create.

The situation of this District, it is thought, requires the attention of Congress. By the constitution, the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislate in all cases directly on the local concerns of the District. As this is a departure, for a special purpose, from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government, and to the particular interests of the people, may not be devised, which will neither infringe the constitution, nor affect the object which the provision in question was intended to secure. The growing population, already considerable, and the increasing business of the District, which it is believed already interferes with the deliberations of Congress on great national concerns, furnish additional motives for recommending this subject for your consideration.

When we view the great blessings with which our country has been favored, those which we now enjoy, and the means which we possess of handing them down unimpaired to our latest posterity, our attention is irresistibly drawn to the source from whence they flow. Let us, then, unite in offering our most grateful acknowledgments for these blessings to the Divine Author of all good.

JAMES MONROE.

15th Congress.] No. 305. [2d Session.

SOUTH AMERICA—CONDITION OF.

COMMUNICATED TO CONGRESS, NOVEMBER 17 AND DECEMBER 15, 1818.

Mr. Rodney to the Secretary of State.

Sir: Washington, *November* 5, 1818.

I have the honor to present the report herewith enclosed, agreeably to the desire of Mr. Graham, who, on reflection, preferred submitting some additional remarks in a separate paper. For this purpose, two of the documents referred to in the report remain in his possession—Dr. Funes's Outline of Events in the United Provinces since the Revolution, and the Manifesto of Independence by the Congress at Tucuman.

I have the honor to be, with great respect, your most obedient servant,

C. A. RODNEY.

Hon. John Q. Adams, *Secretary of State.*

Mr. Rodney to the Secretary of State.

Sir:

I have now the honor to submit to your consideration my report on the subject of the late mission to South America, embracing the information derived from the various sources within my power, so far as I had an opportunity of improving the advantages possessed.

With the history of the conquest of the Spanish possessions in America you must be familiar. They were principally, if not exclusively, achieved by private adventurers. When completed, a most oppressive system of government, or rather despotism, was established by the parent country.

These extensive regions were originally swayed by two viceroys. The dominions of Spain in North America were under the government of the Viceroy of Mexico, and all her possessions in South America were subject to the control of the Viceroy of Peru.

The remoteness of some parts of the country from the residence of the Viceroy of Lima occasioned, in 1718, the establishment of another viceroyalty at Santa Fé de Bogota, in the kingdom of New Granada. In 1731 New Granada was divided, and a number of the provinces composing that kingdom were separated from it. These were put under the jurisdiction of a captain general and president, whose seat of government was at Caraccas.

In 1568 Chili was erected into a separate captain generalship; in 1778 a new viceroyalty was established at Buenos Ayres, comprehending all the Spanish possessions to the east of the Western Cordilleras, and to the south of the river Maranon.

This immense empire seems, according to the laws of the Indies, to have been considered a distinct kingdom of itself, though united to Spain and annexed to the crown of Castile. In this light it is viewed by Baron Humboldt, in his Essay on New Spain.

With some slight shades of difference in the regulations established in these Governments, the prominent features of their political institutions exhibit a striking resemblance, as the general system was the same.

Their commerce was confined to the parent country and to Spanish vessels exclusively. They were prohibited, under the penalty of death, to trade with foreigners. The natives of Old Spain composed the body of their merchants. Though this part of the system had, previously to the revolution, been relaxed, in some degree, (particularly by the statute of free commerce, as it is styled,) the relief was partial, and the restrictions continued severe and oppressive.

All access to the Spanish settlements was closed to foreigners, and even the inhabitants of the different provinces were prohibited from intercourse with one another, unless under the strictest regulations.

The various manufactures that might interfere with those of Spain were not permitted. They were prevented, under severe penalties, from raising flax, hemp, or saffron. In climates most congenial to them, the culture of the grape and the olive was prohibited. On account of the distance of Peru and Chili, and the difficulty of transporting oil and wine to these remote regions, they were permitted to plant vines and olives, but were prohibited the culture of tobacco. At Buenos Ayres, by special indulgence of the viceroys, they were allowed to cultivate grapes and olives merely for the use of the table.

They were compelled to procure from the mother country articles of the first necessity, and were thus rendered dependant on her for the conveniences of life as well as luxuries. The crown possessed the monopoly of tobacco, salt, and gunpowder.

To these oppressive regulations and restrictions was added an odious system of taxation. From the Indians was exacted a tribute in the shape of a poll-tax, or a certain servitude in the mines called the *mita*. A tenth part of the produce of cultivated lands was taken under the denomination of *tithes*. The alcavala, a tax varying from two and a half to five per cent. on every sale and resale of all things moveable and immoveable, was rigidly exacted, though in some cases a commutation was allowed. Royal and municipal duties were laid on imports and on the tonnage, entrance, and clearance of vessels, under the different appellations of almoxarifazgo, sea, alcavala, cerso, consulado, armada, and armadilla. To these may be added the royal fifths of the precious metals, the most important tax in the mining districts. Besides all these, there were stamp taxes, tavern licenses, and sums paid for the sale of offices, of titles of nobility, papal bulls, the composition and confirmation of lands, with a number of others of inferior grade.

Under the Spanish monarchs, who had early obtained from the Pope the ecclesiastical dominion, and thus had united in their royal persons all civil and religious authority, a most oppressive hierarchy was established, with its numerous train of offices and orders, succeeded by the inquisition.

The posts of honor and profit, from the highest to the lowest, were filled almost exclusively by natives of Old Spain.

The principal code of laws thus maintaining the supremacy of Spain over those distant regions, almost locked up from the rest of the world, emanated from the Council of the Indies, established by the King, in which he was supposed to be always present. The royal rescripts, the recopitationes of the Indies, and the partidas, furnished the general rules of decision; and, when these were silent or doubtful recourse was had to the opinions of professional men.

This system was generally executed by the viceroys, captains general, and by the tribunals of justice, with a spirit corresponding with the rigorous policy that produced it. To this form of government the country had for centuries submitted with implicit obedience, and probably would have continued to submit much longer, but for events in this country and the changes in Europe. The sagacious minds of many able writers, penetrating into the future, had predicted at some distant date a revolution in South America before that in North America had commenced. From the period of the successful termination of our own struggle for independence, that of the inhabitants of the south has been with more confidence foretold; and there is reason to believe it has been hastened by this fortunate event. The conduct of Spain, during the war of our revolution, was calculated to make a lasting impression on her colonies. This result was then foreseen by intelligent politicians; many were surprised that she could be so blind to her own interests after she had, on one occasion, manifested the strongest suspicion of Paraguay; for, to her scrupulous jealousy of this Power the expulsion of the Jesuits from that country in 1750 is to be attributed.

The wars that arose from the French revolution have produced in Europe changes of the greatest magnitude, which have had an immense influence on the affairs of South America. When Spain joined France against the combined princes, she exposed her distant possessions to British hostilities. The great naval power of England gave her ready access to the American colonies. Engaged in an arduous contest, she was prompted by her feelings and interests to retaliate on Spain the conduct she experienced from her during the war of our independence. Encouraged, perhaps, by the councils of her enemies, the first symptoms of insurrection in the continental possessions of Spain were exhibited in the year 1797, in Venezuela. These were succeeded by the attempts of Miranda in the same quarter, which were accompanied, or were followed, since the vacillating state of the Spanish monarchy, by revolutionary movements in Mexico, Granada, Peru, Chili, and Buenos Ayres; and from which scarcely any part of the Spanish dominions in America has been entirely exempt.

The occurrences that led the way to the subsequent important events in the provinces of La Plata were, the invasion of the British under Popham and Beresford in the year 1806, and their expulsion a few months afterwards by the collected forces of the country under Leniers and Pueyrredon. These incidents fortunately gave to the people a just idea of their own strength; and they afterwards repelled, with a firmness and bravery that did them great honor, the formidable attack of the British under General Whitlocke.

The wretched state to which Spain was reduced by the policy, the power, and the arts of Napoleon, the resignation of Charles the Fourth in favor of Ferdinand the Seventh, and the renunciation by both in favor of Napoleon, were productive of the most important results. They threw the kingdom into the greatest confusion. The alternate successes and disasters of the French armies produced a new era in Spain. The people, generally, revolted at the idea of being governed by the brother of Napoleon, to whom he had transferred the crown. Juntas were established, who acted in the name of Ferdinand, then confined in France. These were substituted for the ancient Cortes and the regular council of the nation, to which, in times of imminent danger, they ought to have recurred, agreeably to their usages. Conflicting authorities produced a distracted state of affairs. In the scenes that ensued the proper attention was not paid to the American provinces. Their conduct towards them was versatile and inconsistent; they were lost sight of or neglected until it was too late. Conceiving they were abandoned by the parent state, they thought it justifiable to act for themselves. It was not very long before the inhabitants of Buenos Ayres, embracing the example of their brethren in Spain, established a Junta, which assumed the reins of government, and finally, in the year 1810, sent off the Viceroy Cisneros and his principal adherents. For a summary of events subsequent to this period, until the time of my departure, I beg leave to refer to the "Outline" subjoined, (Appendix A,) from the pen of Dr. Funes, drawn up, in part, at my request. Without vouching for the perfect accuracy of the work, I think, from the information received, it will probably be found to contain, in general, a correct and impartial sketch of the prominent transactions and occurrences.

In perusing this interesting document, I have to lament that its pages are marked with some cases of severity and cruelty, which seem almost inseparable from great revolutions. It must, however, be consoling to observe, that they appear to have passed through that state which might possibly have rendered examples necessary, and to have arrived, perhaps, at that stage when, the passions becoming less turbulent and the people more enlightened, a milder system may be expected to prevail.

Their dissensions have produced most of their calamities—in such seasons they were naturally to be expected. But their disputes have been principally healed by the prudent and energetic measures of the Congress which commenced its sittings in Tucuman in the year 1815, and adjourned in the year following from thence to Buenos Ayres, where it remains in session, occupied with the task of forming a permanent constitution. This respectable body, besides acting as a convention or a constituent assembly, exercises temporarily legislative powers. Their sittings are public, with a gallery of audience for citizens and strangers. The debates are frequently interesting, and are conducted with ability and decorum; they are published every month for the information of the people.

The dispute with Artigas, the chief of the Orientals, has not been adjusted. This, with a certain jealousy of the superior influence of the city of Buenos Ayres on the general affairs of the provinces, the conduct of the Government of Buenos Ayres towards the Portuguese, and the high tariff of duties which, I understand, have been since reduced, appeared to constitute the principal causes of dissatisfaction at the time of my departure.

The declaration by Congress of that independence which they had for many years previously maintained in fact, was a measure of the highest importance, and has been productive of a unanimity and a decision before unknown. This summit of their wishes was only to be reached by slow and gradual progress. The public mind had to be illumined on the subject by their pulpits, their presses, and their public orations. The people were to be prepared for the event; when the season arrived, they cut the knot which could not be untied. The declaration of independence was adopted in the directorship of Mr. Pueyrredon, on the 9th day of July, 1816. It was succeeded by an able exposition of the causes that extorted it, to justify to their fellow-citizens and to the world the measure they had deliberately voted to support with their fortunes and their lives.

Believing the latter paper might be thought worthy of perusal, a translation has been annexed, (Appendix B.)

The salutary influence of this bold and decisive step was at once felt throughout the country. It gave new life and strength to the patriotic cause, and stability to the Government. The victories of Chacabuco and Maipu, achieved by the arms of Chili and Buenos Ayres, have produced and confirmed a similar declaration of independence by the people of Chili, which is also annexed, (Appendix C,*) and cemented the cordial union existing between the confederate states. The consequence has been that, within these extensive territories, there is scarcely the vestige of a royal army to be found, except on the borders of Peru.

Having thus, in connexion with the succinct account given by Dr. Funes, traced the principal events since the revolution in Buenos Ayres, I shall proceed to state the result of the information received, according to the best opinion I could form, of the extent, population, government, and resources of the United Provinces, with their productions, imports and exports, trade and commerce.

* Not transmitted.

The late viceroyalty of Buenos Ayres, of which that city was the metropolis, was by many considered the largest as well as the most valuable of all the Spanish dominions in South America, extending, in a direct line, from its north to its south boundary, a distance of more than two thousand miles, and, from its eastern to its western, not less than eleven hundred.

It was composed, at the commencement of the revolution, of the nine provinces or intendencies following: Buenos Ayres, Paraguay, Cordova, Salta, Potosi, La Plata, Cochabamba, La Paz, and Puno.

Watered by the great river La Plata, and its numerous tributary streams, which afford an easy communication with countries of immense extent, and furnishing an easy access to the treasures of South America, it has always been regarded by Spain as one of her most precious acquisitions. Enjoying every variety of climate to be found between different and distant latitudes, and blessed with a large portion of fertile soil, it is capable of producing all that is to be found in the temperate or torrid zones. Immense herds of cattle and horses graze on its extensive plains, and constitute, at this time, their principal source of wealth. The mines of Potosi are also included within its boundaries. There are no woods for a very considerable distance from Buenos Ayres. No forest trees are to be seen on the widely-extended pampas, except at intervals a solitary umboo. After passing the Saladillo, in a northerly direction, the woods begin; and, proceeding in the upper provinces, the hills appear, and mountains rise in succession, interspersed with rich valleys. On the east side of the rivers La Plata and Parana, the country is said to be very fine. The Entre Rios is represented as capable of being made a garden spot; and the Banda Oriental presents hills and dales, rich bottoms, fine streams of water, and, at a distance from the great river, on the banks of the smaller streams, some excellent woodland. Between Maldonado and Montevideo, the east ridge of the Cordilleras terminates on the river La Plata.

Since the revolution five more provinces have been erected, making, in all, fourteen within the limits of the ancient viceroyalty, viz: Tucuman, taken from Salta; Mendoza, or Cuyo, taken from Cordova; Corrientes; Entre Rios, comprising the country between the Uruguay and the Parana; and the Banda Oriental, or eastern shore of the river La Plata. The two last were taken from the province of Buenos Ayres, which was thus reduced to the territory on the south side of that river. The subordinate divisions of the country, with the principal towns, will be found in the appendix to this report, with an account of the produce or manufactures of the different districts. (Appendix D.)

Of the fourteen provinces into which the ancient viceroyalty is now divided, five were, at my departure, principally occupied by the royal forces, (which, in consequence of the victory of Maipu, were expected soon to retreat to Lower Peru,) or partially under their influence, viz: Potosi, La Plata, Cochabamba, La Paz, and Puno; and the nine following, independent *de facto* of Spain, were in the possession of the patriots, viz: Buenos Ayres, Paraguay, Mendoza, Salta, Corrientes, Cordova, Tucuman, Entre Rios, and Banda Oriental. But Paraguay and the city of Santa Fé act independently of Buenos Ayres—though Paraguay is not on unfriendly terms with them, and it is hoped by some will before long join the union. Entre Rios and the Banda Oriental, under General Artigas, in the character of chief of the Orientals, are in a state of hostility with Buenos Ayres.

Montevideo, the capital of the eastern shore, was occupied by a Portuguese army, and a squadron of ships of war from Brazil blockaded the ports of Colonia and Maldonado, and prohibited the entrance of neutral vessels, unless they paid them the same duties on their cargoes that were charged on the importation of the goods when landed in the country.

The territory of the United Provinces is computed to contain one hundred and fifty thousand square leagues, though it probably exceeds that quantity. The lands occupied in the country, remote from the cities, are generally converted by their owners into estanias, or large grazing farms for cattle, and chacras for growing grain. The small farms, or quintas, in the neighborhood of cities, are in fine order. Those around Buenos Ayres, which furnish their market with an ample supply of fruit and vegetables, are, by irrigation, in the highest state of culture.

The population, exclusive of the Indians, is now calculated at about one million three hundred thousand; but adding the civilized Indians only, who are of great importance, it would, in all, probably exceed two millions.

The whole population consists of natives of Old Spain, and their descendants born in the country, or, as they style themselves, South Americans; of Indians civilized, or unreclaimed, with different "castes," or mixed blood; of Africans, and their descendants, or negroes and mulattoes.

I could not ascertain, with satisfaction, the population of the different provinces; the province of Buenos Ayres contains about one hundred and twenty thousand, whilst the population of Entre Rios and Banda Oriental is computed at fifty thousand.

The city of Buenos Ayres contains a population of sixty thousand. The inhabitants of this place appear to be an amiable and interesting people. They are considered brave and humane; possessing intelligence, capable of great exertions and perseverance, and manifesting a cheerful devotion to the cause of freedom and independence.

There is also a certain mediocrity and equality of fortune prevailing among them, extremely favorable to a union of the popular sentiment in support of the common weal. Many industrious mechanics and enterprising merchants are, however, increasing their estates, and adding to the stock of capital in the country.

The people of the province of Buenos Ayres, residing out of the city, are, generally speaking, poor, and rather indolent, though a hardy race; and, when excited to action, they become zealous defenders of the liberties of their country. They are capable of great improvement, and under the influence of a good example, when a change takes place in their habits and manner of living, they bid fair to become useful and industrious citizens.

The inhabitants of Cordova are said to be more superstitious and more industrious, but less patriotic. This is principally attributed to the loss of the trade with Peru, occasioned by the revolutionary war.

Tucuman, I was informed, possessed an excellent population.

The people of Mendoza, or Cuyo, are moral, industrious, and patriotic. They have sacrificed largely at the shrine of independence, supporting with zeal and confidence the cause of their country; whilst the citizens of Santa Fé are represented as immoral and insubordinate, and manifesting on most occasions an extreme jealousy of their neighbors.

The population of Entre Rios and Banda Oriental is, perhaps, not inferior in valor to that of Buenos Ayres. Nor is it deficient in military skill, particularly in carrying on a partisan warfare, for which its troops are admirably adapted. Their other good qualities have been probably somewhat impaired by the system pursued in that quarter, where they have been compelled to give up every thing like civil avocations, and to continue without any regular kind of government, under the absolute control of a chief, who, whatever may be his political principles or professions, in practice concentrates all power, legislative, judicial, and executive, in himself.

The General Congress of the United Provinces, assembled at Buenos Ayres on the 3d of December of 1817, established, by a provisional statute, a temporary form of government, which will be found in Appendix, marked E.

This Congress is composed of deputies from the different provinces. It actually consists of twenty-six members; but, as a representative is allowed for every fifteen thousand citizens, it would be more numerous if all the provinces had sent delegates in that ratio of population.

With some exceptions, and particularly of that palladium of our rights which is unknown to the civil law, the trial by jury, the provisional constitution will be found, on an attentive perusal, to contain a distinct recognition of many of the vital principles of free government. A church establishment, also, that of the Catholic faith, is contrary to our ideas of religious freedom, though a measure adopted from necessity, perhaps, by them.

It declares that all power, legislative, judicial, and executive, resides in the nation. The Congress are to be chosen by electors, who are to be voted for by the people in the primary assemblies. The Cabildos, or municipalities, are to be elected immediately by the citizens. It recognises the independence of the judiciary, and declares the tenure of office, with respect to the superior judges, to be during good behavior. It provides for the election of a Chief Magistrate by Congress, removable when they choose to appoint a successor, and responsible for the execution of the duties of his office, which are defined and limited. In the oath of office, he is sworn to preserve the integrity and independence of the country.

The three great Departments—of State, of the Treasury, and of War—are distinctly marked out, and their respective powers and duties assigned.

On some subjects it enters more into detail than is usual with us, particularly in those of their army, navy, and militia; but this, perhaps, in their situation, was necessary.

It provides that no citizen shall accept a title of nobility, without forfeiting the character of citizenship.

It provides, also, against general warrants, and the arrest of individuals, unless on probable proof of guilt.

It contains a salutary provision, that a judge, having original jurisdiction, before taking cognizance of a cause, shall use all possible means of reconciling the parties. This constitution is but temporary. The Congress are engaged in the task of forming a permanent one. In the mean time, no alteration can be made in the present, unless with the consent of two-thirds of the members. In this manner some alterations have been adopted.

The subject of a permanent constitution was before a committee of sixteen members of Congress. There was a difference of opinion prevailing among them on the point of a confederated or a consolidated Government. If they should adopt the former, they will frame the constitution, in all probability, nearly after the model of that of the United States. Should they decide on the latter, it is highly probable they will incorporate the leading features of our system into their form of government. They seem to concur in the proposition to have a Chief Magistrate elected for a term of years, and a representive Legislature, to consist of two branches—a Senate, to constitute the most permanent body; and a House of Representatives, whose term of service will be of shorter duration.

Perhaps it would be better for them to delay the completion of this all-important task, after the example of the United States, until a period of peace. Their present provisional statute is an improvement on those which preceded it; and we may expect their proposed constitution will be still more perfect, as they advance in the knowledge of those principles on which republican Governments are constituted.

But, however free in theory this provisional statute may be, it is undoubtedly true that, unless administered agreeably to its letter and spirit, it will not afford security to the citizen. Whether any infractions have occurred since the date of its existence, I cannot pretend to determine, not being in full possession of the facts.

When we recollect that they have the benefit of our example, it may reasonably be expected that they will, in general, adhere to their written constitution. They have, also, the fatal result of the French revolution, warning them of the dangers of its excesses, of which they appear to be sensible.

The productions and the manufactures of the different provinces will be found in Appendix D; but I was unable to procure any satisfactory estimates of the probable value or amount in each province. There is, however, a considerable internal trade carried on, in the interchange of various articles, between the several provinces: cattle, horses, and mules furnish a considerable source of barter; with the latter, Peru is usually supplied; the Paraguay tea is a great article of trade throughout the country; the brandy, wine, raisins, and figs of Mendoza and San Juan, are becoming important; the hides of oxen, the skins of the vaccina and granaco, with a number of fine furs, afford valuable articles of exchange. These, with the foreign goods transported in every direction from Buenos Ayres very readily by oxen and mules, which also furnish the means of carrying their native productions to their seaports, form a branch of trade of great magnitude, considering the population of the country.

Their exports are calculated, with some degree of accuracy, at ten millions of dollars. These consist, principally, of ox hides, jerk beef, and tallow, the present great staples of the country; a variety of furs and peltry, some grain, copper, mostly brought from Chili, with gold and silver in bullion, and in coin, chiefly from the mines of Potosi.

The imports are computed to be about equal to their exports; British manufactures form the principal mass, and they are to be had in great abundance. They consist of woollen and cotton goods of every description, some of them wrought to imitate the manufactures of the country; ironmongery, cutlery, hardware, saddlery, hats, porter, ale, and cheese, are among the remaining articles.

From the United States they receive lumber of all kinds, and furniture of every description, coaches and carriages of all sorts, codfish, mackerel, shad and herring, leather, boots and shoes, powder, and munitions of war and naval stores, ships and vessels, particularly those calculated for their navy or for privateers.

From Brazil they receive sugar, coffee, cotton, and rum.

From the north of Europe they receive steel and iron, and from France a number of articles of its manufacture.

Their foreign commerce is principally carried on by British capitalists, though there are some Americans, a few French, and other foreign merchants, also settled at Buenos Ayres; they are all placed, I believe, on the same footing of equality.

The revenue of the state may be estimated at about three millions of dollars annually; but their system of finance is very imperfect, and, although their debt is small, their credit is low. They have hitherto avoided the issuing of paper money, and they have established no bank; but they have sometimes anticipated their revenue, by giving due bills receivable in payment for duties on goods imported or articles exported. The impost furnishes the principal part of the revenue. A copy of their tariff, as at first established, was some time since transmitted, I believe, to the Department of State; in this, the duties were generally specific and high. I understand they have been lately reduced, as their exorbitancy had occasioned much smuggling.

Voluntary contributions from those friendly to the revolution, and forced loans from the old Spaniards, have constituted another portion of their funds. To show the public capital adequate to all exigencies, their different civil, military, and naval establishments have been taken into view, and are comprised in the estimate furnished—a thing unusual with us; but they have omitted their public lands, which, if a prudent use be made of them, must at no distant day become a very productive source of revenue to the state.

The mines of Potosi, which in all probability will very soon fall into their hands again, may furnish them with a considerable supply of the precious metals. It is stated, on respectable authority, that so late as the year 1790, the amount of gold and silver coined at Potosi in that year was calculated to have been $299,846 in gold, and $2,983,176 in silver.

The state of their army, and the condition of their navy, will be seen by a reference to the original return presented. (Appendix F.*)

Their army is composed of regular troops, ciorcos, and militia; in one or other of these classes, they are educated to the military art, and, as far as I had an opportunity and was capable of judging, they appeared to be well acquainted with the elements of their profession. Their forces, according to the paper furnished, are estimated at nearly thirty thousand men. They are composed of 1,296 artillery, 13,693 infantry, and 14,768 cavalry, of which 12,143 are troops of the line, 7,041 are ciorcos, and 10,573 militia. These form the different armies of the centre of Peru, of the Andes, of Cordova, and the auxiliary forces in the Entre Rios. This statement, however, only includes the militia of the province of Buenos Ayres itself. Their supply of arms and munitions of war is ample, as will be seen by the statement annexed on that subject.

Their navy is small, and some of their vessels are laid up in ordinary. A list of them, as well as of their privateers, will be found in Appendix F.* Their private armed vessels are subjected to very strict regulations, agreeably to their prize code, which is among the original papers presented and herewith delivered. It may be proper in this place to introduce the subject of the irregular conduct of the privateers under the patriot flag, against which the commissioners were directed to remonstrate. Having taken an opportunity of explaining to Mr. Tagle, the Secretary of State, the proceedings of our Government relative to Amelia island and Galvezton, agreeably to their instructions, the commissioners embraced a suitable occasion to urge the just cause of complaint which the malpractices of private armed vessels, wearing the patriot colors, had furnished our Government; on both topics, they had long and interesting conversations. With the conduct of the Government respecting Amelia island and Galvezton Mr. Tagle expressed himself perfectly satisfied, and he disclaimed for his Government any privity or participation in the lodgements made at those places, by persons acting in the name of the patriots of South America. In reference to the acts of cruisers under the patriot flags, he said he was sensible that great irregularities had occurred, though his Government had done every thing in their power to prevent them, and were willing, if any instance of aggression were pointed out, to direct an inquiry into the case, and, if the facts were established, to punish those concerned, and redress the injured individuals. He professed his readiness to adopt any measures that would more effectually prevent a recurrence of such acts, in which he expressed his belief that the privateers of Buenos Ayres had rarely participated, though the character of the Government had suffered from the conduct of others. He stated that they had on one occasion sent out some of their public vessels to examine all cruisers wearing the Buenos Ayrean flag, to see that they were lawfully commissioned, and to ascertain whether they had violated their instructions.

Among the causes of dissatisfaction to which I have alluded, the preponderance of the capital has been mentioned. Its great weight in the scale of national affairs is to be ascribed to its greater exertions in the national cause. These are owing to its comparative wealth, and to its active, intelligent, and enterprising population. The armies that have been raised in this city and the neigboring country, with the supplies in money and munitions of war drawn from these sources, have been truly extraordinary.

It would be a difficult task to make an exact calculation, or to form even a probable estimate, but all seemed to concede the superior merit claimed on account of their exertions, when compared with their wealth and population; and it is not unlikely that Buenos Ayres has, in consequence, assumed a higher tone, and acquired a controlling influence, which she has sometimes abused.

Another source of discontent is, the unfortunate dispute between the Banda Oriental and Buenos Ayres, which had also an influence on the proceedings of the latter towards the Portuguese.

The original cause of division may be traced to a jealousy long subsisting between the rival cities of Montevideo and Buenos Ayres. This has become habitual, and has extended to the country. Private interests and personal views have also increased their dissensions.

General Artigas (who bears the character of chief of the Orientals, as has been already stated, and has also assumed that of the Protector of the Entre Rios and Santa Fé) was originally, in the royal service, a captain in a provincial corps. In this he continued for some time after the revolution had commenced at Buenos Ayres. But in the year 1811, taking offence, as it is said, at some conduct of the Spanish commandant of Colonia, he abandoned the royal cause, and entered into the service of the patriots. So early as the year 1813, when acting against Montevideo, he became dissatisfied with Sarratea, the commander-in-chief from Buenos Ayres. On his removal from the head of the army, he quarrelled with General Rondeau, who it was supposed would have been acceptable to him, and finally withdrew, before the siege of Montevideo was finished under General Alvear. For this conduct, Posadas, when he succeeded to the government, treated him as a deserter from their service. By a proclamation, he offered a reward for his apprehension, and set a price upon his head—an act which General Artigas never forgot or forgave.

During the subsequent directorship of Alvear, he induced the Cabildo of Buenos Ayres to issue a similar proclamation against General Artigas. When Alvear was dismissed, the people of Buenos Ayres endeavored to atone for their conduct by burning, with every mark of ignominy, the degrading proclamation. They also addressed a conciliatory letter to the general, and received from him a corresponding answer. These were preliminary to a fruitless attempt at reconciliation, made by the director *ad interim*, Colonel Alvares, who succeeded Alvear. The correspondence on this occasion is annexed. (Appendix H.) Other endeavors to reconcile him have failed, notwithstanding the changes in the office of Director at Buenos Ayres. On one occasion, the proposition was made that the Banda Oriental should remain independent of Buenos Ayres, and merely send deputies to the General Congress to concert measures against the common enemy. On another, when the Portuguese army was approaching the frontiers of the Banda Oriental, an effort was made by Pueyrredon to reconcile him, and to unite him in the common defence. Ample supplies of arms and munitions of war were offered, and some furnished; but this attempt also failed.

In order that a fuller view of this subject may be had, I have subjoined a translated copy of an animated letter from General Artigas to Mr. Pueyrredon. (Appendix I.) It is but justice to add, that General Artigas is thought, by persons entitled to credit, to be a firm friend to the independence of the country. To express a decided opinion on this delicate question would scarcely be expected of me, as my position did not command a view of the whole ground. I had not the satisfaction to be derived from a personal interview with General Artigas, who is, unquestionably, a man of rare and singular talents. But if I were to hazard a conjecture, I think it not improbable that in this, as in most family disputes, there have been faults on both sides. It is to be lamented that they are in open hostility. The war has been prosecuted with great animosity, and in two late engagements the troops of Buenos Ayres have been defeated with great loss. By some it was said that the inhabitants of the eastern shore were anxious that a reconciliation should take place, whilst the people in the country preferred their present state.

* The document referred to is not sent.

I must not omit to take a glance at the situation of Paraguay. This province presents a singular spectacle. It stands aloof from the rest. The people, with the aid of the few remaining royal troops, repulsed an army sent to compel them to join the common standard. Very soon afterwards they expelled the royalists, and set up for themselves. Since this period, they appear to have adopted a partial non-intercourse system. But Buenos Ayres, on one occasion, succeeded in obtaining an understanding with them. Some suspect that they are secretly inimical to the existing order of things, and wish to keep themselves within their shell in case of a change, that they may profit by future events; others calculate with some confidence on their ultimate union with Buenos Ayres, with which, at present, they indulge a limited and reluctant intercourse. Paraguay is under the immediate control of a person named Francia, who styles himself Dictator of Paraguay.

From the domestic concerns of the provinces we naturally turn to their foreign relations. On this subject the commissioners were informed that they had nothing more than a friendly understanding with any foreign nation. With the Portuguese Government they concluded an arrangement in 1812, under the mediation, it is said, of the British, with respect to the Banda Oriental. They have since had a correspondence with them on the subject of their entrance into that province, and the forcible occupation by a Portuguese army of the city of Montevideo, of which a copy is annexed. (Appendix I.) This will present the state of affairs between Buenos Ayres and the Brazils, which has been the theme of much discussion. The superior naval force of the Portuguese stationed in the river La Plata could have effectually blockaded all the ports of Buenos Ayres. By this means they would have prevented supplies of arms and munitions of war, and entirely destroyed the great source of revenue to the state, the duties on imports and tonnage, at a season when money was much wanted: for, about this period, Buenos Ayres had a powerful army to contend with on the side of Peru, and had taken the burden of the renewed contest of Chili with Spain. Under such circumstances, they were in some measure obliged to adopt a cautious and moderate policy. Their conduct in this respect seems to have been coerced. Their unhappy state with the Orientals had also an influence on their measures; they alleged that the restless conduct of Artigas had furnished the Portuguese with a pretext for the invasion; but it is probable that they will ultimately break with the Government of Brazil.

The British Government have, through their official agents, entered into commercial stipulations with General Artigas, as the chief of the Orientals, on the subject of their trade with the eastern shore. A copy of this instrument will be found in Appendix K.*

The Government of Buenos Ayres have a confidential person in Europe, soliciting, from England and other Powers, it is said, assistance of every kind and a recognition of their independence. England has a consul, who, with her naval commander on that station, appeared to conduct the confidential affairs of the British cabinet with the Government of Buenos Ayres.

What effects the victory of Maipu will produce abroad, it would be hazardous in me to conjecture. Whether, like the capture of Burgoyne, it will procure for the United Provinces foreign alliances, I cannot pretend to say.

From a source which is entitled to credit, I was informed that the raising and embarcation of Osorio's army in Peru was not accomplished without serious difficulties. Alternate force and persuasion were used to collect them; and nothing but the name, character, and promises of their general could have induced them to go on board of the vessels prepared for the purpose at the port of Callao. Some of them were actually in a state of mutiny, notwithstanding they were told they would be received with open arms by their brethren in Chili.

The forces finally embarked, agreeably to an account furnished by a gentleman of undoubted veracity on the spot, consisted of the following troops:

1 company of artillery,	70
1 company of sappers and miners,	81
Regiment of Brugos,	900
Regiment of San Carlos, infantry,	907
Regiment of Arequipa,	1,000
Arequipa dragoons,	160
Limas,	144
	3,262

This army was composed of all the regular soldiers they could spare from Lima, who were united at Talcaguna to the royal forces left in Chili. By the battle of Maipu it has ceased to exist. The probable effects in Peru, and other parts of South America, may be conjectured, but cannot be affirmed. The same gentleman who has been mentioned, and who is conversant in Peruvian affairs, apprehended that important changes would result.

I cannot conclude this paper without drawing your attention to a rapid survey of the reforms and improvements in the province of Buenos Ayres, produced by the revolution, and its influence on knowledge, society, and manners.

The effects of the revolution are visible in the changes produced in the state of society. The difference in the freedom of acting and thinking which preceded the revolution must necessarily be great. The freedom of commerce must have given a spring to exertions of native enterprise and intelligence; while the active scenes of war and politics, for the last ten years, have awakened the genius of the country which had so long slumbered. The generation now on the stage may almost be said to have been reared under a new order of things. The common stock of ideas among the people has been greatly augmented, the natural consequence of the important political events which daily transpire, and in which every man, like the citizen of Athens, feels an interest. The newspapers are everywhere circulated, together with the manifestoes of the Government, which is obliged to court the approbation of public opinion on all measures of moment. It is not very unusual for the same countryman, who, a few years ago, never troubled himself about any thing beyond the narrow circle of his domestic concerns, to purchase a newspaper on coming to town, as a matter of course, and, if unable to read, to request the first one he meets to do him that favor. The country curates are, moreover, enjoined to read the newspapers and manifestoes regularly to their flocks. The spirit of improvement may be seen in every thing. Even some of those who are under the influence of strong prejudices against the revolution frequently remark the changes for better which have taken place. Their habits, manners, dress, and mode of living, have been improved by intercourse with strangers, and the free introduction of foreign customs, particularly English, American, and French. Great prejudices prevail against whatever is Spanish. It is even offensive to them to be called by this name; they prefer to be identified with the aborigines of the country. The appellation which they have assumed, and in which they take a pride, is that of South Americans.

A powerful stimulus must necessarily have been given to their industry by two important circumstances—the diminution in prices of foreign merchandise, and the great increase in value of the products of the country, with the

* Not transmitted.

consequent rise of property. Though the grounds in the neighborhood of cities are highly improved, as I have already stated, agriculture, comparatively speaking, is in a low condition. In general, the lands are badly tilled; the plough is rarely used, and the substitute is a very indifferent one. But, notwithstanding the disadvantages of the present method of culture, I was informed by reputable persons that the average crop of wheat is not less than fifty bushels per acre in good seasons.

On the subject of religion, especially, the change in the public mind has been very great. The Catholic faith is established as that of the state; but there are many advocates, both in conversation and in writing, of universal toleration. Some members of Congress are said to be strongly in favor of it; but the ignorant and superstitious part of the people, together with the regular clergy, would not be satisfied with such a measure, while the liberality prevailing among the better informed classes is such as to secure a virtual toleration for the present. Besides, from the circumstances of there being no sects in the country, such a provision may wait the progress of liberality in public opinion. In fact, the human mind has been set free on all matters of a general abstract nature, although the liberty of the press is circumscribed, in some degree, with respect to strictures on public measures and men, and the established religion; but there is neither inquisition nor previous license. They acknowledge the Pope as a spiritual head merely, and do not think him entitled to any authority to interfere in their temporal concerns. His bull in favor of the King of Spain against the colonists, which may be almost regarded as an excommunication, produced little or no sensation.

The number of monks and nuns never was very great in Buenos Ayres, when compared with other portions of the Spanish dominions. They have diminished since the revolution. There was at one time a positive law passed forbidding any one to become a monk or a nun; but they were obliged to repeal it, and it was afterwards passed with some modifications. The restrictions substituted, aided by public opinion, have nearly produced the desired effect. Few of the youth of the country apply themselves to the study of theology, since other occupations much more tempting to their ambition have been opened to their choice. Formerly, the priesthood was the chief aim of young men of the best families who were desirous of distinction, as, in fact, it constituted almost the only profession to which those who had received a liberal education could devote themselves; which will readily account for the circumstance of so many of the secular clergy directing their attention at present almost exclusively to politics. The regular clergy, who are not permitted by the nature of their profession to take part in the business of the world, or to hold secular offices, are many of them Europeans; but those of them who are natives take the same lively interest in passing events with the other classes of the community.

They have gone cautiously to work in reforms in the different branches of their municipal laws and the administration of them. The number of offices has been considerably diminished, and responsibility rendered more direct and severe. The judiciary system has undergone many improvements, and nearly all the leading features of the law which did not harmonize with the principles of free government have been expunged, though some of the former evils still remain. The barbarous impositions on the aborigines have been abolished; the odious alcavala and other obnoxious taxes modified so as no longer to be vexatious; slavery and the slave trade forbidden in future; and all titles of nobility prohibited under the pain of the loss of citizenship. The law of primogeniture is also expunged from their system. In the provisional statute, as has already been stated, nearly all the principles of free representative government are recognised, accompanied, it is true, with certain drawbacks, for which they plead the necessity of the times, but which they profess their intention to do away with on the final settlement of the Government—a consummation anxiously desired by all classes of inhabitants. The example of France has warned them not to attempt too much at first. They have followed the plan of the United States in the introduction of gradual reforms, instead of resorting to violent and sudden innovations and revolutions.

Next to the establishment of their independence by arms, the education of their youth appears to be the subject of the most anxious interest. They complain that every possible impediment was thrown in the way of education previous to the revolution; that, so far from fostering public institutions for this purpose, several schools were actually prohibited in the capital, and the young men were not without restraint permitted to go abroad for their education. There was a college at Cordova, at which those destined for the bar or the priesthood completed their studies upon the ancient monkish principles. Another, called San Carlos, (now the Union of the South,) had been opened at Buenos Ayres, but was afterwards converted into barracks for soldiers. It is an immense building, more extensive, perhaps, than any which has been dedicated to learning in this country, and it has lately been fitted up at very great expense. The school was to have been opened in May or June last on a more modern and liberal plan of discipline and instruction. The library of the state is kept in an adjoining building; it occupies a suite of six rooms, and contains nearly twenty thousand volumes, the greater part rare and valuable. It is formed out of the library of the Jesuits, the books collected in the different monasteries, donations from individuals, and an annual appropriation by the Government, and contains works on all subjects and in all the languages of the polished nations of Europe. A very valuable addition has been lately made of several thousand volumes, brought to Buenos Ayres by M. Bonpland, the companion of the celebrated Humboldt.

Besides the University of Cordova, at which there are about one hundred and fifty students, there are public schools in all the principal towns, supported by their respective corporations. In Buenos Ayres, besides an academy, in which are taught the higher branches, and the college before mentioned, there are eight public schools, for whose support the corporation contributes about seven thousand dollars annually; and, according to the returns of last year, the number of scholars amounted to eight hundred and sixty-four. There are five other schools, exclusively for the benefit of the poor, and under the charge of the different monasteries; these are supplied with books and stationary at the public expense. There are also parish schools in the country, for the support of which a portion of the tithes has been lately set apart. It is rare to meet with a boy ten or twelve years of age, in the city of Buenos Ayres, who cannot read and write. Besides the scholars thus instructed, many have private tutors. In addition to all this, I must not omit to mention the military academies, supported by Government, at Buenos Ayres and Tucuman, at which there are a considerable number of cadets.

There are no prohibited books of any kind; all are permitted to circulate freely, or to be openly sold in the bookstores; among them is the New Testament in Spanish. This alone is a prodigious step towards the emancipation of their minds from prejudices. There are several bookstores, whose profits have rapidly increased; a proof that the number of readers has augmented in the same proportion. There had been a large importation of English books, a language becoming daily more familiar to them. Eight years ago the mechanic art of printing was scarcely known in Buenos Ayres; at present, there are three printing offices, one of them very extensive, containing four presses. The price of printing is, notwithstanding, at least three times higher than in the United States; but as there is no trade or intercourse with Spain, all school books used in the country, some of them original, are published at Buenos Ayres; the business is therefore profitable, and rapidly extending. There are many political essays, which, instead of being inserted in the newspapers, are published in loose sheets; there are also original pamphlets, as well as republications of foreign works. The constitutions of the United States and of the different States, together with a very good history of our country, and many of our most important state papers, are widely

circulated. The work of Dean Funes, the venerable historian of the country, comprised in three large octavo volumes, considering the infancy of the typographic art in this part of the world, may be regarded as an undertaking of some magnitude.

There are three weekly journals, or newspapers, published in the city, which have an extensive circulation through the United Provinces. They all advocate the principles of liberty and republican forms of government, as none other would suit the public taste. The year before last, it is true, one of the papers ventured to advocate the restoration of the Incas of Peru, with a limited monarchy; but it was badly received. No proposition for the restoration of hereditary power, of any kind, as far as I could learn, will be seriously listened to for a moment by the people. Even the ordinary language has changed. They speak of "the state," "the people," "the public," "country," and use other terms, as in the United States, implying the interest that each man takes in what appertains to the community. The first principle constantly inculcated is, "that all power rightfully emanates from the people." This, and similar dogmas, form a part of the education of children, taught at the same time with their catechism. It is natural that the passion for free government should be continually increasing. A fact may be mentioned to show the solid advancement they have made, which is, that the number of votes taken at their elections increases every year. In becoming habituated to this peaceful and orderly mode of exercising their right of choosing those who are to be invested with authority, the tumultuous and irregular removal, by a kind of general oratory or acclamation, of those who have been chosen, will gradually cease.

Rather than disturb the order of society, they will endure with patience until the time arrives for effecting a regular and constitutional change. Since the election of the present Director, none of these tumults, before so frequent, have occurred. These tumults have seldom been attended with bloodshed; yet they produce great confusion and disorder, and give rise to habits of insubordination, at the same time that they are ruinous to the character of a nation.

The viceroyalty of Buenos Ayres differed from the rest in one important particular. It contained no nobility; or, if any, very few. This may be regarded as a favorable circumstance in their society. Another favorable feature, very necessary to the successful administration of their affairs, is the conduct of many individuals, who have filled the highest office of state, in descending from that dignified situation to inferior posts, and discharging their duties with alacrity. Thus we behold General A. Balcarce, who was formerly Director, acting as second in command to Colonel San Martin; Colonel Alvarez, also a Director at one period, now serving in the staff under the chief of that department, General Azcuenega; and General Rondeau, once elected to the chair of state, is at present employed in a minor office. There are others, who have occupied the same elevated post, who have retired to the station of private citizens.

The general capacities of the United Provinces for national defence are also important, in many respects. The nature and extent of the country afford the inhabitants numerous advantages over an invading army. The ease with which their herds of cattle may be driven to distant places, beyond the reach of an enemy, and the rapid movements the troops of the country can make, from the ample supply of horses and mules, are circumstances of great consequence in a military view. Even the towns not fortified, from the manner in which they are built, and from the construction of their houses, furnish powerful means of defence, as the British army under General Whitlocke experienced, in their attack on Buenos Ayres.

I am sensible that, in the course of these statements and remarks, some inaccuracies and errors must have occurred; but they have been unintentional. I have only to add, that the reception of the commissioners at Buenos Ayres by the Chief Magistrate was friendly and flattering. From every class they met with a cordial welcome. The people, in general, appear to be very much attached to the American character, and to the Government and citizens of the United States.

Should any thing further occur, it shall be made the subject of a future paper.

I have the honor to be, with great respect, your most obedient servant,

C. A. RODNEY.

Mr. Graham to the Secretary of State.

SIR: CITY OF WASHINGTON, *November* 5, 1818.

Mr. Rodney having undertaken to draw up, for our joint signature, a report respecting the present situation of the country we recently visited under the orders of the President, and circumstances having prevented him from presenting it to me for perusal until his late arrival in this city, I was not aware until then that I should have occasion to present to you my individual views on that subject. But, on an attentive perusal of the paper he drew up, I found that, although there was not, perhaps, any important fact on which we essentially differed, yet that some were stated of which I was not aware; and that we had taken views which it might be difficult to combine during the short time then allowed to us, and of which it might be proper that you should be put in possession. Under these circumstances, I thought it better to submit to the disadvantage of hastily throwing my observations together, and of presenting them separately, than to ask him to derange the general tenor of his report by introducing them into it.

The arrival of Mr. Bland, who will necessarily make a separate report, will, I trust, reconcile the President to the course I have taken, as, from a combined view of what we individually state, he may, perhaps, be better enabled to draw his own inferences as to the actual situation and future prospects of the country we visited, than from any just report in which we could all have agreed; as, under ordinary circumstances, that must have been the result of a compromise of opinions, and would, probably, have excluded some facts, or some views, which one or the other of us will, in the mode now adopted, present to you.

In my particular situation, however, I thought it less necessary to go into detail, as I knew that the report of Mr. Rodney would furnish information on points which I omit.

With great respect, I have the honor to be, sir, your most obedient servant,

JOHN GRAHAM.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

The country formerly known as the viceroyalty of Buenos Ayres, extending from the northwestern sources of the river La Plata to the southern cape of America, and from the confines of Brazil and the ocean to the ridge of the Andes, may be considered as that which is called "the United Provinces of South America."

Under the royal Government, it was divided into the intendencies or provinces of Buenos Ayres, Paraguay, Cordova, Salta, Potosi, La Plata, Cochabamba, La Paz, and Puno. Subsequently to the revolution, in the year 1814, another division was made; and from the provinces of Cordova, Salta, and Buenos Ayres were taken those of Cuyo or Mendoza, Tucuman, Corrientes, Entre Rios, and the Banda Oriental. The others, it is believed, retained their former boundaries, and, with the exception of Paraguay, are generally called "Upper Peru."

This widely-extended country embraces almost every variety of climate and soil, and is capable of almost every variety of production. A large part of it, however, particularly on the west side of the river La Plata, and southerly towards Cape Horn, is deficient in wood, even for fuel, and in water; that which is found is generally brackish.

Although three centuries have passed by since the Spaniards made their first settlement in this country, and some considerable towns and cities have grown in it, yet its general improvement and population have by no means kept pace with them, for the lower provinces have been almost entirely abandoned to the immense herds of cattle which graze on their plains, and require only the partial care of a comparatively few herdsmen; and the inhabitants of Upper Peru have been engaged more generally in the business of mining than was favorable to improvement or population. Certain small districts, having peculiar advantages, are said to be well cultivated, and very productive; but agriculture has, in general, been very much neglected. It is, in a great degree, confined to the vicinity of the towns and cities, and may be said to limit its supplies to their demands. This state of things, combined with the regulations of the former Government, the influence of climate, and the force of example, has stamped the character of indolence upon that class of society usually considered as the laboring class. The same causes have not operated (at least not with the same force) upon the other inhabitants of the country; hence, they are more industrious and more active. Their manners are social, friendly, and polite. In native talents, they are said to be inferior to no people; and they have given proofs that they are capable of great and persevering efforts, that they are ardently attached to their country, and warmly enlisted in the cause of its independence.

It is not necessary for me to enter into a detail of the causes which led to the revolution in 1810. The most immediate, perhaps, are to be found in the incidents connected with the two invasions of the country by the British, in the years 1805 and 1806, and in the subsequent events in Spain; as they had a direct tendency to show to these people their own strength, and the incapacity of Spain to give them protection or enforce obedience. The groundwork was, however, laid in the jealous and oppressive system adopted at a more early period by the Kings of Spain, whose policy it seemed to be to keep within as narrow limits as circumstances would permit the intelligence, wealth, and population of that part of America subject to their dominion, as the surest means of preserving an empire which they considered the great source of their wealth and power.

The revolution having been auspiciously commenced in the city of Buenos Ayres, was warmly and zealously supported by the great mass of the people descended from the Spaniards; but the native Spaniards, as well those domesticated in the country as those in the service of the King, were almost all opposed to it, particularly at the time and under the circumstances it took place. Dissensions were the immediate result, and their long-standing jealousy and distrust of each other have, by subsequent events, been heightened into deadly hostility, which time alone can wear away. These dissensions have been considered as one of the causes that produced those which subsequently took place amongst the patriots themselves, and which have been most serious obstacles to the progress of the revolution. Other obstacles, however, have been presented by the royal Government in Peru, which has hitherto not only been able to maintain itself there, but has found means, by enlisting the native Peruvians into its service, to send, at different times, considerable armies into the upper provinces on the La Plata, where the war has been carried on from the commencement of the revolution to the present day with various success; the great extent and peculiar character of the country, and the want of resources, having prevented either party from making a blow decisive of the contest. When we came away, the advantage in that quarter was on the side of the Spaniards, as they were in possession of the provinces of Upper Peru, which had, to a certain degree at least, joined in the revolution, and some of which are represented in the Congress. Everywhere else they have been obliged to yield up the Government and abandon the country, or submit to the ruling power. The peculiar situation of Montevideo, on the east side of the river La Plata, open to the sea, and strongly fortified, enabled the Spanish naval and military forces, at an early period in the revolution, to make a stand there. They were ultimately obliged to surrender it; not, however, until long-protracted and perhaps ill-directed efforts on the part of the assailants had given rise to many jarring incidents between those who came from the opposite shores of the river, probably the effect, in part at least, of ancient jealousies, kept alive by the individual interests of particular leaders; these have been followed by events calculated to produce a still greater alienation; and, although several attempts have been made to bring about a union, they have hitherto been unsuccessful. The provinces of the "Banda Oriental" and the "Entre Rios," on the eastern side of the river, under the direction of General Artigas, are now at war with those on the western side, under the government of the Congress at Buenos Ayres.

This war has originated from a combination of causes, in which both parties have, perhaps, something to complain of, and something to blame themselves for.

General Artigas and his followers profess a belief that it is the intention of the Government of Buenos Ayres to put them down, and oblige them to submit to such arrangements as will deprive them of the privileges of self-government, to which they claim to have a right. They say, however, that they are willing to unite with the people on the western side of the river, but not in such a way as will subject them to what they call the tyranny of the city of Buenos Ayres. On the other hand, it is stated that this is merely a pretext; that the real object of General Artigas, and of some of his principal officers, is to prevent a union on any terms, and to preserve the power they have acquired, by giving an erroneous excitement to the people who follow them; that it is wished and intended to place these provinces on a footing with the others; that the respectable portion of their inhabitants are aware of this fact, and anxious for a union, but are prevented from openly expressing their sentiments from a fear of General Artigas, whose power is uncontrolled by law or justice, and hence the propriety and necessity of aiding them to resist it. Armies have accordingly been marched within the present year into these provinces; but they were not joined by a number of the inhabitants, and were defeated with great loss.

This war is evidently a source of great injury and regret, and at the same time of extraordinary irritation to both parties; for, independently of other causes of recrimination, each accuses the other of having brought about that state of things which threatens to place a most important and valuable portion of their country in the hands of a foreign Power, who has invaded it with a regular and well-appointed army, and is gradually taking possession of commanding points, from which it may be difficult for their united force hereafter to dislodge them. That they will unite, is, I think, to be calculated on, unless some event disastrous to the cause of the revolution itself takes place; for their mutual interest requires a union. But more of moderation and discretion may be necessary to bring it about than is at this time to be expected from the irritated feelings of some of the principal personages on both sides.

The city of Santa Fé, and a small district of country around it, also refuse to acknowledge the authority of the Government of Buenos Ayres.

In Paraguay, the events of the revolution have differed from those in any other province, as the inhabitants of that country have uniformly resisted the efforts of the other provinces to unite with them. After having aided the Spanish placed over them to repel a military force which had been sent to overthrow them, they themselves expelled from their country these authorities, and established a Government of their own, totally unconnected with that of the other provinces, with whom they manifest an unwillingness to keep up even a commercial intercourse.

This has given rise to a suspicion in the minds of some that there is a secret predilection among them for the ancient order of things. But, from what is said of their cold and calculating character, from the safe position of their country, and its capacity to supply its own wants, it is probable that their object is to husband their resources, and profit by the exertions of others, without giving their own in aid of them; and possibly, in case of ultimate failure, to place their conduct in a less objectionable point of view before the Government of Spain. Whatever may have been their motives, they have hitherto contrived to escape, in a great measure, the evils of war.

Their resources in men and money are said to be considerable, and no country is more independent of foreign supplies.

Their conduct furnishes a striking contrast to that of the people of Buenos Ayres, who entered into the revolution with unbounded zeal and energy, and have ever been ready to meet the difficulties of so great an undertaking. This circumstance, connected with their local situation, greater resources, and more general information, and perhaps the fact of their having been the first to get power into their hands, have had the effect to give them a controlling influence over the revolutionary Government, which has not failed to excite, in some degree, the jealousy of the other provinces, and amongst themselves a feeling of superiority little calculated to allay that jealousy. Great evils were at one time apprehended from this state of things; but the Congress which met at Tucuman, in March, 1816, composed of deputies from the several provinces then united, assumed the sovereign power of the country, boldly declared its absolute independence, and adopted a provisional form of government, which is understood to have the effect of allaying dissensions, and of introducing a more regular administration of public affairs.

It will be seen, from the documents in your possession, that this provisional constitution recognises many of the principles of free government, but with such drawbacks as are little calculated to enforce them in practice. Great allowances are doubtless to be made for the circumstances of the times, and the danger and difficulty of tearing up ancient institutions, or of adapting new principles to them. But, after due allowance for all these considerations, it did not appear to me that so much had been done for the cause of civil liberty as might have been expected, or that those in power were its strongest advocates. It is generally admitted, however, that some changes for the better have been made. Much care seems to be taken to educate the rising generation; and as those who are now coming on the theatre of action have grown up since the commencement of the revolution, and have had the advantage of the light thrown in by it, it is fair to suppose that they will be better prepared to support and administer a free government than those whose habits were formed under the colonial Government of Spain.

The commerce and manufactures of the country have grown beyond its agriculture. Various causes, however, have contributed to lessen some branches of manufacture since the revolution, but commerce is understood to have been increased by it. A much greater variety and quantity of foreign goods is imported, and a greater demand is opened for the productions of the country. The city of Buenos Ayres is the seat of this commerce. From it, foreign and some domestic goods are spread through the interior, as far as Chili and Upper Peru, and, in return, the various productions are drawn to it. This trade is carried on principally by land, as is that between the different provinces, though some small portion of it finds its way up and down the large rivers forming the La Plata, which is itself not so much a river as a great bay. The abundance of cattle, horses, and mules, and of some other animals peculiar to the country, which are used in the mountainous regions of Peru, furnishes facilities for transportation not to be found in any other country so little improved; hence the price of transportation is very low, and the internal trade greater than it otherwise would be, though it had been materially lessened in some important branches by the war with Peru, and the system adopted in Paraguay.

The export and import trade is principally in the hands of the British, though the United States and other nations participate in it to a certain degree. It is depended on as the great source of revenue to the state; hence they have been tempted to make the duties very high, and to lay them upon both imports and exports, with the exception of lumber and military stores. This circumstance, connected with the fact that payment is demanded at the custom-house before the goods are delivered, has led to a regular system of smuggling, which is said to be carried to great excess, and doubtless occasions the official returns to fall short of the actual amount of the trade. This may be the reason why they were not given to us. The articles imported are almost every variety of European and East India goods, principally from England; rum, sugar, coffee, tobacco, cotton, and timber from Brazil; lumber of almost every description, codfish, furniture, gin, and some smaller articles from the United States, together with military stores, which, however, find their way into the country directly from Europe, and are thus furnished at a cheaper rate than we can sell them. The principal articles of export are taken from the various animals of the country, tame and wild, from the ox to the chinchilla, copper from Chili, and some of the precious metals drawn principally from Peru; but as gold is worth seventeen dollars per ounce, and passed by tale at that rate, very little of it is exported. Hence the currency of the country is gold, for they have no paper money. The "libranzas," or bills of credit, issued by the Government, are, however, an article of traffic among the merchants, as they are received in payment of one-half of the duties. No distinction is made in favor of the trade of any nation, save only that the British merchants have some peculiar facilities granted them in relation to their letters, which are an object of taxation, at least so far as applies to those sent out of the country.

In the official statements given to us, and to which I beg leave generally to refer for information as to the foreign relations, the productions, military and naval force, revenue, and population, the latter is stated at one million three hundred thousand, exclusive of Indians. This is understood as comprehending the population of all the provinces; but as some of them are not under the Government at Buenos Ayres, I have thought it proper to annex the several estimates I collected of the population of each province, as they may serve to give some general information on that point. The most immediate difficulty felt by the Government, whilst we were in the country, seemed to arise from the want of money; for, although the debt was small, their credit was low. It had not been found practicable to adopt a system of finance adequate to the exigencies of the times, though it would seem, from the statement given to us, that the revenue of the last year exceeded the expenses. The important events of the present year in Chili, of which you are informed, will doubtless have the effect to raise the credit of the country, and to lessen the pressure upon it, at least for a time, and will probably leave the Government more at leisure to attend to its internal affairs.

When we came away, it was understood that a committee of the Congress was engaged in draughting a new constitution, the power of forming and adopting it being exclusively vested in the Congress. Whether it will assume a federal or national character, is somewhat doubtful, as there are evidently two parties in the country, whose views in this respect are very different, and it is believed that they are both represented in the Congress. The one party is in favor of a consolidated or national Government, the other wishes for a federal Government, somewhat upon the principles of that of the United States. The probability seems to be that although there might be a majority of the people in the provinces generally in favor of the federal system, it would not be adopted, upon the ground that it was not so well calculated as a national Government to provide for the common defence—the great object now in view. The same general reason may be urged, perhaps, for giving to the latter, should it be adopted, less of a republican character than probably would have been given to it in more quiet and peaceful times. There is danger, too, as the power of forming and adopting the constitution is placed in the hands of a few, that the rights

and privileges of the people may not be so well understood or attended to as they would have been had the people themselves had a more immediate agency in the affair. It is not to be doubted, however, that it will at least have a republican form, and be bottomed upon the principles of independence, which is contended for by all descriptions of politicians in the country who have taken part in the revolution, and will, it is believed, be supported by them, in any event, to the last extremity.

Their means of defence, of which they are fully aware, are, in proportion to their numbers, greater perhaps than those of almost any other people; and the duration and events of the war have strengthened the general determination never to submit to Spain. This determination rests upon the recollection of former sufferings and deprivations; upon a consciousness of their ability to defend and to govern themselves; and upon a conviction that, in case of submission on any terms, they would, sooner or later, be made to feel the vengeance of the mother country. These considerations, doubtless, have the most weight upon the minds of those who have taken a leading part. They, of course, use all their influence to enforce them, and thus to keep up the spirit of the revolution. In this they probably have had the less difficulty, as, although the sufferings of the people have been great, particularly in military service and in raising the contributions necessary for that service, yet the incubus of Spanish power being thrown off, and with it that train of followers who filled up almost every avenue to wealth and consequence, the higher classes have been awakened to a sense of advantages they did not before enjoy. They have seen their commerce freed from legal restraints, their articles of export become more valuable, their supplies furnished at a lower rate, and all the offices of Government or other employments laid open to them as fair objects of competition. The lower classes have found their labor more in demand and better paid for, and their importance in society greater than it formerly was.

They are yet, however, from their indolence, general want of education, and the great mixture of "castes" among them, in a degraded state, but little felt in the affairs of the Government. The stimulus now given will operate to produce a change in them for the better, and, it is to be presumed, will gradually have its effect, as their docility, intelligence, and activity, when called into service, give evidence that they are not deficient in natural or physical powers.

Labor, as it becomes more general, will become less irksome to individuals; and the gradual acquisition of property, which must necessarily result from it in such a country under a good Government, will doubtless produce the happy effects there which it has uniformly produced elsewhere, and more especially in countries where the population is small when compared to the extent of territory.

I am very sensible that I may have been led into errors of fact or inference. In that case, I can plead honesty of intention, and the difficulty of collecting at a single point, and within a limited time, correct information, or of analyzing that which was collected, respecting a people in a state of revolution, who are spread over an immense country, and whose habits, institutions, and language are so different from our own.

I have only to add, that we were politely received by the Supreme Director, who made every profession for our Government, and every offer of accommodation to us, as its agents, which we had a right to expect; and that the people manifested, on all occasions, the most friendly dispositions.

Estimate of the population of the provinces of Buenos Ayres, Cordova, Tucuman, Mendoza or Cuyo, and Salta, under the names of the different towns or districts which send representatives to the Congress.

Towns, &c.	By an imperfect census taken, it is believed, in 1815, excluding troops and transient persons and Indians.	By more recent estimates, excluding Indians.	Excluding Indians.	Including Indians.
Buenos Ayres,	98,105	105,000	120,000	250,000
Cordova,	-	75,000	75,000	100,000
Tucuman,	-	45,000	45,000	20,000*
Santiago del Estero,	-	45,000	60,000	
Valle de Calamarca,	-	36,000	40,000	
Rioja,	-	20,000	20,000	
San Juan,	-	34,000	34,000	
Mendoza,	-	38,000	38,000	
San Luis,	-	16,000	16,000	
Jujuy,	-	25,000	25,000	
Salta,	-	50,000	50,000	
Provinces of Upper Peru—				
Cochabamba,	-	100,000	120,000	200,000
Potosi,	-	112,000	112,000	250,000
La Plata, or Charcas,	-	112,000	112,000	175,000
La Paz,	-	-	-	300,000
Puno, Under the name of Santa Cruz de la Sierra	-	120,000	-	30,000†
Puno, Ouiro,	-		-	150,000†
Puno,	-		-	50,000†
Paraguay,	-	-	-	300,000
Banda Oriental, and Entre Rios,	-	50,000		

NOTE.—It is not understood that any part of the province of Corrientes, or that of the city or district of Santa Fé, is included in this estimate; and some districts of some of the other provinces may be omitted.

*Probably the town only. †Under the various names of Santa Cruz de la Sierra, Majos, and Chequitos.

APPENDIX TO MR. RODNEY'S REPORT.

A.

Historical sketch of the revolution of the United Provinces of South America, from the 25th of May, 1810, until the opening of the National Congress on the 25th of March, 1816; written by Dr. Gregorio Funes, and appended to his History of Buenos Ayres, Paraguay, and Tucuman.

It is the advice of a sage that the history of revolutions should be written neither so long after they have happened that many of their events will be forgotten, nor so immediately after they have occurred as to preclude it from being executed with the requisite impartiality. In the last case, all who read it, sitting in judgment upon it, approve or condemn according to their feelings, and, in consequence, it is deemed a chaos of uncertainties. We have, therefore, determined to give merely a sketch of the revolution, and to refrain from such narration as would perhaps revive animosities which patriots wish never to see renewed.

1810.

A succession of reverses had deranged all the plans of defence adopted by Spain to resist the attacks of France. The pass of Sierra Morena being forced, the army of the enemy extended its conquests to the island of Leon. Affairs were in this desperate situation when the timorous Cisneros addressed his celebrated proclamation to the people, more for the sake of repelling the danger which menaced his authority, than of furnishing them rules to regulate their conduct in case of the French succeeding in their ambitious designs against the mother country. A martyr to the suspicions to which he had given himself up, as if he disdained artifice, he endeavored to gain credit with the people by palming upon them his statement of the utter imbecility of Spain, which they knew as well as he, for noble sincerity. In fine, he descended to propose a plan of national representation as remote from justice as from utility.

This was a conjuncture which the people of Buenos Ayres anxiously expected. That period had long passed away when America, without any object with which to compare herself, had believed men bound implicitly to be guided by the maxims of their predecessors. The revolution of North America, and the recent one of France, had revived among us the natural rights of man. The same regency, although thereby doing violence to its feelings, said to us, "that we were elevated to the dignity of freemen; that we were, not like our ancestors, oppressed by a yoke rendered more galling by their distance from the centre of power, viewed with indifference, and made vile by ignorance." In fine, in the reconquest of Buenos Ayres, by expelling the English, we had made trial of our strength; and convinced that we might now safely cast off the leading-strings of infancy, he believed that this was the time to shake off the authority of a decrepit and tyrannical mother. We were also impelled to this measure, from its appearing probable that Napoleon would render permanent the Government he had established in Spain.

A number of brave men* united themselves secretly for the purpose of extirpating tyranny, and at the risk of their tranquillity, and fortune, and life, formed the plan of this revolution. Though destitute of military force, they dared provoke a powerful viceroy; without experience, they yet lulled to sleep the vigilance of their governors; without money, they gained over many of the soldiery; without authority, they reigned in the hearts of their fellow-citizens. This being the situation of things, the volcano at last burst forth. A Junta of nine persons, with full powers,† assembled on the 25th May, 1810, agreeably to the summons of Cisneros, the viceroy. This was the first step in our revolution; a revolution effected without bloodshed, maintained by success, ardently desired by the good, and capable of producing the happiest effects.

Although the considerations we have mentioned would have justified the declaration of independence, the capital did not proceed to this extremity. It considered that to pass at once the immense interval between slavery and liberty would be a premature measure, and, contrary to the inviolable law of nature, that improvement shall be gradual.

Besides this, although they knew that the enjoyment of the social rights was an object so dear to the hearts of many Americans, they knew, also, that there were among them some timid men, who, exposing themselves to universal derision, reprobated the good purchased by any other than pacific means; others who, destitute of love of country, were strangers to the most heroic passions; and others so unenlightened as to deem servitude their natural and proper state.

As well to make an experiment upon these dissimilar classes of men as to leave the great measure of declaring independence untried till events should render it expedient, the capital limited itself, for the present, to the only plan sanctioned by prudence. This was, that the provinces, in the name of Ferdinand VII., should assume the direction of public affairs. Every thing prompted us to this innovation. The peninsular Government, its springs having lost their elasticity, appeared insufficient to secure the existence of the nation. The very provinces of Spain were, more or less, in open opposition to her authority. Her governmental orders were either entirely violated, or imperfectly obeyed. This monarchy was completely unhinged. The component parts of this vast body politic were so widely dispersed that they could have no tie capable of binding them together. This want of union rendered the nation weak. It was doubtful whether the Central Junta could, of itself, establish a regency. In fine, America was an integral part of the monarchy, and enjoyed equal rights with Spain.

This innovation excited greatly the feelings of the people, and gave birth to as little speculation. Men, who had submitted without a murmur to be treated as slaves, blessed the moment when, at least, they were no longer instrumental to their own sufferings. But, on the other hand, interest and arrogance caused the European Spaniards to regard with rage the newly-awakened energy of a people they had long contemned—an energy which menaced them with the deprivation of office and influence.

The oidores of Buenos Ayres were the first who manifested a disgust, unbounded and promotive of insubordination. The Junta excluded from the Government certain individuals‡ regardless of every thing but self-interest. For them it substituted others more worthy.

The royal marine, characterized by ignorance and indocility, also gave loose to selfish passions. It retired to Montevideo; endeavored to stir up the people to insurrection; implored succors from Brazil; dispersed the army; imprisoned its chiefs—even sent them to Spain: in fine, threw all things into confusion.

* These were Casteli, Belgrano, Chiclana, Paso, Vieytes, Pena, Danagueyra, Paso, Terrada, Tompson, Vieytes, Balcarce, Beruti, Rodriguez, Donado, Prigoyen.

† These were Colonel Seapedra, president; Casteli, Belgrano, Azeninaga, Alberti, Mateu, Larrea, Moreno, and Paso.

‡ They were sent to the Canaries, and were Cisneros, Velezco, Reyes, Billota, Carpe, Danaguexra, Escharraria, Medeano, and Cosis, the fiscal.

The state was upon the eve of a civil war. Lima, Montevideo, Paraguay, the chiefs of Cordova, Potosi, and Charcas, prepared themselves for a bloody contest with the capital and its adherents. But their animosity excited vigilance in the Government, and enthusiasm in the patriots.

To guide the people in the novel and daring career upon which they had entered, the Government and the clergy furnished them with productions written with ability and with energy. To enlighten the public, and, consequently, to triumph over the errors of education, was deemed a sacred duty. The conduct of the ecclesiastics was particularly praiseworthy, since they acted in opposition to the bishops of their diocesses, more occupied with the advantages of posts they feared to lose than interested for their flocks.

As the provincial chiefs in opposition to the Government were deaf to persuasion, it determined to obtain by force for the people the enjoyment of their rights. It organized an auxiliary expedition to operate against the enemies of liberty in the interior provinces. At this very time Concha, Governor of Cordova, and the bishop Orellana, excited by the ardent Liniers, viewed the revolution as a criminal enterprise against the state, and excited the people to disobedience and to vengeance. To cure them of this phrensy, and to convince them that they were laboring for their own ruin and that of the people, my opinion, delivered in a Junta,* was ineffectual. At last, these deluded men discovered, to their cost, that they were struggling in an unknown sea against a tempest they could not withstand. Abandoned by their own soldiers, who never heartily embraced their cause, they were taken prisoners.†

The Junta determined to cement the revolutionary Government with the blood of those mistaken men, and thus to terrify into silence the enemies of freedom. When informed of this resolve, my surprise and grief were equally great. It was on the eve of its execution that I was informed of this determination. To avert from a cause, so far untainted by injustice, the imputation of atrocity, nay, even of sacrilege—for such those accustomed to kneel before their bishops would have deemed this act; to prevent the secession from the patriot cause of many reputable and influential families,‡ whose reputation and feelings such an execution would have deeply wounded; in fine, impelled by humanity, I felt bound to urge these reasons upon Don Francisco Antonio Ocampo and Don Hipoleto Vieytes, chiefs of the expedition, and to supplicate the suspension of so odious a sentence. The impressions which these reasons, and others added by my brother, Don Ambrosio Funes, made upon their minds, produced the desired effect a few hours before the time appointed to inflict the punishment. The Government deemed this extreme moderation incompatible with the security of the state. The blockade of the capital by the royal marine from Montevideo; the intrigues of the European Spaniards, ever on the alert; in fine, opinions in favor of Liniers, whispered among our troops, the companions of his dangers and his glory, compelled the Government to choose between the death of these conspirators, and the ruin of dawning liberty. Placed in this dilemma, from a sense of duty, it did violence to its feelings and confirmed the sentence, except that part relating to the bishop. Thus died (prematurely) men who, in other times, might have been useful citizens.§

Among the chiefs assembled by Concha and Liniers, the most conspicuous were Sans, Governor of Potosi, and Nieto, President of Charcas. Nieto, licentious as was ever any minion of tyranny, oppressed with vexations each garrison under his command, imprisoning the soldiers in caverns, and even condemning them to toil in bakehouses. Thus this idiot expected to prop the tottering fabric of slavery, and to perpetuate meanness of spirit and misery. While these and other events agitated the centre of Peru, the Junta gave additional respectability to the auxiliary expedition. Casteli having resigned the command, Don Antonio Balcarce was appointed in his stead. The victory of Suipacha put an end to the enterprises of certain rash men. The major general, Cordoba, Sans, and Nieto, were shortly after put to death.

It was not so much from external obstacles, as from a weakness common to all states in times of revolution, that our affairs were not always prosperous. It must be perceived that we are now about to speak from intestine dissensions. When we threw off the yoke, we thought that, in organizing a Government, it was impossible to recede too much from the tyranny which had caused our sufferings and our shame. A youth of talents and information, says a modern author, astonished at reading, in each page of the ancients, a diary of what passed before his eyes in the late French revolution, happily thought of writing its history, with passages extracted from these authors; and, without any other labor than that of citation, composed an original work. So true it is, adds he, that there are no annals more authentic and instructive than those of the human heart. When we attentively consider our dissensions, it appears as if Cicero, and Tacitus, and Sallust were their historians.

Governments destitute of solid foundations will always be playthings. Scarcely had the first Junta begun to exercise its authority, when the clouds gathered and the lightnings flashed around them. One germ of discontent, not dissembled, was exclusion from a share in command of the deputies of the people, appointed to give a legal existence and form to the new political‖ structure. This exclusion excited personal resentments; and those who deemed themselves injured endeavored to avenge themselves in the name of the public weal. The events which occurred in consequence will be recounted in the course of this sketch.

These provinces were now the theatres of civil war. The Paraguayans had not yet resolved to sacrifice a tranquil slavery for a liberty precarious and *tumultuary*. The first Junta perceived that this state of that province was the consequence of fears inspired by its governor, Velasco, and felt it a sacred duty to open its eyes to its interest and honor. This was the object of another expedition, commanded by Don Manuel Belgrano. It was, at first, unsuccessful; but what three bloody battles failed to win, was the fruit of a negotiation most sagaciously conducted by the general. The Paraguayans began to be persuaded that the zeal of Velasco was refined selfishness, obedience to him meanness of spirit, and submission to Spain contrary to the public good. The movements of the enemy at Montevideo, until now, though seditious, were unimportant. The arrival there of a viceroy for Buenos Ayres inspired the hope of humbling us—idiots! to indulge such a hope. We knew Elio, and counted upon his follies as most efficient auxiliaries. This soldier, whose motto was "boldness," promised the regency to convert the capital into a dungeon of slaves. It was natural that silly and extravagant expectations should be indulged and promulged to his employers by a viceroy incompetent to fill the most petty office. Elio had the insolence to require the Junta to recognise him; but this body treated his demand with the contempt it deserved.

* This Junta met at the house of the Governor, Concha: Liniers, Orellana, two oidores, Nonorarios, Colonel Allende, the asesor Rodriguez, the alcaldes ordinarios, the Ministro de las Caxas, Moreno, and myself, were present. Talone was in favor of the capital. My opinion may be seen in the Gazeta de Buenos Ayres, or in the Periodico Espanol.

† Except the oidores and alcaldes ordinarios.

‡ Allende and Rodriguez were related to the principal families of Cordova, Liniers, and Concha, the most respectable of Buenos Ayres; some of the relatives of the two last had taken part in the revolution.

§ The execution took place between the Post Cobeza del Tigra and that of Lobaton.

‖ To unite the provinces in a Congress, by their representatives, was the first resolve of the capital. Circular letters having been written for this purpose by the Junta, elections were holden in the most tranquil cities. In these letters it was stated that the deputies, when elected, should be incorporated in the Government. It was now the middle of December, and the deputies (of whom I was one, representing Cordova) were not incorporated.

1811.

In consequence of this repulse, Elio declared the Junta rebellious, and answerable for all the blood that might be shed in the contest. His first effort was to reduce the Orientals to obedience. But these brave men taught him what daring spirits, in robust bodies, could effect. The conquest of Gualeguaichu and the victory at Soriana were merely preludes to actions more glorious.

Certainly the fury of Elio was far less dreadful to the state than the internal dissensions which now convulsed it. While the Junta of Deputies labored in performance of its duties, new plots were hatched, during a repose which was *compulsatory*, by a rival party. It was attempted, by black calumny, to abuse credulity in order to render the deputies suspected. It was whispered that they intended to sell their country to the Portuguese for money and office—a base slander,* which never would have obtained believers, were it not true at all times that the great characteristic in party is blind deference to leaders. The Junta did not yield to this persecution, but the deputies, stigmatized as traitors and tyrants, opposed no other shield against calumny than a faithful discharge of duty.

Nevertheless, they were still victims of detraction, when a revolution, konwn as that of the 5th and 6th of April, in which the Government had no share, took place. This event afforded no pleasure to the Junta; it knew that in the ordinary course of the passions one revolution engenders others of the same kind; for when parties are once formed, interest and justice become with them convertible terms. The Junta had always been persuaded that the true object of the revolution ought to be to secure the people the advantages of a free Government. It held the opinion that persons in authority, if unrestrained by the jealous and unceasing attention of colleagues, invariably become corrupt; that, after being guilty of usurpations, to become despotic, became necessary to insure impunity; and that from violations of the laws to despotism is but a step. Supported by these reasons, and the unanimous vote of the people, it introduced the government of Juntas into all the provinces.

Animated by the same spirit, it introduced, also, *the liberty of the press.* The Junta was of opinion that the time had arrived when thought ought no longer to be imprisoned by the will of the magistrate, who, in the words of a celebrated genius, "with the cord that binds it in his hand, measures and fixes the distance of its flight."

These cases were succeeded by others of a different nature and importance. To excite the Orientals to resist their foe, and not to be at the mercy of the furious Elio and his rapacious followers, among the different objects soliciting attention, deserve the preference. By repeating frequently the words Sparta, Rome, liberty, patriotism, and by aid lavish and opportune, we had at last the consolation of interesting them in the salvation of the country. The taking of Canelones by Don Benancio Benovidez, and the victory of San José, gained by the troops of Don José Artigas, will always excite delightful feelings. But the Junta expected to gather the best fruits after, from policy, it had transferred the command of the army, and sent reinforcements to Colonel Don José Rondeau. Nor was it deceived; the towns of Minas, San Carlos, and Maldonado yielded successively to the conqueror Don Manuel Artigas; and the Orientals, rising in mass, invested the walls of Montevideo. Success so brilliant filled Elio with consternation, and made him deem it necessary to stop the patriots in their prosperous career, by some great effort. Twelve hundred of his best troops, with a great train of artillery, occupied Piedras. Notwithstanding their superiority in numbers, arms, situation, and discipline, they were conquered by men who, animated by the glory of conquering, forgot their nakedness, weariness, and all the horrors of death. The General, Don José Artigas, manifested on this occasion that ardor and coolness with which he inflamed or moderated the passions of his troops, as circumstances required.

These victories, and General Rondeau's removal of his head-quarters to Mercedeo, for the purpose of besieging Montevideo, filled Elio, till then over-confident, with despair. He inquired of the Junta if an accommodation were possible, and offered to purchase it, even with the humiliating sacrifice of his office. While the Junta was deliberating upon this proposal, it received intelligence that Paraguay had at last awakened from its lethargy, and turned against its oppressors arms placed in the hands of its sons in order to be used against the country, thus profiting by its error. This pleasing information produced a reply to Elio, which showed him that nothing remained for him but submission.

This energetic reply lighted up anew his flame of war. Elio, hearkening alone to the rage which filled his bosom, prepared to bombard the capital. Michelena, with a squadron of five ships, appeared off the harbor, and informed the Junta of his hostile intent. This body, unintimidated, boldly answered, in reply, "Proceed, and receive practical lessons of the energy of a people whose courage and resources are incalculable." The bombardment was executed, but with more injury to the enemy than to the capital.

It is now time to turn our eyes to the army of Peru. Thus far it was successful. Casteli, with six thousand men under his command in the vicinity of Desaguedero, expected decisive events, which would cover our arms with glory;† but, instead of adopting measures suitable to his circumstances, he entered into useless negotiations, and obtained an armistice, which Goyeneche perfidiously turned to his own advantage. Six days before it expired, the armies of the country were attacked in Guagy and Chibiraga, points distinct and distant from each other. In the first battle, the enemy was victorious; in the second, (at Chibiraga,) neither party conquered, but the dispersion of our army left the foe master of the field of battle on the following day. Our auxiliary expedition being thus unfortunate, the enemies became masters of Upper Peru. The Junta was undismayed by this reverse of fortune. In its proclamation to the people, it reminded them that the Roman Senate, after the defeat at Cana, thanked the consul Varro for not despairing of the republic, and declared that it did not despair. This proclamation, circulated throughout the country, roused the people to generous exertions.

It is proper here to narrate the capture of the island of *Rota.* The besieging army of Montevideo was greatly in want of powder, and this island contained a quantity equal to what it required. Although the attack was extremely hazardous, it was made with sagacity and valor by Don José Quesado, commander of our troops, and crowned with success. He abandoned it, after spiking the cannon, bringing with him twenty quintals of powder.

We had not only to contend against the Spanish troops, but also to be on our guard against a stranger whose ambition was well known. Our revolution had early awakened the policy of the Portuguese, and the court of Brazil, under the pretext of preserving in favor of Ferdinand VII. the integrity of his dominions, desired to get possession of his South American territories, in order to secure the rights which might accrue to the Princess Carlota. The Junta considered that, if Portugal refrained from doing what both her fears and her ambition prompted, it would be a phenomenon in history. It, therefore, mistrusted this Power, and took all the precautions prudence dictated to render Elio's demands for assistance unavailing.

The court of Brazil caused its troops to enter the territory of the state, but, before it resorted to arms, made experiment of what it could effect by policy. Removing at last the veil that had enveloped its designs, it proposed to the

*In support of this calumny, a letter written by the English Captain Fleming to the Government of Chili was triumphantly urged. But Lord Strangford, the British ambassador near the Prince Regent of Portugal, in his official letter of September 7th to the Governor of Buenos Ayres, thus expresses himself: "I can, in the most authentic manner, in the name of my court, disavow the letter of Captain Fleming."

†As Casteli himself states in a despatch.

Junta to purchase, by voluntary submission, its acknowledgment of the independence of La Plata, and its solemn engagement that, even if Ferdinand recovered the Spanish throne, it should not be again subjected to the authority of the mother country. The Junta considered that it would merit public hatred and vengeance, should it hearken favorably to a proposal with which it could not comply without imbecility and baseness, although, since the victory of Goyeneche had made him master of Peru, almost environed with foes, the Junta thought only of putting into requisition all the resources of the country, and, when these failed, to bury itself beneath its ruins. A little less folly on the part of Elio would have placed him in a situation to open a negotiation (as he proposed) with the Junta, to have assisted and been assisted by it against the Portuguese, and to have settled satisfactorily all matters in controversy. From the various sources for bettering the situation of the country which suggested themselves to the Junta, it selected that of reforming the Government. We had long experienced the evils of a system disproportioned, incapable of commanding means adequate to the ends to be effected, and destitute of the power necessary for putting in motion and directing the machine of government. The exclusion of the deputies from a share in the Government, which we have before related, may have resulted from artifice, precipitation, or other cause; but it is certain that to have admitted them all would have been incompatible with the secrecy, celerity, and vigor, without which to govern well is impossible. To obviate the inconveniences resulting from the want of these essentials, the Junta determined to create an executive power which, in the language of the sapient Necker, "should in the body politic represent that mysterious power which in man causes the action to correspond with the will." The consideration that, when the executive authority has no just limits, the state is but a confused heap of oppressors and oppressed, induced the Junta, in order to temper it, to reserve to itself, with the title *guardian of the public rights*, the power of legislation; not, however, to its full extent, for it could be thus exercised only by a national Congress, but merely to provide for exigencies, to restrain the operation of laws prejudicial to the state, to deliberate upon important affairs, and to calm the distrust in their governors with which growing fondness for liberty inspired the people.

With these limitations the Junta created an executive power, vested in three persons, who were Dr. Don Juan José Paso, Don Feliciano Chiclana, and Don Manuel Sarratia. If these new magistrates would have respected the barriers that limited their power, they would have spared the capital a tumult, the deputies an affront, and their own reputations a death-wound. From a reprehensible desire of authority, without the proper counterpoise, they stigmatized the regulation made by the deputies, in virtue of the power they had reserved, "as a code calculated to precipitate the country into the abyss of ruin." The deputies being made the victims of public disorder, their place in the Government remained vacant. The manifestoes issued in justification of this measure could easily have been refuted; but the deputies, aware that, when the feelings of the people are in a state of irritation, it is in vain to appeal to them for justice, wisely trusted their defence to events which they were confident would, sooner or later, make apparent their innocence. They did not miscalculate: for the prosperity subsequently enjoyed by the country, under a political system very similar to the one they proposed, has completely refuted the calumnies of their adversaries.

It is impossible, in a sketch like the present, to give a full view of the perturbed state in which this violent measure left the capital. It was divided into factions familiar with every kind of petty artifice. Bitter invectives, false relations, exaggerated fears, were employed to obtain whatever they deemed promotive of their interests. "Each party," says an intelligent observer, "strengthens itself by railing at and calumniating its opponents. Party zeal gives reputation to factions, and to be deemed by them a man of worth, it is sufficient to be one of them." The most despicable persons were selected for chiefs, for the absence of talent and honesty insured their *innocuousness*. The situation of the capital was truly deplorable.

In this state of things, the sergeants, corporals, and soldiers of the 1st regiment openly mutinied and jeopardized their safety, by indiscreetly attempting to prevail against their officers. The capital was converted into a field of battle. The mutineers were compelled to surrender, and eleven of their number were executed to punish this outrage against the laws. The Government did not confirm their sentence with dry eyes, but it knew that rulers invariably bring their authority into contempt by giving impunity to criminals.

Fear and trouble mingle with the very elements of unstable Governments. The deputies of the people retired to their hearths, after they were left at liberty to do so, by their exclusion on the 5th and 6th of April from the Government. The intractable bishop Orellana, by his hypocrisy, obtained his restoration to a chair from which his crimes excluded him. These occurrences augmented distrust and jealousy. When Government adheres to a party, it makes, says a sage, the political bark to incline to one side, and accelerate a shipwreck in which it is also lost. It is true, though, adds he, that neutrality is not always warranted by justice, but rather by ambition, which, standing aloof from disorders, draws from them its greatest advantages.

While the bosom of the country was thus torn to pieces, the extremities were in no better condition. It is certain that, in consequence of an almost general insurrection of the Indians, the district of Paz was recovered, the city besieged, and the army of Lombera routed; it is also true that the brave Don Estevan Arce made himself master of Cochabamba. But, notwithstanding these triumphs, the conqueror of Guaqui retained his conquest. The retreat made from Potosi, by Colonel Don Juan Martin Pueyrredon, with the remnant of the army and wealth of the country, was executed so heroically that it deserves to be taken for a model. It is only given to intrepid spirits to make themselves respected in the hour of danger.

The Banda Oriental presented nothing which could tranquillize us. It is true that the Portuguese, though acting with their accustomed dissimulation, had not gathered its expected fruits. Their troops had approached Montevideo with the hope that, circumstances opening to them the gates, she would change her language, even if her feelings remained unchanged. Experience showed that the projects of cabinets sometimes fail. A treaty of peace made between this city and the capital, by which it was agreed that, upon our troops raising the siege, and retiring beyond the Uruguay, the Portuguese should evacuate the Banda Oriental, disconcerted all their plans. Still they did not despair. As remarkable for perfidy as we for good faith, by a scandalous invasion on their part, they renewed the war, and gave the troops of General Artigas an opportunity of showing these foes that none offended them with impunity. It was evident that to obtain Montevideo was the object of the Portuguese. Their seductive influence induced her to break the treaty, and renew the blockade of the capital.

It is only the pusillanimous that are disheartened by danger. *Men* count the number of their efforts by their reverses. Fortune enters into their calculations in doubtful cases, but they rely solely on virtue. The Government, convinced that victory is not essential, and that brave men, when reduced to the greatest straits, are most efficient, undismayed, strained every nerve to save us. The scarcity of money was supplied by a confiscation of enemy's property, and an annual contribution of six hundred and thirty-eight thousand dollars; an *estado major-general* was created; a methodical plan furnished for reforming the army; subordination was better established; the liberty of the press confirmed; the army of Peru reinforced; and additional troops opposed to the coalition of our enemies.

While these measures were adopting, a new occurrence relighted the torch of discord in the capital. By a regulation of the executive power, an assembly, to meet at stated periods, was organized, for the object of deliberating,

d uring a session positively limited to eight days, upon great state affairs, and of selecting every six months a successor to the chief of the Government, whose term of service expired. As love of liberty had generated inquietude and distrust, it was difficult to take any step without interrupting tranquillity. Don Juan Martin Pueyrrdon was elected. The assembly considered that it could not without imbecility refrain from assuming supremacy over the General Government and all the provinces of the Union. This was stigmatized by the executive, as an excess subversive of the law which gave this body being. The assembly urged that the law cited against them was the work of force; force terminated the contest, the assembly was dissolved, and the citizens still more disunited.

Discord, the tendency of which is to subvert all authority, debilitates the state. But this does not happen when it is awakened by love of liberty. Nothing is more natural than that the people should observe with fear the hand which governs them, but it is a fear neither enervating courage nor weakening understanding. The confusion into which General Arce, after the rout at Astete, and General Artigas, after a victory over a division of Portuguese, put the generals Goyeneche and Sousa, ought to have made them know that attempts against liberty are always vain. The court of Brazil, convinced of this truth, perceived that it would be best for it to be upon terms of amity with us. It, therefore, by its plenipotentiary, Don Juan de Redemarker, submitted proposals to us, to which, under the guaranty of Great Britain, we acceded.

Although Goyeneche, in Upper Peru, was filled with grief by the desertion of his troops, and other repeated misfortunes, pride would not permit him to abandon his conquest. Thus circumstanced, availing himself of our retreat to Tucuman, from the right bank of the river Suipacha, he resolved to attempt the conquest of Cochabamba. With the greatest and best part of his troops he marched, routed General Arce, and approached the city. Antezana, president of its Junta, perceiving himself without resources, offered submission, and implored the clemency of the conqueror. This proceeding, though prudent, was viewed with extreme disgust by a magnanimous people who had acquired so much glory. Although destitute of solid support, they preferred the horrors of war to the advantages of a humiliating peace, and commenced an irregular fight, in which the women* intermingled with the men. The contest was very unequal; after some resistance they yielded with considerable loss. This gallantry was sufficient to incite Goyeneche to the most base and cruel vengeance. The town was delivered up to plunder for three hours, which afforded opportunity for the commission of every sort of crime. That the soldiers should have been guilty of monstrous excess, is not surprising, since Goyeneche, himself incited them by his example.† It is a fact, well authenticated, that, entering with one-half of his cavalry the gate of the mother church, the sacrament being exposed, he killed, with a stroke of his sword, the fiscal Lopez Andrea, who presented it trembling with terror.

He then pursued boldly the several precedents of tyrants: by banishments, confiscations, and executions, this homicide rivalled Nero in infamy. In the places subjected to his yoke, a gesture, a clouded visage, an indiscreet word, a tear stealing down the cheek, was a crime of state. It may be remembered that eleven of the dispersed soldiers of General Arce were sacrificed to his vengeance at Chuquisaca. It was necessary for the timid to be encompassed by men like themselves, that they might not encounter, on whichever side they turned, this head of Medusa which froze the heart. But, in general, he failed to obtained the expected fruit from his barbarous policy. He inspired more hatred than terror. On all sides his troops were attacked with fury.

While we are drawing near the moment when the arms of the country achieved more important victories over the enemy, let us notice other successes, more nearly relating to the capital.

The measures of the Portuguese we last mentioned, and the obstinate resistance of Montevideo, induced the Government to send Don Manuel Sarratea to the other side of the river, as its representative and general. The primary object of this mission was to renew the siege of Montevideo, and to set limits to extravagant pride. The success of this undertaking depended upon the co-operation of the eastern with the western troops. But the appointment of Sarratea was not approved by General Artigas, and his jealousy impeded the execution of this project. But at last, after some opposition from Agui and Salto Chico, the union which should ever subsist between the several members of the same state was in fact obtained. Some troops joined the army, though slowly, and bodies of men were stationed in the vicinity of Montevideo by General Rondeau. The governor, Vigodet, perceived that this new siege was about to produce inevitable misfortune. Knowing that all our forces had not united, he formed the design of surprising our camp, and executed it with vivacity, at the head of two thousand men. In this history are recorded few days more glorious than the 31st of December, 1812, in which our general, his subalterns, Soler, Ortiguera, Quintana, Eocalada, and other officers, manifested a valor and intelligence worthy our cause. Their efforts made the audacity of the enemy degenerate into cowardice. Being very roughly handled, the foe retreated, leaving dead on the field of battle Major General Muesas, with many officers and soldiers. Many prisoners were taken.

It was decreed that our freedom should be purchased with blood and with danger. The rejoicings for this victory were mingled with astonishment at the discovery of a most atrocious plot. A considerable number of European Spaniards, resident in Buenos Ayres, had confederated to cover it with havoc and mourning. These perfidious associates held their treasonable meetings in profound secrecy, and adjusted a plan so inhuman that posterity will be unable to read the account of it without shuddering. The members of the Government, the magistrates, the most zealous Americans, and even European Spaniards, friendly to independence, were to be beheaded on the scaffold. Those who escaped from the carnage were to be banished from their habitations, to make room for Spaniards from the interior. The provinces, these assassins expected, would speedily be subjugated to their authority. Martin de Alzaga, a man formed by nature for crimes of this sort, had the direction and execution of this atrocious conspiracy confided to him. For the sake of humanity, the tutelar genius of the country defeated the plan of these conspirators. At the very instant they were issuing forth to commence the work of desolation, they were discovered and arrested sword in hand. When this affair became public, indignation could be read in every countenance. By the assistance of the citizens, the principal criminals were apprehended. The Government, subjecting these disturbers of the public peace to the utmost rigor of the law, inflicted on those the punishment they designed for others.

While we were rejoicing at our escape from so atrocious a plot, we were still apprehensive of being assailed by an army which, considering our weakness as part of its strength, menaced us from Jujuy and Salta. Three thousand men, with three pieces of artillery, commanded by General Don Pio de Trestan, a native of Arequipa, and second in command of Goyeneche, fell upon our army of Tucuman, amounting to only sixteen hundred soldiers; the greater part of them heard in this battle for the first time the whistling of balls. Only the most daring could hope for victory. General Belgrano, who united the most insinuating sweetness of manners with the most rigid justice, possessing, too, the art of penetrating the designs of the enemy and concealing his own, at the head of a

* To commemorate the heroism of these families, and as an incitement to patriotism, an *ayudante* in each corps of the army of Peru, at roll-calling in the evening, calls out the women of Cochabamba, as if they ought to be presented, and a sergeant replies, they died in the field of honor.

† By the express orders of Goyeneche the monastery of Santa Clara was not plundered, because he knew that the most valuable property of the town was there deposited, and wished to appropriate it to his own use.

patriotic band of the vicinity, decided the fortune of the day. Colonel Don Raymond Balcarce also signalized himself; where the battle most raged, there was he to be found. The other officers also entitled themselves to their country's gratitude. As if they had not been humbled in the action of the 24th of September, the enemy offered us a new insult on the following day. Conquered as they were, without artillery, munitions, or baggage, they dared demand the surrender of a town to which the infantry had retired with part of the cavalry. The Major General Don Eustacio Diaz Velis, who commanded there, was one of those men who live only for their country. This energetic reply put to flight the hope which the enemies were silly enough to indulge, and forced them to a disorderly and shameful retreat.

The news of this memorable victory reached the capital when it was convulsed by a new commotion. The spirit of party we have so much lamented on every change in the Government produced some disturbance. In this state of things, says an elegant observer, no one grasped the command but an adventurer destined to fall by reason of his very elevation. To give a successor to the chief of the Government, whose term of service expired, the assembly met and chose Dr. Don Pedro Medrano; a popular commotion ensued. The consistorial assembly reassumed the authorities of the people: a new Government was appointed, composed of the citizens Don Juan José Paso, Don Nicholas Pena, and Don Antonio Albares Jonte, and was recognised.

Power is a mere nullity, if those who ought to obey it think that in all cases they have a right to sit in judgment upon what it commands. This was the situation of the state. Instead of having recourse to the energetic measures necessary to support Governments, the new Government weakly resorted to decrying the one which had been subverted, to promising great advantages from the subsisting one. It believed that a general assembly, with unlimited powers, was indispensably necessary to give constitutional existence to the state, and summonses were issued for this purpose.

This step being taken, it turned its attention to the internal and external security of the state. The European Spaniards had not taken learning from the exemplary chastisements we had inflicted upon them. More obstinate than ever, they confederated again for our destruction; the conspiracy was discovered, five of the traitors were executed, and their bodies exposed to public view, as a salutary warning to rash men.

1813.

This desperate plot originated in a criminal combination between the Spaniards resident in Buenos Ayres and Montevideo. Terrified by the siege of the last-mentioned place, and goaded by pride, upon Don Manuel Sarratea's withdrawing from the command, terminated that quarrel, which, the impoisoned source of a thousand evils, prevented the complete reunion of the Oriental troops with the besieging army. The besieged, who always retained the hope of profiting by our discord, were filled with consternation by the defeat of this conspiracy. Ever obstinate, they repeated their sallies; but the besiegers, headed by Soler, Villarino, Terrado, Cruz, Ortiguena, and French, repelled them all.

The possession of Montevideo was important to the Spaniards in prosecuting their scheme of subjugating us. Availing themselves of their marine, they infested our coasts, and endeavored to recover in brutal inroads the reputation they had lost in regular campaigns. With the confidence their superiority inspired, they landed two hundred and fifty men in the vicinity of San Lorenzo. They speedily perceived that they had landed only to augment their misfortunes. Attacked by a force as inferior in numbers as superior to them in bravery, by General San Martin, who, contemning death, knew how to win the favors of inconstant fortune, they were completely routed.

This victory was soon followed by that gained by the arms of the country over the army of Tristan. This general, fortified in the city of Salta, perhaps hoped to repair his past misfortunes by future success in his criminal designs against his country. The conqueror of Tucuman sought him there with his army, filled with the enthusiasm liberty inspires. The signal for battle was given, and it continued for three hours and a half. The combatants availing themselves of all that genius, science, valor, nay even desperation, could contribute to victory, we at last gained the battle. In the heat of the fight, Major General Diaz Velis was severely wounded, but not prizing so much a prolongation of his days as to risk for it the loss of the battle, he concealed his wound, and remained on the field until, his strength entirely failing him, he was forced to retire. In this action General Don Martin Rodriguez, and the *commandantes de division*, Donego, Saperi, Pico, Forest, Alvarez, Pedriel, Zelaga, Balcarce, Rodriguez, Arivalo, &c., were much distinguished. General Belgrano, being strongly urged by Tristan and his troops to set them at liberty, complied. This general, doubtless, thought it would be glorious to give freedom to men who had endeavored to enslave us, and that it would be impolitic to let slip an opportunity of conquering by clemency the hearts of those whose bodies his brave troops had by force subdued. For this and other generous acts, they made a base return. Freed from captivity, they employed in seducing the people the time they ought to have devoted to proclaiming our generosity and manifesting their gratitude.

After the victory of Salta, the tyrant Goyeneche fled precipitately to Oruro, thus relieving from suffering Potosi, Charcas, Cochabamba, Santa Cruz de la Sierra, and other places. The fear this defeat inspired caused him to supplicate General Belgrano for an armistice. The moderation of this officer, which no success could affect, induced him to grant it; but the perfidy of Goyeneche soon frustrated it.

Our country was now advancing by rapid strides to independence; we were led to think so from these victories, and principally because the national assembly was organized and commenced its session on the 31st of January, 1813. This body thought it a glaring inconsistency for the nation to make such sacrifices for liberty, and still to shelter slavery in its bosom. The situation of the country not permitting this evil to be corrected at once, this assembly decreed that, from the day of its creation, all children of slaves should be born free; thus, in part, repairing the injury committed against nature, and immortalizing its birthday.

It did itself no less honor by the abolition of *tributo* and *mita*, which were odious permissions to commit every species of crime, and the abolition of which had been decreed in 1811. These beneficent measures were no less politic than just. The Indians, whose services we needed, were thus conciliated.

The celebrated victory of Salta filled with surprise the Viceroy of Lima, and made him resort to the usual measures of alarmed despotism. The General Pezuela took the command of the army of Goyeneche, and, with a reinforcement, took up his head-quarters at Oruro. Pezuela undoubtedly possessed military talents far superior to those of Goyeneche, and, if towns which had sworn to be free could have been subdued, he would have achieved the odious victory.

All measures preparatory to a battle between the opposing armies were taken. The victory gained and the flame kindled by the spark of liberty in all parts, not even excepting Lima, presaged a happy issue to the patriots. But perhaps, to give us lessons of moderation and prudence, the Almighty decreed that we should lose the battles of Vilcapugio and Hayouma. Upper Peru was thus snatched from our hands. Pezuela extended his conquests even to Jujuy and Salta, and the remnant of our army took shelter in its former place of refuge, Tucuman.

But this imprudent contest could not impede nature in her course. Our felicity was the offspring of reverses which corrected our inexperience. From this fatal moment, a new enthusiasm for the country, and a new order of

things gradually established, produced the happiest effects. The Cochabambinos, full of the fury desperation inspires, retired to Valle-Grande. Although one of the reverses incident to warfare had tried their fortitude, the victory of Florida, gained over a body of one thousand men, by General Warnes, in conjunction with his Cruecenos, checked the daring march of our forces. The flame was rapidly communicated. The same Warnes marched to Chiquitos, where he shut himself up with the royal troops. General Camargo defended himself in Chayanta, destroyed several detached parties, and preserved the province from the detested yoke. Padilla established his head-quarters at Yampamez, routed Tacon in many encounters, and changed the aspect of the enemy's affairs. The Indians made great exertions to prevent the yoke from which they had escaped being again imposed upon them, and tasted the pure pleasures of liberty.

After garrisoning several places in Peru, Pezuela brought a force equal to what he left there to Jujuy and Salta. Parties of the inhabitants under the orders of the Captain Seravia, and of the advance under their *commandante* Guemez, after the droves of horses and provisions had been withdrawn to places inaccessible to the enemy, attacked them whenever they moved and wherever they were posted. Those of the enemy who imprudently left the main body of their forces were instantly made prisoners by our parties. Never was partisan warfare better conducted, and more successful. General Pezuela saw with bitterness his laurels wither, and, to escape the ruin with which a half-starved army menaced him, retreated, first, to his ancient posts, and then, filled with apprehension, retired to Peru to succor there the terrified royalists.

He misled some patriots by blandishments, places, and promises, but always, distrusting them, kept them in subaltern stations, although the importance of their services entitled them to the first offices. One of these, Don Saturnio Castro, a native of Salta, whose efforts had cost his country dear, felt his indignation redoubled when he cast his eyes upon his wounds, and, impelled by wounded self-love, hearkened to the salutary counsels of reason. In this state of mind, he determined to avenge his country and himself, by a plot against the oppressors. It was discovered, its author arrested, and condemned to death.

Pezuela was unnecessarily cruel and vindictive. Enthusiasm for the country daily gained ground. The city of Cuzco at last sundered its chains, and new Peruvian heroes espoused the cause. Pinelo, the *presbitero*, Dr. Munecas, the King's brigadier, Pumakagua, and Angulo, joined the patriots, and caused an almost general revolution in public opinion. The two first triumphed at La Paz, but their lives and those of their troops were more endangered after the victory than during the battle. The enthusiastic Spaniards conceived the project of burying them under the ruins of their laurels. These barbarians had familiarized themselves with every species of crime. They poisoned the springs, and formed two mines for the destruction of the patriots. Their foresight was not sufficient to apprize them of the horrors that environed them. One of these mines exploded, and the death of a hundred and fifty persons (some say three hundred) was the melancholy result of this treachery. The people, who could only think of taking vengeance for this last and worst of their atrocities, put to the sword all the Spaniards, with their governor, Valdehoyos. In recompense for the risks they had incurred, these brave men deserved to be the arbiters of their fortune. But she is by nature a jilt, who denies her favors when most needed. Pinelo and Munecas left La Paz, and, uniting at Desaguedero, formed a body of eight hundred men, with which they opposed the troops of Pezuela, who marched in pursuit of them; battle was given, and the enemy was victorious, by reason of superiority of numbers.

The Indian Pumakagua marched upon Arequipa, that noble city, which, stifling its feelings, was enslaved. With manly courage, he quickly engaged an army of more than a thousand men, routed it, took prisoners its chief, Picoaga, the governor, Moscozo, and Lavalle, who, being conducted to Cuzco, were put to death. More than two hundred Spaniards were sacrificed to a just indignation. The victor was compelled to march to Cuzco, by the defeat of Pinelo and Munecas. Ramirez, a name that will be eternally infamous, pursued the patriots furiously. The retreat of Pumakagua left the passage to Arequipa open to the royalists, and afforded an opportunity to repeat the enormities perpetrated at La Paz.

Another of the Angulos had displayed his energy at Guamanga, routing four hundred *Taleberinos* detached by the Viceroy of Lima; but the capture of Arequipa by Ramirez called his attention to Cuzco. This great city was a prey to disorder; nothing could support its wretched existence; there the three Angulos were beheaded, and their heads carried upon a pike to Sicuani.

A reform of the Government, reducing it to a single Director of the state, in the person of the citizen Don Gervasio Posadas, placed in the capital great obstacles to the vibrations of the passions. Titus Livius observes that Rome would have perished, if, from a premature love of liberty, it had in its infancy abolished regal power. The public authority was strengthened by the politic measure of trusting the affairs of the state to the activity of a single individual.

Our Oriental army rendered itself more respectable by a stroke which proved its vigilance and its firmness. The Spaniards of Montevideo, losing the hope of advancing their cause by open warfare, had recourse to assassination. A conspiracy of their agents was discovered in our camp, and the traitors sacrificed to the public security.

1814.

But this fortunate discovery did not free the state from all peril, for in its bosom a storm was brewing, and ready to burst. General Artigas, that singular man, who united to extreme sensibility the appearance of coldness; a most insinuating urbanity to decent gravity; a daring frankness to courtesy; an exalted patriotism to a fidelity at times suspicious; the language of peace to a native inclination to discord; in fine, a lively love of independence to most extravagant notions as to the mode of achieving it—this man, we say, disgusted with the Government, because it bestowed rewards upon those he expected to see chastised, had already sowed the seeds of civil war among the troops. His great ascendency over the Orientals compelled them either to seek his amity, or to tremble at his enmity. Those citizens who loved order, labored with zeal and dexterity to extinguish a flame menacing ruin to the state. This end appeared to be obtained by an Oriental Congress, which General Rondeau convened in the name of the Government, for the purpose of nominating deputies for a National Congress and a provincial governor. All was on the eve of being verified, when General Artigas, as chief of the Orientals, commanded, in the name of the same Government, that the electors should present themselves at his head-quarters, in order to receive instructions from him. This proceeding, so strongly savoring of despotism, offended every one. The electors assembled in the chapel of Maciel, and fulfilled their trust. The real disposition of General Artigas then discovering itself, he annulled the Congress, thus assuming absolute power. But this daring measure had no effect upon what this body had done; the selection of deputies and a governor was celebrated in all the encampments, and the lastnamed officer began to exercise his functions. General Artigas viewed these measures with a hatred lively as dissembled, and prepared to avenge himself. Under various pretexts he withdrew from his country, and at last, in the garb of a countryman, deserted his post, thus leaving exposed the right of our line. This rash proceeding made it apparent that he preferred his own interests to those of his country; but many officers, and others of the Orientals, did not follow this pernicious example.

It is not easy to conceive the terrible confusion into which this event threw the besiegers. Three times orders were given to raise the siege, and as often they were revoked, so great were the evils on each side; at last the encampments were abandoned, with incalculable loss and unutterable grief. The enemy, upon discovering this, were filled with surprise, though they did not abandon themselves to immoderate joy, because they feared it might be a feint; but the people, less cautious, hurried away by the desire to breathe fresh air, went in crowds without the walls. From proper foresight, the redoubts of our advanced parties had not been abandoned; French, officer of the day, ordered a most unexpected discharge of cannon, which made the enemy attribute to stratagem what resulted, in truth, from our weakness. The terror this created in the city prevented sallies being made.

This advantage, combined with the lucky arrival, on the same day, of supplies, and the consolatory information that a small squadron was equipping to transport a reinforcement, changed the appearance of things. The public mind was tranquillized; the fugitives returned in parties; the people of the vicinity tendered their assistance, and General Rondeau knew how to profit by these inestimable advantages; the siege was renewed more efficiently than it ever had been.

The Director, Posadas, viewed the desertion of General Artigas with a hatred carried beyond the bounds of prudence. Taking counsel from his anger, he thought that justice should take its course. By a solemn decree, he declared him infamous, deprived of his offices, and an outlaw, and incited the people to pursue him, as a duty they owed the country; in fine, believing that he could stifle rebellion in the blood of the rebel chief, he set a price upon his head, offering six thousand dollars to whoever would bring him in, alive or dead. Experience has shown that moderation would have been far wiser than this violence. The Director took a wrong course; whether Artigas was as guilty as he thought him, the reader can decide. But even if he was so, what other effect could impotent rigor produce, than contempt of authority and obstinacy in the delinquent? Even this was not all. The Orientals had enthroned Artigas in their hearts; as that which is abhorred is deemed always to be in the wrong, the very proofs upon which the Director founded his decree were, with the partisans of Artigas, so many evidences of his innocence. This proscription became that of a vast district, and reconciliation almost impossible. God grant that we may not see this sad truth perpetuated!

The army of the capital and the naval force of the country were at this time considerably augmented. The troops demanded to be led to battle; the fleet panted to dispute with the enemy the command of the river; in short, the fortune of war gave us decisive successes. Two men, with all the talents required by the ends for which they were destined, the Secretary Larrea and Colonel Alvear, being substituted for General Rondeau, concerted the capture of Montevideo, and all obstacles yielded to their activity and the accuracy of their calculations. A naval battle, in which Brown commanded our ships, and defeated shamefully the Spaniards, who were stronger in vessels than we, made us masters of the port. To give the finishing stroke to their misfortunes, Montevideo shortly after yielded, notwithstanding a criminal correspondence between Vigodet and the patriot Torguez. Thus was despotism deprived of its stronghold.

Our Peruvian army was now commanded by General Rondeau, who, having sustained with credit the siege of Montevideo, had not the glory of triumphing over it. The Government transferred the command of this army from him to the conqueror of Montevideo. It is certain that Alvear united all the qualities of a warrior, and possessed a military experience, which he owed more to genius than to years. But this change of command was viewed by the chief of this army as the measure of a policy without forethought, and an ambition without limit. Something further contributed to render it odious, and this was the alarming suspicion that the country was about to be shamefully betrayed by treachery. This suspicion was countenanced by the anticipated mission of Don Ventura Vasquez, confidential officer of the Government, to place in the hands of Pezuela certain letters; his exclusive nomination to treat with this enemy; the sending commissioners to the Spanish court; and the appointment of new officers in this army. The public mind was thus distracted with doubts and apprehensions, when General Rondeau abdicated the command; notwithstanding which, his subalterns coalesced, the regiments confederated, and Alvear was not admitted.

This event was foreseen. A general disgust portended and precipitated it. It has often happened that people have refused to submit to despotism, and not known how to use liberty. The general, thus rejected by the army, returned to the capital, and was created Director. This impolitic act challenged hatred where there was already sufficient to incite to vengeance.

This election caused an almost universal murmur, which presaged important movements. The reasons assigned in justification of this dissatisfaction were, that the army of Peru not being able to obey as Supreme Director one whom they had refused to recognise as their chief, all the terrible effects of anarchy were about to be experienced; that the capital and other parts of the country felt too much animosity against the party to which the director owed his elevation, to recognise him without discontent; and that, under protection of the army of Peru and General Artigas, they might dissolve an assembly disgraced by intrigue, in their opinion, and prostrate an idol to which the tongue paid homage, the heart disavowed; in fine, that the recollection of those acts by which the province deemed themselves outraged, might induce them to push resentment further than they ought.

These apprehensions were, in a great measure, realized. The army of Peru refused obedience to the new Director. Cordova, listening more to anger than to prudence, preferred danger to ignominy, and withdrew from its connexion with the capital. Santa Fé, counting more upon its courage than strength, adhered to the system of independence it had adopted since the troops of Artigas had invaded it.

The situation of the army of Peru was critical and dangerous. The anxiety which began to prevail as to the consequences of these dissensions; desertion veiled under the shadow of a new Government; succors withdrawn; in fine, the unfortunate action of Tejar, multiplied cares, and alarmed the imagination. Nevertheless, General Rondeau did not lose his natural equanimity. He knew how to make the discontented hearken to reason, and to give a favorable beginning to an enterprise. Putting his army in motion, he opened an entrance into Peru, by the victories of Puesto Grande and Mochara.

1815.

The new Director perceived the cloud that had gathered over his head, and hastened to use all expedients in his power to avert it. Convinced that hope and fear are the great exciting principles of human actions, he endeavored to operate upon the first by rewards, upon the other by chastisements. These instruments failed in his hands. The tragical death of the unfortunate Ubeda, on one of the most solemn days of worship, caused less terror than indignation; and the triumph over the Cabildo of the Capital, by compelling it to subscribe an odious proclamation against General Artigas, served only to make it resolve to prolong its existence in spite of this usage.

On the eve of a political disorganization the Director marched the veteran troops to subject the towns to a detested yoke. But the chief of the vanguard, Don Ignacia Alvarez, with three hundred and fifty men under his command, ashamed of being the instrument of his exaltation and vengeance, declared in favor of those he was sent to attack, and arrested the suspected officers, among whom was General Viana, who came to take the command.

He encamped, and was joined by several detachments from Mendoza. The Director, surrounded in his encampment, put into play whatever could contribute to save him in so critical a situation, but in vain; for fortune had determined to put an end to his glory and prosperity. The Cabildo of Buenos Ayres, instructed by Alvarez, and called by general acclamation to the command, assumed it. The civicos, with many officers of distinction, rallied around it as its protectors. So many obstacles filled the Director with despair. At last he yielded, and, cast out of his country, was forced to beg an asylum in a foreign land. This cable being broken, the national assembly, with its system of favoritism and peculation, was involved in ruin. All, even the Orientals, irreconcilable enemies of the capital, applauded a success which appeared to be the beginning of order.

In order to give a successor to the deposed Director, a body of electors was constituted, who chose General Rondeau chief of the army of Peru, and named as his deputy Colonel Alvarez, who took the lead in the recent subversion of Alvear's authority.

His election would not have secured the public tranquillity if the causes which disturbed it had not been removed. It was perceived that heretofore the Executive, availing itself of the distractions or patience of the people, had gradually rendered itself absolute. Reason required that this power should be balanced by another. Therefore, a *provisional statute* was formed, and a Junta of Observation erected, *to watch the punctual fulfilment of this law, to cry out against the least infraction, and to resist every thing prejudicial to the general good.* It was to be regretted that this statute gave more liberty than was compatible with the public good; but we had just escaped from one of those cruel situations in which the excesses of oppression prevent us from seeing those of its relief. A system of distrust and restriction made authority a mere political skeleton. We shall see the disorders which arose in consequence.

One of the earliest advantages expected to result from this new order of things was the re-establishment of that fraternal union with the Orientals, the rupture of which had cost the country so many tears. The Cabildo of Buenos Ayres, regarding with indignation the proclamation Alvear had extorted from them, commanded it to be burned by the common executioner in the Plaza de Victoria. The Government also substituted moderation for the ancient system; and if the Orientals, with their chief, had been capable of perceiving the greatest enemy of the country and themselves to be anarchy, doubtless a reconciliation would have been effected. But experience has shown that they had determined to bury themselves in an abyss of evils rather than yield. Without doubt, too, General Artigas believed that a calm would diminish the authority with which he had been invested in tempestuous times.

The Government, fearful of seeing civil war propagated in the centre of the neighboring provinces, marched troops to Santa Fé, under the command of Don Juan José Viamont. This city was a key with which General Artigas opened at pleasure the door to his seditious communications. In order to remove the distrust, and to prevent the opposition of those in the vicinity of this city, the Deputy Director promised them perfect liberty, and that the troops should not meddle with their domestic affairs. The death of the governor, Candioti, produced much disorder. Contradictory pretensions, well or ill-founded, acrimonious debates, stratagems inseparable from party, all attended the selection of the lieutenant governor, Don Juan Francisco Tarragona. The city of Santa Fé was much incensed at this appointment. What resulted from it will be seen.

Grieved at the melancholy posture of affairs in this section of the country, we were consoled by pleasing prospects in Peru; we will give briefly the principal ideas of General Rondeau's manifests. Pezuela, filled with consternation, abandoned his positions, and retreated to the neighborhood of Oruro. The desertion of his soldiers, and the difficulty of subsisting those that remained, announced his weakness. Our troops improved in numbers, in arms, and discipline. The insurrection of La Costa by Penaranda and Reyes; the approach of Dr. Munecas; the state of fermentation in which all the provinces were; the aids on their march from the capital—all indicated a prosperous warfare.

It was necessary that the chance of arms should be sometimes inconstant as the throw of dice, to give the melancholy shading of misfortune to this picture. Our reverses commenced with the battle of Venta y Media, where a party of the enemy, attacking Brigadier Rodriguez, were, most unexpectedly, successful. This event seemed to give its character and color to the succeeding ones. The active Pezuela fell upon our army with the rapidity of lightning. To avoid the encounter, General Rondeau removed his camp to a rocky situation, remote from Cochabamba. Here the enemy sought him, filled with the boldness success inspires. Battle being inevitable, Rondeau took post at Sipisipi, forming a camp according to military rules. Hostilities commenced. The enemy would not have had much cause for boasting, if fortune, which a general cannot command, had not favored his cause. His left wing outflanked, his right wing almost routed, his centre almost destroyed by our artillery; such, said Rondeau, was the state of the battle, when a series of inauspicious occurrences gave the victory to the foe, and deprived us of glory and of hope.

The victory of Sipisipi, by turning the brain of Pezuela, advanced the cause of liberty. Our situation was not so disastrous as that of the United Provinces of Holland, when they caused themselves to be represented under the image of a ship, without sails and without rudder, at the mercy of the waves, with this Latin inscription, *incertum quo fata ferant.* General Rondeau placed his head-quarters at Tupiza, with the remnant of his army, and endeavored to reorganize it. Our Government, as if foreseeing the unfortunate issue of the battle, had sent forward troops, arms, and munitions; nor were the towns of the Union, at this distressful period, backward in extending assistance. The brave Camargo, La Medria, Padilla, Warnes, and Munecas, by rapid incursions, showed that the cause of liberty would prevail in spite of our misfortunes.

The accession of strength our cause seemed to gain, even by reverses, ought to have made Pezuela see that his hopes of re-establishing despotism were chimerical; but he still cherished the delusion. He displayed his inhumanity by atrocious violations of his prisoners' rights, appearing to think that to become a rebel was to cease to be a man, and to forfeit all claims to justice and to compassion. Even that sex* regarded with some respect by the most abandoned, was not exempt from his rage. Many women, among them the most circumspect matrons, were banished, or immured in dungeons.

The dangers which menaced the political existence of the country demanded an Executive sufficiently energetic to maintain order and to triumph over the enemy. Unfortunately, the provisional statute had too much curtailed the executive power. It was embarrassed by so many restrictions as to be prevented often from availing itself of circumstances upon which success depends, and which must be seized the instant they present themselves, or the opportunity is forever lost. In a situation so critical, the *Director Suplente* appealed to the sovereign people, and asked for a reform of the constitution. The capital, always docile and provident, when not misled by designing

* Among many others, Dona Antonio Paredez, Dona Justa Varela, Dona Felipa Barrientes, ladies of the age of nineteen; Dona Teresa Bustos, the two sisters Malarias, and Dona Barbara Cevallos, were imprisoned; Dona Teresa perished in prison; Dona Barbara was banished to Oruro, being forced to abandon nine infant children; the Malarias were also banished.

men, actuated by that prudence which dictates pacific measures, approved the proposed change,and by direct vote appointed reformers of the constitution.

One of the most urgent objects which claimed the attention of Government wast he city of Santa Fé. The disgust with which this city saw itself governed by a lieutenant governor it abhorred, the exile of many reputable citizens, the suggestions of the Oriental chief, all conduced to some violent measure. The inhabitants rising in mass under the citizen Don Mericana Vera, and aided by the troops of Baxada, civil war commenced. General Viamont was attacked by the disaffected with all the fury that marks insurrections, and, after bloody contests, capitulated. We know not why the capitulation was not fulfilled. Cordova adhered to its system of independence. La Rioja imitated its example, and the other cities became more or less anarchical.

1816.

All desired a tutelary power, which, being the creature of the people, should be energetic enough to render the laws respected. This authority could only be derived from representatives of the people. The people, convinced of the necessity of the change, elected them, and a sovereign Congress was opened at Tucuman on the 25th March, 1816. Its principal care was to select a Director who would draw closely the cord of union, and direct the efforts of all to their darling object—independence. Don Juan Martin Pueyrredon was chosen Director.

With many, the most desirable object was to obtain a moment of calm, during which the supreme authority might be consigned to able hands. It was, however, at the very moment that the National Congress was deliberating on this matter that the tempest was heard to roar with the most violence.

In consequence of the resignation of the directorship *ad interim* by Colonel Alvarez, the Junta of Observation, in conjunction with the Cabildo of the capital, elevated Brigadier General Antonio Balcarce to that station as his successor. This remedy was momentary. The measure was by no means in consonance with the wishes of the people; and, by a kind of fatality which often presides over events, it was not long before an explosion was produced among materials so well prepared. The electors and elected were soon discovered figuring together on the theatre of discord.

In the meanwhile, the new Director *ad interim* used every exertion to destroy the seeds of discord, which had already produced so much ill blood between the Orientals and the capital, and to render all parties sensible of the advantages of living under the same law. Although the first attempt made by him for this laudable purpose promised a favorable result, every means were found in the end unavailing to bring about a reconciliation.

This discord had been propagated in the manner of a contagion; and the remedies applied to restrain its devastations were found to possess no efficacy. The city of Santa Fé,* although just escaped from a bloody contest, and threatened by dangers of a more serious nature, still pursued its peculiar ideas of independence, with what may more properly be called obstinacy than constancy.

Cordova, always devoted to the maxims of federalism, notwithstanding her having sent deputies to the General Congress, considered her absolute submission to the capital as unworthy a free people, and still cherished the idea of this submission being temporary.

The other provinces, according to their respective situations and characters, expressed more or less their dislike to what they considered a species of subjection.

The causes of this political phenomenon, if sought for, will not be difficult to be found. The opinion most prevalent in the provinces was decidedly in favor of the federative system, and which they were desirous of seeing realized, even in anticipation of all the essential and first objects of their new career. It had been the darling wish of the provinces, almost from the commencement of the revolution; one which had still greater charms for them, since they had seen it realized with so much glory in the United States of North America. For the present, however, the Governments, the capital, and not a few of the more intelligent citizens, were opposed to this idea. Each of these parties supported its opinion by weighty reasons. From the statement of those I am about to make, the enlightened reader may judge between them.

Those in favor of the Government already established were of opinion that the federative system could not be legally substituted until sanctioned by a General Congress; assuming it as a principle that the constitution of a state should receive its existence from the hands of the nation itself, and not from partial concurrence and unconnected acts; that, when the nation first regained its liberty, and all the provinces were united under the same Government, the present was the form which they adopted, and under this form it was that the existence of the republic had been preserved in the midst of the most trying disasters; that, until all the provinces could be again united—a thing by no means hopeless—it would be improper to deviate further than was absolutely unavoidable from what had before existed; and that, at all events, if the preponderance of the capital was an evil, it was one which would soon be corrected, when that preponderance ceased to be necessary to the common safety. Further reasons, derived from views of policy, were added. According to the federative system, said they, each state is sovereign and independent as respects the rest; each may possess, and in reality does possess, separate interests; it is, therefore, to be feared that each will rather seek what it may conceive to be its own interest than the interest which is common to all, and, in consequence of this egotism and misplaced jealousy, be involved in a common ruin; that, in the midst of the alarming dangers which threaten this newborn state, the necessity of a complete union of all the parts, under the guidance of one head, for the better concentration and direction of its forces, is dictated by the plainest maxims of prudence; and where, it was asked, can this be placed with more propriety than in the capital, where the revolution itself received its origin, whence every great effort in the general cause has emanated, and which, from its position, its enterprise, and intelligence, is enabled to manage the common concerns of the nation for the present, at least, to the greatest possible advantage? The first thing to be done, continued they, is to place our independence out of danger; let this be accomplished before we disagree about the manner of using it. They further insisted that it was not altogether safe to confide in the example of the United States of North America, which had always been educated in the republican virtues, and to which we were not to be compared, reared, as we have been, under the rod of despotism; and that it would be unwise to trust the fate of the nation, in such dangerous times, to virtues which had not yet been sufficiently put to the trial; that it would be most prudent to leave to time and education, under the influence of a free Government, to produce the same character of enlightened patriotism. Those of the federal party contended on different principles. They admitted that the Government of Buenos Ayres, the capital of the former viceroyalty, had been the first to shake off the Spanish yoke, and by its influence had induced the provinces to follow its example. At the same time, they alleged the repeated protestations on the part of this Government that its preponderance should be but momentary; that a General Congress should be convened without delay, for the purpose of fixing the General Government on a permanent basis. It

* General Diaz Velis, with a body of troops, was besieged at San Nicolas.

was by these protestations that the provinces had been induced to enter into the views of the capital, and to place their resources at its disposal. They complained that so long a time had elapsed without performing this engagement; that their situation thus far was but little different from that under the Spanish monarchy; that they had obtained but little more than a change of masters. They did not deny the difficulty of calling a National Congress during the stormy period of the revolution, but said that, in default of a Congress, the General Government of the capital ought to have ceased, and the provinces ceased to be swayed by it, seeing that the general voice was in favor of the federative system. Far from being inadequate to the exigencies of the times and the objects of the revolution, they asserted that the individual acts of the provinces had contributed most to raise the character of the republic, and to advance the general cause. If our dissensions, said they, have caused us discredit with foreign nations, it is to be attributed to the clashing of the Government of the capital with the feelings and wishes of the provinces; that, as there can be no effect without a cause, the federative system, by putting an end to these odious rivalries and jealousies, would prevent the recurrence of scenes so disgraceful. It is true, said they, the tumultuous proceedings of the capital had generally sprung from other causes, chiefly from the inordinate thirst for office in many of its inhabitants, the ambitious turning to their advantage even the extreme jealousy of their liberties on the part of the people. Was it just, it was asked, that the provinces should be compelled to follow these frequent and capricious changes, in which they took no part? But would not these evils have long since ceased with the establishment of the federative system? What temptations could there be to seduce the aspiring in the limited and definite powers which the federative system would present? On the contrary, what could be more tempting to the ambitious than a system which enabled those in power to be the masters and arbiters of the republic—one which would enable them to prefer their flatterers and favorites, and those who were neither, but merely happened to be about them, to able and meritorious citizens; and to consult their private wishes more than the public good? They alleged that, in fact, the capital had thus far paid much more attention to its own peculiar interests than to the rights of the provinces; that she had gratified the ambition and avarice of many in the provinces, in order, by enlisting the human frailties and passions on her side, to sow the seeds of discord and disunion in other parts of the confederacy, these persons engaging to repress the sentiments of the people, and draw them into a subordination which accorded only with their interested views. When these things, said they, are impartially considered, how can we draw closer the cords of union under a Government like the present, which, by its oppressions as well as by its favors, weakens that love of country which the federative system has a tendency to foster—a system which, at the same time that it leaves the citizen in the full enjoyment of that portion of liberty which the good of society does not require him to surrender, imparts enough for all the purposes of the general safety and happiness? But let it not be said, continued they, that there are no republican virtues amongst us. To what else is to be attributed the noble resolution we have taken, and which we have sanctioned by our oaths, to die rather than not live free and independent? To what else that energetic and heroic resistance which has given so many days of glory to our country? And even if it be admitted that we do not possess those virtues, are they to be inculcated by the example of a Government which teaches nothing but selfishness and corruption?

Thus reasoned the opposite parties. With respect to our own opinion, we should say, that from the impossibility of attaining this end without encountering the evils of anarchy and perhaps civil war, on account of the preponderating influence of the capital, it was perhaps the wisest course on the part of the provinces to make a sacrifice for the present of their obedience to that unity of action, without which our ultimate success must be doubtful. It is to be expected that our enemies will labor without ceasing to regain their lost domination, and, flattered by our dissensions, they will be continually engaged in forming new projects to enslave us, lured by the hope that we shall be able to bring forward but feeble and divided efforts in support of our liberties. I have thus traced without dissimulation the melancholy picture of our domestic discords.

A number of the citizens of Buenos Ayres, touched with the unfortunate antipathy of the provinces to join heartily in the cause of their common country, and fearing that our dissensions would form a bridge over which the enemy might pass to reduce us to subjection, united their wishes, and, honestly confessing that the balance of public opinion inclined to federalism, petitioned the governor intendant of the province to strip Buenos Ayres of its prerogative, and to place it on the same footing with the other provinces. They believed that this measure would put an end to their irritated jealousies, that a fraternal feeling would succeed, enabling them to complete the edifice which they had so gloriously begun. In an affair of so much importance, the intendant, in order to ascertain with accuracy the sentiments of the people, decreed that the petition be taken into consideration in a general assembly or Cabildo to be convened for the purpose, and one was accordingly ordered to meet on the 19th of June, 1816. This unexpected event lighted up anew the imperfectly extinguished fire of discord. The Junta of Observation, although agreeing in opinion with the intendant as to the propriety of taking the sense of the people, were not satisfied that this should be done by general suffrage; from apprehension of dangerous* and tumultuous agitations, they thought it would be more advisable to ascertain their will through deputies elected for the purpose. This contrariety of opinion fractured the state into parties, whose disputes were conducted with so much heat and violence, that it was seriously feared they would not stop short of an appeal to arms. Had this subject been considered unmixed with private and personal feelings, it would scarcely have given rise to a difference in thinking.

This contest, although suffered to remain *in statu quo*, left the minds of the parties too much ulcerated to permit them to settle down in peace and harmony. It was at the same time so far aggravated by another dispute, that the Junta of Observation, in concert with the Cabildo, assuming the tone of authority, proceeded to depose the Director *ad interim*. In his place was substituted a gubernatorial commission, composed of Don Francisco Antonio Escalada and Don Miguel Iregogen.

While these things were taking place, the troops of Buenos Ayres, under the command of Colonel Don Eustacio Diaz Velis, were approaching the city of Santa Fé, while at the same time a small squadron of vessels under the command of Colonel Don M. Iregogen placed it under blockade. The arms of these two cities rivalled each other in intrepidity and courage. It would be uncandid to conceal the admiration we feel in beholding a small town like Santa Fé, without disciplined troops, and with little assistance, causing itself to be respected by its enemy, and under the direction of its chief, supporting the cause of its independence. It is true the Santafécinos abandoned their city, believing that they carried it along with them wherever they could live free. It was not long before they besieged their invaders themselves, and caused them to experience the sufferings of famine; and by a lucky accident having made themselves masters of several of their enemy's vessels, together with the commander of the squadron, there appeared but little likelihood of their being about to succumb to their invaders.

Two important occurrences which had taken place in the city of Tucuman, were of a nature to divert the current of dissension. The first was the election of the supreme directorship of Colonel Don Juan Martin Pueyrredon; but the exigencies of the war claimed the first attention of the Director, the cities of Salta and Jujuy being menaced by the enemy; this of course delayed his return to the capital.

* Two petitions were presented, one with one hundred and one signatures, the other with one hundred and ten.

The other was the solemn declaration of our independence made by Congress on the memorable 9th of July, 1816. Six years had elapsed since that dark period when we were regarded in no other light than as a flock tamely obedient to the will of its owner; in which we quietly looked on while strangers directed the economy of our house; in which our own hands were employed to erect fortresses intended to enslave us. Six years of the most profound and universal interest, felt, I might almost say, even by the infant in the mother's arms, had awakened a crowd of new ideas throughout all classes of society, and inspired a general wish to rise to that condition which nature herself seemed to designate. These provinces, ashamed of having so long delayed to declare this emancipation, raised at last the sublime acclaim of liberty.

It was thought sufficiently probable that those important occurrences would have quieted the provinces, and convinced them of the necessity of a well-organized whole. Unfortunately, this was not the case. "From Cordova," said the Director, in his manifesto, "with what painful anxiety did I cast my eyes towards the agitated province of Buenos Ayres!" And not without cause; for, in going to enter upon his government, he was about to place himself upon the top of a volcanic mountain. It was, notwithstanding, his good fortune to succeed in conquering the antipathies of his most inveterate enemies. Would to God he had been equally successful in finding the means of restoring perfect tranquillity to the state! The wild and ungovernable Orientals and Santafécinos still, however, persisted in this restless and inconsiderate course. Over and above the numerous causes which rendered their rupture so calamitous, others followed of a nature to render them more lasting. The court of Brazil, about this time, raised the mask which had hitherto concealed the perfidious project it had long since formed of taking possession of the delightful countries on the eastern side of the river.

The court of Brazil had already made frequent attempts to obtain this territory, which, for more than a hundred years, it had coveted with so much greediness, but was as often compelled to abandon its prey, until our lamentable dissension at last seemed to guaranty the success of an invasion. The Director seized this opportunity to revive with General Artigas that ancient friendship whose combined force had, on former occasions, frustrated the shameful designs of the Portuguese. A deputy was despatched to him, carrying a supply of arms and munitions of war, and requesting him to state with frankness what were his wants; that these should be the measure of the aid to be furnished. But to speak of reconciliation with Artigas was to speak to the desert. His obduracy could neither be softened by concession, nor his pride be humbled by dangers. Although he received the donations, he heard the proposals with displeasure; preferring that history should accuse him of having sacrificed the occasion to his private hatred, his duties to his caprice, and his country to his interests.

With respect to the Santafécinos, the Director was not more actuated by a desire to prevent the disagreeable consequences of this city remaining in a state distinct and separate from all the other members of the republic, than anxious to place the forces under General Diaz Velis in security; with this view he despatched deputies with propositions highly advantageous to them, and which ought to have sufficed for the restoration of the ancient harmony and brotherhood. Before their arrival at Santa Fé, our army had already evacuated the place, and descended the river. The late invasion was by no means calculated to dispose their minds to reconciliation; and, even if the Santafécinos had given this proof of their love of order, it is probable they would soon have repented of an act which would have lessened them in the estimation of their protector, General Artigas; however this may be, the negotiation terminated without effect.

Although the city of Cordova, with her deputies in Congress, and submitting to the capital, inclined to the side of the Orientals and Santafécinos, her character would not permit her to abandon the last of these in the period of adversity; the dangers which threatened her neighbor served but to draw more closely the ties of amity, and which increased in proportion to the risk she encountered. A body of Cordovians, to the number of four hundred, under the command of Don Juan Pablo Bulnes, hastened as far as the city of Del Rosario in aid of the Santafécinos, but, finding no enemies, they returned home without any material occurrence.

The expedition of Bulnes was not undertaken with the approbation of the Governor of Cordova, Colonel Don José Dias; not because this officer was not inclined to the side of the Santafécinos and the cause of federalism, but because it suited the political course he had resolved to follow to give merely a negative consent; or, perhaps, seeing Bulnes at the head of a more considerable force than he himself could command, he did not think it prudent to oppose him. Be this as it may, it laid the foundation of a reciprocal animosity as indiscreet as badly intended. While Bulnes was on his return to Cordova, Dias was collecting a force to receive him. He was fearful that his rival might entertain the intention of deposing him, and placing himself at the head of the Government. These two bodies were in a little while arrayed against each other; and after acting a military farce—a few shot fired in the air—Bulnes was left in possession of the field of battle, and entered the city in triumph.

These agitations and disorders were in direct violation of the public authority. They proceeded from an active force, supported by the opinion which was most prevalent; in their consequences they were to be dreaded, both for the present and the future, as exhibiting the most dangerous examples. The rights claimed by the Government and the Congress were weighed in distinct scales from their own. The only remedy which the Congress could apply to these evils was in appealing to the good sense of the people. A manifesto was published, breathing, in eloquent language, the sentiment of love of country, lamenting and severely censuring the public disorders, thundering anathemas against the disturbers of the public repose, and exhorting all to obedience and submission to the supreme authority, which had only for its object to secure the safety and happiness of the *republic*. As might have been expected, little impression was produced by this publication among a people who considered themselves as betrayed when denied the form of government which they preferred. In fact, they regarded the manifesto like one of those autumnal clouds which lighten much, but bring them no rain.

A more successful measure was adopted with respect to the province of Cordova, which was the placing its government in the hand of Don Antonio Funes, (brother of the author of this sketch,) a native and inhabitant of the city of Cordova. This appointment, whether considered with a view to the capacity and virtues of the individual, or the prudence of the choice, was worthy of applause. He was a citizen who possessed talents by no means vulgar; of a mind refined by application to belles-lettres, and elevated by the study of the sciences, he was regarded as an honor to literature. A man of unusual nerve, of a character severe without austerity, more a lover of virtue than of his fortune, of his family, or of his life. Exemplary in the fulfilment of his social duties, his house wore the appearance of a sanctuary to which the unfortunate might resort for comfort and protection. From his politics, dark intrigues, cunning management, and all perfidious practices were excluded. A noble frankness characterized his deportment; detesting artifice, yet prudent and cautious in his speech, and in all times a friend of social order. Our revolution, on which justice had set her seal, could not fail to draw him to its side; he embraced its cause with sincerity, and propagated it with discretion; but the unsettled state of things which succeeded had induced him to bury himself in a retirement where, without being exposed to the clashing of contending parties, he might pursue the stoical severity of his life, and indulge his passion for literary pursuits. With a firmness superior to the reverses of fortune, he supported without murmuring the loss of nearly all that he pos-

sessed,* his credits to a great amount, and what was more severe, of two promising sons in the flower of youth, when the National Congress cast its eyes upon him as the most suitable person to oppose the torrent of disorders of which Cordova had become the theatre.

To a common mind, the situation in which the governor was placed would have presented almost insuperable difficulties, the city of Cordova being occupied by Bulnes, his son-in-law; and, in the very first step he would have to take, it would be necessary that he should be armed with a severity which knows no relationship but that of reason and the law. In the course of the revolution he had not declared himself in favor of any of the forms of government which this republic might think proper to adopt. His opinion was in favor of that which the will of the nation, solemnly expressed in Congress, should sanction; and until this could be known, he thought that no one, without violating the laws of order and just subordination, could forcibly resist the established authorities. In opposition to these sentiments, Bulnes made a show of force before his eyes, and his conduct gave few or no indications of a sense of honor, respect, or deference. The governor prudently concealed his determination until he should be supported by a sufficient force to enable him to carry it into effect. It was not long before a body of veteran troops, under the command of Colonel Sayos, came down from Tucuman to his assistance. Bulnes had the arrogance to take the field against him, but Sayos, in the presence of the governor himself, completely routed his forces, and put him to flight. A common mind would have been pleased with a flight which would have spared the painful conflict between the ties of relationship and the demands of justice. But this was a case calculated only to call forth the firmness and energy of the new governor. He caused a diligent pursuit to be made, until, placed in his power, he should be delivered over to all the severity of the law. The fortitude required by such occasions allows of no mixture of human weakness; and, as a celebrated orator has justly said, the magistrate who is not a hero scarcely deserves to be regarded as an honest man. The province for the present remained tranquil, and the cause of Bulnes was subjected to the legal forms by order of the Congress.

From the volcanic eruptions of the provinces, which about this time happily became less frequent, let us direct our attention to exterior affairs. The policy of assailing the enemy's commerce was found to operate as a powerful aid to our cause, and was about this time carried on with great success. The enemy's ports in the Pacific were greatly harassed by the flotilla under Commodore Brown. Nothing could more fully prove the state of subjection to which the people were reduced by Spanish tyranny; under its vile domination it seemed as if all the springs of the mind had been destroyed, and, instead of national feeling, there existed nothing but sordid personal interest. Near the isle of Ormigas, Brown captured five prizes; he dared even to brave the castles of the port of Callao, and to defy the Spanish armed ships. He found the port of Guayaquil in a still greater state of abandonment; here he entered in triumph, and carried off property to the amount of seven hundred thousand dollars.

While the Viceroy of Lima was thus harassed by sea, his armies in Peru and Salta experienced an almost uninterrupted series of disasters. Colonel Don Manuel Asensio Padilla sustained with much glory the standard of our country against the inhuman Facon. The valor and patriotism of this officer had attached to his person a considerable number of patriots, into whom he inspired confidence, activity, and courage. In order to throw some obstacles in the way of his triumphs, a body of about one thousand men was ordered to march towards Laguna. Here they were expected by Padilla, who had intrusted the defence of various posts to his captains, and one of them (which may sound somewhat singular to the reader) to the command of his wife, a very extraordinary woman, Doña Juana Azunduy. The enemy was completely repulsed after having made a furious assault, and this heroic female had the satisfaction of presenting to her husband the banner of the enemy, which she had taken with her own hands.† Padilla did not go to sleep beneath his laurels; without giving time to the enemy to collect his forces, he pursued them in every direction, and shut what remained of them in the town of Chuquisaca. Scarcely less glorious was the victory of Warnes, who destroyed another body of nearly one thousand men, commanded by Facon in person.

The perils of the war in the district of Jujuy and Salta drew from the inhabitants proofs of heroism, in support of their independence, equal to what was exhibited in declaring it. General Guemes, formidable alike for his constancy and valor, continually presented a threatening front to Pescuela, and by his activity deprived him of his conquests as fast as they were made. Abandoning Jujuy precipitately, Pescuela encountered losses of considerable moment. The guerrillas, led by Don Augustin Ribera, Don Diego Calla, Don Diego Tallangiana, Don Justo Ganzalis, Don José Miguel Valdiviesa, Don Francisco Guerreros, and Don Francisco Briondo, contributed much to diminish his credit and the weight of his authority.

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These advantages in some measure made amends for the mortification of seeing the troops of Portugal in the territory of the state. From the time it was known that the Prince Regent of Portugal had raised the colonies of Brazil to the pre-eminence of metropolis, it was strongly suspected that he would attempt to aggrandize himself by the occupation of these countries. The powerful temptations which had continually attracted the Portuguese towards our territories had almost become one of the fixed principles of their policy; it was, therefore, not surprising that they should profit by an opportunity which seemed the most favorable for the gratification of their ambition. But as mere ambition furnishes no justification for the invasion of the territory of other nations, the Director considered it as his duty to remonstrate with General Lecos, commander of the Portuguese forces, on the step he was about to take, and to warn him of the consequences of the aggression. At the same time that he took this step, he communicated it to General Artigas and the Cabildo of Montevideo, requesting that at this moment of common danger, which required the combination of all their forces, their differences might be forgotten; and, in order to fix upon the principles of reconciliation, he deputed with full powers the Mealdes Don Juan José Durar and Don Juan Giro. In the preliminary conferences which took place, the errors of discord and the benefits of harmony between the two countries were represented in the most animated terms; and it was finally agreed that the eastern shore (Banda Oriental) should acknowledge the sovereignty of Congress and the authority of the Supreme Director of the sate; that members in proportion to its population should be sent; and that the Government should promptly furnish what assistance was necessary for its defence.

The joy produced by this event, which, in putting an end to the unhappy disputes that divided the country, appeared to restore its pristine strength and glory, was celebrated with pomp and magnificence. At the very moment, however, when the people were engaged in giving vent to their feelings, which were excited to a degree that

*This estimable man happened to possess property to a large amount in Peru, which, on the breaking out of the revolution, was confiscated by the royalists.—*Translator.*

† This was the celebrated banner under which the enemy had reconquered La Paz, Peru, Arequipa, and Cuzco, and on which account it was distinguished by magnificent embroidery. For this action, the lady was rewarded by the state with the commission and emolument of lieutenant colonel.

might almost be considered immoderate, information was received that the Orientals had refused to ratify the convention, no doubt influenced by their chief. Artigas considering the natural tendency of the connexion and dependence of the eastern shore as destructive to the absolute sway which he had so long been accustomed to exercise, in his conception, the dangers and devastations of a war with the Portuguese were to be preferred to the influence of the capital.

The remonstrance of the Supreme Director with General Licos did not produce the effect on his mind which it merited. This chief contented himself with declaring that, in order to place the Portuguese frontier out of danger from the contagion of anarchy which threatened it, it had become necessary to take possession of a country which, in becoming independent, had given itself up to every species of disorder and misrule. The futility of this pretext was fully exposed by the Director in his subsequent official letters, and also by the eloquent editor of the Ministerial Gazette, Don Julian Albanes. Nothing can be added to the force of their reasonings. Taking it for granted that a sovereign has a right to interfere in the domestic quarrels of his neighbors, whenever he may think them of a nature to disturb the tranquillity of his own states, yet it is an undoubted principle of the law of nations, that he should first make suitable representations to the party offending, before actually resorting to the use of force. To occupy a country by force under the mask of peace, can only be learned in the school of Machiavel. There is certainly some difference between acting the part of a centinel, to watch for the preservation of self, and thus intruding into the country of another, *hospite insalutato*, with no object in reality but that of conquest. The dispute of the Orientals and the capital was a family quarrel, but a quarrel which had not dissolved the ties of the first with the nation. These people, as well by their own will as by the constitution of the state, were integral parts of the American confederation. Common decency, not less than respect for the laws of nations, would have forbidden this resort to violence, before all the proper measures had been taken, without effect, to place in a state of security the nation which declared itself in danger; otherwise, the world would be continually exposed to become the prey of the first occupant who could support his cause by force; like the ambitious Portuguese, there would never be wanting a pretext for invasion.

The management of the war, together with the other important cares of government, rendered it desirable that the Congress and the Directors should be nearer each other, in order, by their combined wisdom, to conduct the affairs of the state with greater promptitude and judgment. Its removal to the capital was, however, a step of no small danger. The sound of discord was still heard like the hollow murmuring of the waters after the tempest has subsided. It was much to be feared, in the agitations which might ensue, that this national assembly, which was considered by many of the friends of order as the last resort, would, like the similar attempts formerly made, prove abortive. Besides this, the provinces were desirous that the Congress should hold its sessions at a distance from the capital, in order that, being free from undue influence, and the fear which bayonets might cause, they would be able to pursue their course with the more perfect freedom. After much discussion, and important reasons urged on both sides of the question, they finally yielded to the solicitation of the Directors, who strongly urged their removal to the capital, and accordingly carried the resolution into effect in the midst of new commotions and disturbances.

One of them had its origin in the audacious mind of an inhabitant of Santiago de Lestera, named Don Francisco Borges. This indiscreet man had been engaged for some time in secretly exciting the minds of those who entertained an aversion to the constituted authorities. His intrigues engaged on his side not a few of his fellow-citizens, who, together with others in the neighboring towns, raised the standard of rebellion under his command. A corps of veteran troops was immediately despatched against them from Tucuman. Borges, more skilled in forming factions than in profiting by them when formed, was unable to maintain his ground: beaten, pursued, and taken prisoner, he paid with his life the price of his temerity.

The Governor of Cordova, although possessing more prudence and foresight than his predecessor, was unable to provide against a conspiracy which surprised him in his own house. Bulnes, from his prison colleaguing with some of those wretches who are everywhere to be found in an unsettled state of society, was enabled through this means to corrupt the garrison; and, not satisfied with obtaining his release, he assailed the house of the governor, whom he seized and placed in confinement, together with the military commandant, Sayos.

The chief of this plot was not possessed of sufficient talents to direct any important object, nor had the soldiers whom he had corrupted a sufficient interest to serve him. These were, with few or no exceptions, veteran Spanish troops who had deserted to us, and who had been placed under the command of a European, named Quintana, but who would willingly sell themselves to whoever offered most. Bulnes was deposed, and in his stead was chosen a certain Urtubei, a person in whom the conspirators fancied they could repose their confidence with greater safety. The situation of the conspirators was critical; they knew that their indecent and dishonorable conduct was detested by the inhabitants of Cordova, and that their force was inadequate to sustain them; they, therefore, justly feared the punishment which the Congress and the Director would inflict upon their crimes. In this embarrassment, they fell upon the plan of compelling Don Juan Andres de Pueyrredon, brother of the Director, to accept the office of governor of the province, in an open Cabildo or assembly, composed chiefly of the factious. It was not long before all those who were openly concerned in this disgraceful business were obliged to beg an asylum in Santa Fé, to which place they retreated. Colonel Sayos, who, with his officers, was ordered to be conducted to some remote place, contrived to gain over the guard to his side at the end of a few days' march. At this moment he was accidentally joined by Governor Funes, who, by the permission of Bulnes, was on his way to Buenos Ayres. They immediately set about collecting a force for the purpose of returning to put down the insurrection. This consisted, however, of very indifferent militia, upon which little or no dependence could be placed. Notwithstanding this, and the obstacles thrown in the way by a handful of vicious, unprincipled men, the governor succeeded in re-establishing order, and in entering upon the duties of his office.

The chief of the insurrection was arrested and sent to Buenos Ayres, where, together with several of the European soldiers, he was tried, condemned, and executed.

These discords in the east, the west, and the north, contributed chiefly to flatter the hopes of our enemies, and encouraged them to form new plans for our subjugation. Ten thousand Portuguese, under the command of General Lecor, in three divisions, were marched into the territory of the eastern shore. The first consisted of five thousand men under his immediate command, who directed his march by the way of Santa Teresa; the second, under the command of General Silviera, consisting of sixteen hundred, by the way of Serno Largo; the third, which formed the right of the enemy, under Curau, proceeded towards the town newly founded by Artigas, in the vicinity of the Uruguay. It was utterly impossible for the general to oppose this torrent. Although the Orientals were gifted with great strength of body and intrepidity of mind, yet neither their numbers, the nature of their arms, their discipline, nor their subordination, could enable them openly to take the field against invaders in these respects so much superior. This superiority very soon manifested itself. General Pinto, with nine hundred men, advanced as far as India Muerta, where he was attacked by General Ribera with eleven hundred men; and, although he sustained a vigorous fight, he was compelled to retire with less than one-half of his division. Possessing, how-

ever, that coolness which characterizes the brave in critical situations, he did not neglect to detach a part of his force to watch the operations of the enemy. Soon after this, a detachment consisting of a hundred men fell in with an equal number of Portuguese, who had marched out of Maldonado. Stung by shame, and roused to desperation by the disgrace of the last affair, they rushed with irresistible fury upon their enemies, who were literally cut to pieces.

General Forguese was opposed to General Silviera, at the head of eight hundred men, but was more distinguished for stratagem and astuteness than enterprise. It was of great importance to impede the march of Silviera, whose object was to form a junction with Lecor. Ribera having united his force to that of Forguese, they determined to attack, but, through some unaccountable accident, the former retreated to Rio Negro. The Portuguese army, although continually harassed by Ribera, reached the Barra de Casupa, at Santa Lucia la Grande. Ribera did not despair of being able to defeat the enemy; but, considering the smallness of his force, he besought the town of Montevideo to send the delegate Barcino with a reinforcement of four hundred men. The only force that could be spared was the corps of Libertos, commanded by Colonel B———; but, from a spirit of rivalry ill becoming the times, this officer was unwilling to serve under Ribera. This reinforcement being thus denied, General Silviera effected a junction with General Lecor, after which they proceeded to the capture of Montevideo, on the 19th of January, 1817, Barcino having abandoned it in much disorder.

The fortune which had formerly attended the Orientals was now reversed. They fled the presence of those whom they had been before accustomed to repel; or, if they showed resolution, it usually degenerated into rashness. The right wing of the Portuguese army, commanded by Curau, directed its march towards the place at which the chief of the Orientals was stationed, and arrived at the Arrayo de los Catalanos. This frontier was defended by General La Torre, with three thousand men. Full of an arrogant confidence, which did not permit him to calculate the risk, he determined on attacking the enemy. Mondragor, who commanded the cavalry, with more prudence, remonstrated against this step, alleging that, having had the good fortune to deprive the enemy of his horses, oxen, and carts, these ought first to be secured, before exposing himself anew to the chance of battle, which, considering the present situation of the Portuguese, must be extremely doubtful. La Torre, either not convinced by this reasoning, or despising it, exercised his authority, and imprudently fell upon the enemy with his whole force. The action was obstinate and bloody, but terminated in the most disastrous manner. General Artigas occupied a position some distance in the rear, with a small corps of one hundred men; the consequence of this unfortunate affair reached even his encampment: here he was surprised by four hundred men, and was only enabled to escape with the assistance of a Charua Indian, but with the loss of all his baggage.

In the midst of the progress of Lecor, he found himself all at once shut up in Montevideo, suffering hunger and all the privations of a siege; his situation becoming intolerable, he marched with two thousand men in search of cattle and other provisions. The indefatigable Ribera, who closely watched his movements, prepared an ambuscade with much sagacity at the pass of San Lucia, and, causing no small loss to the enemy, attained his object for the moment. Lecor was not compelled, however, to abandon his enterprise, but proceeded as far as the pass of Pinto, where he was again attacked by Ribera, and experienced a loss of two hundred men. These advantages were of too partial a nature to enable the Orientals to derive hopes from them in the face of an enemy so powerful. They contributed chiefly to raise the reputation of Ribera.

The cry now became universal on the part of the Orientals, and even of their chiefs, for a re-establishment of their union with Buenos Ayres, as the only means of finding shelter from the desolating tempest. In virtue of this state of mind, a communication was opened with the Director, who at once met so desirable a proposition, and immediately sent a supply of arms and munitions of war by way of Colonia. Although Ribera had given his consent to the union, he stipulated to withdraw it, in case it should not meet the approbation of Artigas. For this purpose, he communicated the stipulation he had entered into, in his absence, to that chief. To Artigas it was of little importance that such an event would be advantageous to the *republic;* he saw in it nothing but a diminution of his own consequence and power. In order to prevent the discontent which his refusal might produce, at the same time that with one hundred men he went down to dissuade Ribera, he caused his partisans to circulate the most scandalous abuse of the capital and its intentions, proclaiming that a union with the capital would be a union with perfidy and robbery, and that it would be exchanging their liberty for a shameful and atrocious servitude. These odious imputations could not fail of producing an effect upon the simple, well-meaning people, who reposed implicit confidence in Artigas, as well as in the minds of those who had, on former occasions, been ill-treated by the Government of Buenos Ayres, of which number was Ribera. The party in favor of union was, however, too strong to be easily dissuaded from its purpose. In fact, Barsinos Bansa, colonel of the Libertos, Ranios, commander of the artillery, a body of chasseurs, and some corps of militia, under the command of Don Tames Garcia, having elected the latter as their commander, entered into articles of union with Buenos Ayres. Ribera, offended with an act which was very little short of a revolt against him by a part of the troops under his command, hastened with three hundred chosen men to call them to an account for this procedure. After some warm altercation, Garcia, being the strongest, remained with the command, and Ribera, sending a copy of the offensive articles to Artigas, called for a detachment of five hundred men for the purpose of attacking his opponents. It was well known that Artigas would destroy without mercy those who set about diminishing his authority. In truth, this man, taking counsel only from his ambition, and from a mischievous Franciscan friar, who for a long time had swayed him, resolved to comply with the request of Ribera with all possible expedition. General Forges, one of the most repute among the Orientals, opposed with energy a measure which was about to awaken the horrors of civil war, and declared for a union with the capital. Of the five hundred, only fifty were despatched to Colonia, under the pretext of defending this place, which was threatened by a Portuguese flotilla, but with the real intention of uniting with Ribera, and to make war upon those who should be in favor of the union. The party of Artigas prevailed. The Director had hoped that the Orientals, won over by his friendly conduct, would lower their pretensions, but his patience was wearied out by so much obstinacy.

While these clouds obscured the east, the west appeared more serene; the Governor of Cuyo, Colonel Don José de San Martin, a man bold enough to conceive great designs, sufficiently a lover of glory to devote himself to them, and not wanting good fortune in their execution, had for some time past meditated in silence the reconquest of Chili. This country had been completely subdued by the Spaniards; more than one hundred of the most influential people had been banished to the island of Juan Fernandez; the inhabitants completely disarmed, and held under the most rigid subjection; their secret wishes, however, as may be readily supposed, were in favor of independence, and San Martin had every reason to believe that, if he could cross the mountains with a respectable army, he would have none but the Spaniards to contend with, and would find the people, as far as was in their power, disposed to co-operate with them. The situation of the United Provinces, continually threatened from Chili and Peru, plainly pointed out the immense importance of expelling the Spaniards from the former, by which means they would at the same time strike the severest blow to their enemy, and gain a powerful ally. A sense of duty also called upon them to assist their brethren, those who, on a former occasion, when Buenos Ayres was threatened by

the Spanish general Elio, had contributed both men and money to her assistance. But the chief difficulty lay in procuring the means of raising such an army as would be adequate to the enterprise. The state, notwithstanding its recent declaration of independence, was at no time since the commencement of the war in a condition so deplorable; it might almost be said to be drifting at the mercy of the winds and waves. The province of Cuyo at the first glance seemed to promise less; its soil but indifferent, its population small, its products of late much reduced in value, and, as the frontier, continually exposed to the invasion of the Spaniards. But San Martin possessed the talent of winning the hearts of those with whom he was connected, of awakening the higher passions, and of enlisting them not by halves, but entirely in his plans. He had possessed himself so completely of the affections of the people of Cuyo, that they placed without reserve every thing they had at his disposal. They freely yielded up their male slaves to the number of six hundred; they furnished three thousand horses, ten thousand mules, and contributed their personal services for the construction of quarters, encampments, amories, and in conducting troops and munitions from Buenos Ayres. Much of this is doubtless to be attributed to the moderation and self-denial, both in public and private life, of the chief who commanded—the best security for the confidence of the people; but it is likewise to be attributed to a cause which does much honor to the province, to wit, its uniform patriotism and good conduct. Correct morals are most conducive to love of country, and love of country is not less conducive to good morals. Had they been less pure, this patriotism would have been less, and less also would have been the influence of San Martin. After a twelvemonth spent in collecting, organizing, and disciplining his army, which at the same time afforded Marco an opportunity of making the necessary preparations to oppose him, San Martin put in execution his daring attempt to cross the Andes. The mere idea of such an undertaking is enough to strike the mind with astonishment, as amounting almost to a violation of the laws of nature. We can form but a faint idea of this enterprise when we consider that the mountains to be crossed, for one hundred leagues, are the highest on the globe, with defiles so narrow as not to admit two persons abreast along the giddy verge of frightful gulfs, while the severity of the climate seemed to contend with the ruggedness of the passage; added to these, the difficulty of transporting artillery, at the same time embarrassed with the baggage and provisions for thirty days, and, after all, trusting to the uncertain chances of success after the termination of these labors and fatigues; in truth, when every thing is considered fairly, this achievement may justly rank with the most celebrated of those recorded in history. In thirteen days the army effected its passage with the loss of about five thousand horses and mules, and of a small number of men, chiefly blacks, who were unable to stand the cold. After some slight skirmishes, the army took up its position at Acoracogua.

The passage of the mountains was, in itself, an achievement of a nature to give assurances of the result. The heroic army which had vanquished the Andes, fighting under the banners of liberty and the country, could no more be resisted than a torrent of the mountains. The splendid triumph of Chacabuco, which took place soon after, raised San Martin to the pinnacle of glory, and gave a new aspect to the affairs of South America. "In twenty-four days," said the general, "we have terminated the campaign; we have crossed the most elevated mountains of the globe; put an end to the sway of tyrants, and given liberty to Chili." The President Marco was taken prisoner, and the remains of his forces took refuge in the fortress of Talcaguana. A Junta of the Chilians was convened at Santiago; through gratitude to San Martin, they offered to invest him with the directorship, which he declined; they then elected Don Bernardo O'Higgins. The Chilians afterwards sought, by various modes, to express their gratitude to the *General of the Andes*, by which name San Martin, by a kind of involuntary concurrence, was now distinguished; but, considering these offers as incompatible with the notions of greatness which he entertained, they were positively declined. It would be improper not to mention the restoration of the banished Chilians to their families, which was almost the first act of the Government. San Martin returned to Buenos Ayres to receive new orders and concert new plans with the Government, all eyes being now turned towards Peru, as the quarter in which their long-looked-for peace and liberty would be sealed. On approaching Mendoza, the capital of Cuyo, he was met by its inhabitants, the youth strewing roses in the road, and all demonstrating the most heartfelt expressions of regard; the inhabitants of Buenos Ayres were equally desirous of showing every mark of veneration for this hero; but San Martin, being apprized of their preparations, stole into the town unobserved. Some are disposed to condemn what appears to them an affected squeamishness and false delicacy, in thus declining honors which are known in general to be grateful to the human heart; but, for this very reason, in my opinion, it is great and noble to decline or despise them.

The cause of the state, in Peru, when conducted by the virtues, experience, and abilities of Belgrano, who, on his return from his important mission to Europe, had once more assumed the command, was again seen to revive. In the rencontres already related we have seen that victory had also returned to our side. General Serna, who succeeded Pescuela, was not possessed of the abilities of his predecessor. Although the celebrated leaders Padilla and Merceces were killed, Warnes and Ganderilla and Fernandez supported the cause of their country. By these the sanguinary Facon was pushed to the very verge of the precipice; but this victim was reserved for another hand: a ray of lightning sent from Heaven put an end to his days and his cruelties. His army was reduced almost to nothing.

General Serna discovered only a vain and arrogant confidence in his own powers. He had scarcely assumed the command, when he conceived the design of attempting the reconquest of Salta and Jujuy, and even of Tucuman. The history of his predecessor ought to have opened his eyes. These places had proved the sepulchres of the Spaniards, and he might cause them to be so again. These admonitions were disregarded by Serna, who, more haughty than the knight of La Mancha, entered Jujuy at the head of an army of upwards of two thousand men. Governor Guemes rendered the possession of the place little better than a trap for his destruction. He and his brave countrymen invested him so closely, that he soon began to repent of his folly. His forces were incessantly harassed by a great number of guerrillas, and much reduced by the actions of San Pedrita, Huniaquaca, Tarija el Barrada, and others. From the deserters, who were continually coming over, with misery painted in their countenances, it appeared that they were perishing of famine in their trenches. Guemes, with his brave officers, Roxas A——, Tarenos, La Madrid, Cardad, &c., compelled Serna to retire, at last, with great loss, and to renounce his designs upon the cities before mentioned. These flattering occurrences were only interrupted by the lamentable rivalry of the Orientals with the capital. Although Artigas, by means of his chiefs, succeeded in gaining over the greatest part of those whom his conduct had alienated, there were still many who remained firm in their resolution of a separation from his authority—a conduct which they considered necessary to the safety of the republic. Of these, not a few were of the province of Entre Rios, by their chiefs, Erenu and Samanuego, who, lowering their tone, acknowledged that they had been wrong, and sought the friendship of the Director. A circumstance which might possibly lead to the overthrow of an ambitious man, and assure the liberty of the country, was not to be despised. Resentment for personal insult might also, perhaps, have had its influence with the Director; he had just received from Artigas a letter couched in the most declamatory and abusive language, accusing him of paying no regard to his offers, by letter, of sending deputies to the union, charging him with connivance

at the supplies furnished the Portuguese, with being in their interest, and threatening to pursue him even into the capital itself.

1818.

The Director, with a view of securing the Baxada de Santa Fé, which commands the interior country of Buenos Ayres, and at the same time of furnishing assistance to the inhabitants of Entre Rios, despatched a body of troops under Montes de Oca. These were furiously attacked by a detachment from Artigas, and completely defeated. This unfavorable occurrence did not deter the Director from his design; he despatched Colonel Marcos Balcarce with reinforcements to take the field anew. The Orientals, inflamed by that rage which characterizes civil wars, and the more on this occasion, as they regarded themselves as ungenerously attacked by their countrymen, at the moment they were fighting the enemies of the republic, with an impetuosity bordering on desperation fell upon the army of Balcarce, and, after a short but brave resistance on the part of the latter, victory declared itself for the Orientals. Let us deeply lament the fatal policy or necessity of delaying, with our own hands, the progress of events by which we are to gain our independence, and turning upon one another those arms which ought to be reserved only for our common enemies.

About the same time news of a much more serious nature reached the capital, and produced the most painful sensations. While San Martin and O'Higgins were endeavoring to reduce the last stronghold of the Spaniards in Chili, (the fortress of Talcaguana,) the Viceroy of Lima, with all possible despatch, threw fifteen hundred men into that place, which, in point of strength, may be compared to Gibraltar. The army of Chili, under the command of San Martin, was increased to nearly double its number by the new levies among the Chilians; but time was requisite to train and discipline them. O'Higgins took possession of the town of Conception, of which Talcaguana is the seaport. Here a great part of the summer was passed away in skirmishes, in which the enemy were generally worsted. San Martin was, however, occupied in designs of greater magnitude. He was unremittingly engaged in preparing to strike the same blow in Peru which had so successfully paralyzed the power of Spain in Chili. The want of transports was the principal cause of delay, as a march through the desert of Atacama would be impracticable. The viceroy, dreading the enterprise of San Martin, and knowing the materials by which he was himself surrounded, conceived it most prudent to risk the fate of Peru in Chili. Accordingly, after an effort which, in the present fallen state of the Spanish power, might be considered great, he collected about five thousand men, who were hastily embarked for Talcaguana under Osorio, leaving Peru entirely defenceless. Osorio had scarcely reached that place, when he commenced preparations for proceeding directly to the capital of Chili. He calculated with confidence on the superiority of his troops over those whom experience had not yet taught him to respect. He also flattered himself with being able to overtake the army of O'Higgins before he could form a junction with San Martin. Osorio, taking with him nearly all the garrison of Talcaguana, together with two thousand of the natives of Chili, marched rapidly through the province of Conception with an army of nearly eight thousand men. Before he passed the Maule, the patriot army had already formed a junction, and consisted of an equal number of regulars, besides considerable bodies of the militia of the country. In a few days it was completely organized and consolidated; but so large a body of men, when collected, soon began to experience considerable wants. The capital of Chili confidently trusted to the abilities and valor of San Martin; while the circumstance of the wants of his army, when made known to them, afforded an opportunity of displaying a magnanimity which we have unjustly supposed to have been buried beneath the ruins of Greece and Rome. San Martin announced that his army was ready to take the field against the enemies of the country, and that all were willing to sacrifice their lives in its defence, but that it was in want of bread and other supplies. The effect which this intimation produced in the noble-minded people of Chili is best displayed in the reply which they made through the different officers of the municipality and corporations.

"Your excellency," said they, "has just informed us that our brethren in the field of battle are in hourly expectation of being called upon to shed their blood and sacrifice their lives for our preservation. Your excellency recalls to our recollection the sad image of Chili laid waste, for two and a half years, with an atrocity truly Spanish; and our children, our fathers, and our wives, terrified at the chains and gibbets preparing for them by the monsters that have reached the plains of Talca, turn their tearful eyes towards the brave that, on the banks of Tangeuca, have sworn to perish sooner than behold their desolation. But your excellency, at the same time, intimates to us that these brave men are in want of bread and other supplies, in order to sustain the rigorous arms destined to exterminate our enemy; and that the public fund having been exhausted, there scarcely remained a sufficiency for the hospital where the wounds received in our defence are to be healed." "And what does your excellency expect will be the reply of the Chilians to a representation so mournful and affecting? That all our fortunes, without reserve, belong to *our country*. That, from this moment, we request that your excellency will be pleased to accept the spontaneous offer of whatever silver we have in our possession, together with the vow which we make before our country and the universe, that, so long as the war shall last, and the wants of Chili may require it, there shall not be seen a single article of plate in our houses.

"The people of Chili are unwilling that the silver of the churches should be touched until that which belongs to individuals shall be entirely exhausted. We shall then humbly say before the Supreme Being—*To preserve the precious gifts of life and liberty which thou hast bestowed upon us, we present ourselves naked to implore thy protection, while we endeavor to support thy ordinances with the aid of those things which we had set apart to adorn thy worship. Our vows and ardent adoration shall henceforth be the most pure and becoming homage we can offer thee.*

"In the meanwhile, will your excellency be pleased to accept the offer, on the part of the secular and regular clergy, of whatever articles of plate belonging to them in particular, and which do not appertain to the ceremonies of religion, and whatever belongs to the magistrates and corporate bodies, which we offer in our name and in the name of the people of Santiago?

"Your excellency will therefore be pleased to accept these offerings, and to inform our brethren that they may rely on the utmost exertions of our gratitude."

This unexpected but sublime display of gratitude was replied to by the Director in a suitable manner. Accepting their offer, he declared himself unable to find expressions sufficiently strong to do justice to the magnanimity of their conduct; but, for the purpose of commemorating so glorious an action, he ordered the following inscriptions to be engraven on the two columns which adorn the eastern and western entrances of the city:

"*On the 5th of March*, 1818, *the people of Santiago voluntarily stripped themselves of all their plate and utensils of silver, protesting that they would acquire no others until their country shall be out of danger.*"

"*Nations of the universe! strangers who enter Chili! say whether such a people deserve to be slaves!*"

The patriot army lost no time, after its junction, in marching to meet the enemy. The army of Osorio had already passed Talca; it was not long before a continual skirmishing took place between the invaders and the patriots. These were kept up for several days, until the 19th, when an affair of some importance took place between

the advanced corps under O'Higgins and a part of the Spanish army, in which the latter was compelled to fall back with considerable loss, being pursued into the very streets of Talca. The whole Spanish force had been compelled to fall back upon its steps. Osorio now discovered that his contempt of San Martin's army had led him into error; it was so much superior to his, particularly in cavalry, that the chances of success would be decidedly against him, knowing that, in all probability, San Martin would attack him the next morning with his whole force; and that, if defeated, with a large river and numerous bodies of militia in his rear, retreat would be no longer possible. In this critical situation, by the advance of General Ordines, he determined to select two thousand of his best troops, and try the fortune of a night attack, which, if successful, would enable him to retire without fear of pursuit. The principal part of the army had, in the evening, halted within a short distance of Talca; the remainder of the infantry having arrived, and the ground being reconnoitered, orders were given about nine o'clock for each division to occupy the position assigned to it. The right wing had already been posted, and the left was also in motion, when the enemy rushed upon them in the most furious and unexpected manner; the baggage and artillery were first thrown into confusion, which was soon communicated to the troops on their march; these, after a short resistance, broke and dispersed in every direction, in spite of the exertions of their leaders. The Director of Chili, who commanded in person, was severely wounded in the arm in his efforts to rally them. The right, however, under the immediate command of that excellent officer, Colonel Las Heras, retired in good order, and, together with some other bodies, collected by the exertions of San Martin and his officers, continued the contest for some time, but were compelled at last to give way. The next morning presented a spectacle truly melancholy—an army, of which the day before our country might justly have been proud, the best appointed that had ever taken the field on the side of independence in South America, stripped of its artillery and baggage, and more than one-half dispersed, and this without having been beaten.

San Martin conducted the fragments of his army to the narrow pass of Angulemu, which lies on the route to Santiago, and which the enemy could not avoid without making a very considerable circuit. Here he remained in the most painful situation, deprived of his baggage, and his men in want of every thing. In the mean time, the stragglers dispersed through the valleys of Chili spread the most disheartening accounts among the inhabitants, and so complete was supposed to have been the defeat of San Martin, that the partisans of Spain, wherever any of them happened to be, could scarcely refrain from openly declaring themselves. San Martin, with the Director, whose presence was required in the capital, made it a hasty visit, for the purpose of inspiring confidence in the people, and of procuring the means of recomposing his army. He now judged it most prudent to fall back upon the capital, where his army could be recruited with greater celerity, and intending, in case of defeat, to retire into the city, which the Director was actively engaged in placing in a state of defence. The army, under the creative hand of San Martin, with a celerity almost incredible, in the course of a few days, and after a march of eighty leagues, once more presented a formidable front on the plains of *Maipu*. The most animated proclamations were circulated through the country by him and the Director; hope was seen to revive, and the patriot army was animated by a desperation gathered even from its late disgrace. The news of this lamentable occurrence, arriving at the same time with that of the misfortunes of the eastern shore, cast a gloomy shade over Buenos Ayres. The most melancholy anticipations filled the breast of every American, while the Spaniards among us discovered their joy, on some occasions, with very little discretion. Our apprehensions induced us to believe that the affairs of Chili were still worse than the Government had been willing to communicate; the very importance of the contest in that country was enough to produce doubts in the minds of the most sanguine. Osorio, finding the success of his attack to have so far exceeded his expectations, determined to follow up his blows, but, having himself experienced a considerable loss, he was somewhat retarded in setting off; his march was, notwithstanding, rapid, having approached the Maipu in twelve days after the dispersion of the patriot army. On the 3d and 4th of April there were frequent skirmishes, and early in the morning of the 5th the two armies came in sight of each other, the body of the Spanish forces having crossed the Maipu. The whole morning was passed in manœuvring; each chief in vain endeavored to gain some advantage over his opponent. San Martin rode incessantly along his lines, addressing each individual corps, and infusing into them his own feelings, while the patriotic songs and marches resounded through the army. Seeing, at last, that there was no probability of his being attacked that day by the Spaniards, and finding his men roused to the highest pitch of enthusiasm, he gave orders to advance. With the exception of a small height, which the enemy had occupied with some pieces of artillery, the ground was nearly level and well adapted to military manœuvres. The infantry was placed under the command of General Balcarce, Colonel Las Heras on the right wing, and Colonel Alvardo on the left; the artillery and cavalry posted on each wing, and a strong reserve in the rear under Colonel Quintana. In this order the army moved towards the enemy, who opened a dreadful fire from his infantry, and from several pieces of artillery posted on the small elevation before mentioned, but without arresting its progress; a body of the enemy's cavalry charged at the same time, but were driven back by those of the country, who pursued them even under their guns. The action now became general and bloody; our line, at last, appeared to vacillate; but at this moment, the reserve being ordered up, the whole returned to the charge, and, with an irresistible impetus, carried every thing before them. The resistance of the enemy was, however, so obstinate, that they had to be literally pushed from the ground with the bayonet. The regiment of Burgos, composed of the best troops of Spain, and twelve hundred strong, was not broken until after repeated charges, which San Martin is said to have led in person. The remnant of the enemy's force then threw themselves into some narrow lanes, made by walls, and, under their shelter, commenced the contest anew, but were at length entirely overcome. This action lasted from noon until six o'clock in the evening, and was contested on either side with a courage and firmness worthy of the great prize that was at stake—not merely the independence of Chili, but perhaps of South America. The history of wars furnishes us with few instances of a victory more complete; the whole Spanish army was annihilated; artillery, military chests, every thing belonging to it, fell into the hands of San Martin. Its chief alone fled with some horsemen, when he saw that the day was lost. Ordonez, the second in command, one hundred and ninety-eight officers, three thousand rank and file, surrendered their arms; and two thousand of their dead covered the field of battle. The loss of the country did not exceed one thousand in killed and wounded. The capital, from its extreme depression, was now elevated to the highest pitch of joy. The streets, before silent and fearful, were suddenly filled by the inhabitants, like the blood which, after some moments of deep suspense and anxious fear, rushes again from the heart to the extremities of the body. The scene which ensued can only be conceived by those who have witnessed the sublime effusions of popular feeling, when each thinks his own happiness, that of his posterity, his friends, and his country are entirely involved. There was a general and almost universal exclamation, "AT LAST WE ARE INDEPENDENT!" while San Martin was hailed as the genius of the revolution.

B.

Manifesto directed to all nations by the General Constituent Congress of the United Provinces of Rio de la Plata.

Honorable fame is the jewel which mortals prize above existence itself, and which it is their duty to defend above every earthly good, however great and valuable. The Government of Spain has accused the United Prov-

inces of Rio de la Plata, before the nations of the world, of perfidy and rebellion; and has denounced as perfidious and rebellious the memorable declaration of independence of the 9th of July, 1816, by the National Congress of Tucuman; imputing to them ideas of anarchy, and intentions of introducing seditious principles into other countries, at the very moment of soliciting the friendship of those countries, and their recognition of this declaration, that they may assume a place among the nations of the earth. The first among the most sacred duties of the National Congress is to do away so foul an imputation, and to justify the cause of our country, by publishing to the world the motives and the cruelties which concurred to impel to the declaration of independence. This is not a submission which concedes to any one the right to dispose of a condition purchased by America with torrents of blood, and every species of sacrifice and endurance. It is a duty of imperious obligation which it owes to its wounded honor, and to the respect due to other nations.

We shall waive all discussion with respect to the right of conquest, of papal grants, of other titles by which the Spaniards have supported their domination: it is unnecessary for us to recur to principles which may give rise to theoretic disputes, or to questions which have found advocates. We appeal to facts, forming a lamentable contrast between the sufferings endured by us, and the tyranny of the Spaniards. We shall expose to view the frightful abyss into which these provinces were about to be precipitated, had not the wall of their emancipation been interposed. We shall give reasons, the soundness of which no rational being can question, unless it be his aim to persuade a nation to renounce forever all idea of felicity, and adopt for its system ruin, opprobrium, and shameful acquiescence. We shall exhibit this picture to the world, that no one may contemplate it without being deeply affected with the same feelings that belong to ourselves.

From the moment the Spaniards took possession of these countries, they thought only of securing their power, of exterminating, and degrading. Their systems of devastation were immediately set on foot, and were continued, without intermission, for three hundred years. They began by assassinating the Incas of Peru, and they afterwards practised the same upon the other chiefs who fell into their power. The inhabitants of the country, attempting to repel these ferocious invaders, became victims to fire and sword, by reason of the inferiority of their arms, while their cities and villages were consigned to the flames, everywhere applied without pity or discrimination.

The Spaniards then placed a barrier to the increase of the population of the country; they prohibited, by vigorous laws, the entrance of strangers into it, and in latter times they opened it to the immoral, to convicts cast out of the Peninsula. Neither the vast but beautiful deserts, formed here by exterminating the natives; nor the benefit which might accrue to Spain herself, by the cultivation of plains fertile as they are extensive; nor the existence of minerals, the richest and most abundant of the globe; nor the attraction of innumerable productions, some until then unknown, others precious from their intrinsic value, and capable of animating industry and enlivening commerce, carrying the one to its highest pitch, and the other to the utmost extent of opulence; nor, in fine, the unceasing exertions necessary to keep the fairest regions of the earth submerged in wretchedness, had sufficient influence to change the dark and portentous policy of the court of Madrid. From one city to another of this country there are hundreds of leagues lying waste and uninhabited. Entire nations have disappeared, buried under the ruins of mines, or perishing in an atmosphere poisoned with antimony, under the diabolical institution of the mita. Neither the lamentations of all Peru, nor the energetic representations of the most zealous ministers, have been sufficient to put a stop to this system of extermination.

The science of working mines, regarded with indifference and neglect, has remained without undergoing those improvements common to other nations in an enlightened age; thus rudely wrought, the richest have disappeared, either by the dilapidation of excavated hills, or by the influx of water. Other rare and valuable productions of the country have remained in the great storehouse of nature without having excited the attention and zeal of the Government; and if at any time an enlightened individual presumed to publish these advantages, he was sure to be reprehended by the court, and compelled to be silent, lest, possibly, a diminution of the demand for some of the productions of Spain might ensue.

It was forbidden to teach us the liberal sciences; we were only permitted to learn the Latin grammar, the philosophy of the schools, civil and ecclesiastical jurisprudence. The viceroy, Don Joaquin Pirio, gave much offence by permitting a nautical school at Buenos Ayres; and, in compliance with a mandate of the court, it was ordered to be shut, while at the same time it was strictly prohibited to send our youth to Paris for the purpose of studying the science of chemistry, in order to teach it on their return.

Commerce was ever a monopoly in the hands of merchants of the Peninsula, and of their consignees sent by them to America. All public offices and employments belonged exclusively to the Spaniards; and although Americans were equally called to them by the laws, they were appointed only in rare instances, and even then not without satiating the cupidity of the court by enormous sums of money. Of one hundred and seventy viceroys that have governed in this country, but four of them have been Americans; and of six hundred and ten captains general and governors, all but fourteen have been Spaniards. The same took place in every other post of importance, and even amongst the common clerks of offices it was rare to meet with Americans.

Every thing was disposed on the part of Spain, in America, to effect the degradation of her sons. It did not suit the policy of Spain that sages should rise up amongst us, fearful lest men of genius should bethink them of advancing the condition of their country, and of improving the morals and excellent capacities with which its sons have been gifted by their Creator. It was her policy incessantly to diminish and depress our population, lest one day we should imagine aught against her domination, guarded by a force contemptible for regions so various and vast. Commerce was exclusively confined to herself, from a mean suspicion that opulence would make us proud, and render us capable of aspiring to free ourselves from so many vexations. The growth of industry was checked, in order that the means of escaping from our wretchedness and poverty might be denied us; and we were excluded from all participation in public employments, in order that the natives of the Peninsula might have entire influence over the country, so as to form the inclinations and habits necessary for retaining us in a state of dependance, that would neither permit us to think nor to act but in conformity to the modes dictated by the Spaniards.

This system was acted upon with the utmost rigor by the viceroys; each of them was invested with the authority of a vizier; their power was sufficient to annihilate all those who dared to displease them; however great the vexations they practised, we had to bear them with patience, while these were compared by their satellites and worshippers to the effects of the wrath of God. The complaints which were addressed to the throne were either lost in the distance of many thousand leagues over which they had to pass, or they were smothered in the offices at Madrid by the protectors of those who tyrannized over us. Not only was this system not softened, but there was no hope of its moderating in the course of time. We had no voice, direct or indirect, in legislating for our country; this was done for us in Spain, without conceding to us the privilege of sending delegates or councillors to be present, and to state what would be suitable, or otherwise, as is practised by the cities of Spain. Neither did we possess such influence in the Government set over us as might serve to temper the severity of its administration. We knew that there was no remedy for us but to bear with patience; and that for him who could not resign himself to every abuse, death was considered too light a punishment; for, in such cases, penalties have been invented of unheard-of cruelty, and revolting to every sentiment of humanity.

Less enormous, and less pertinaciously persevered in, were the outrages which compelled Holland to take up arms, and to free herself from Spain; those which induced Portugal to shake off the same yoke; those which placed the Swiss, under William Tell, in opposition to the Emperor of Germany; those which induced the United States of North America to resist the encroachments of Great Britain; or those of any other countries which, without being separated by nature from their parent states, have separated themselves in order to shake off an iron yoke, and to take into their own hands the care of their own felicity, than what we have experienced. We, however, separated by an immense ocean, inhabiting a country gifted with every variety of climate, possessing distinct wants, and treated like flocks and herds, have exhibited the singular example of patient endurance under such degradation; remaining obedient, even when the most seducing circumstances presented themselves for casting off the yoke, and driving the Spanish power to the other side of the ocean.

We address ourselves to the nations of the world; and to manifest so much effrontery as to think of deceiving them in matters to which they have been witnesses, is impossible. America remained tranquil during the whole war of the succession, and awaited the termination of the contest between the houses of Austria and Bourbon, in order to follow the fortunes of Spain. A favorable occasion then presented itself to free ourselves from so many vexations, but we did not seize it; on the contrary, we exerted ourselves in her defence, arming in her cause alone, and with a view of maintaining our connexion with her. Without having any concern in her differences with European nations, we have embarked in her wars; we have suffered the devastations; we have borne, without a murmur, all the privations to which we were exposed by her nullity on the ocean, one of which was the interruption of the usual communication with her.

In the year 1806 our country was invaded; an English expedition surprised and captured Buenos Ayres, the capital, through the imbecility of the viceroy, who, though without European troops, had numerous resources fully adequate, which he knew not how to avail himself of. We prayed assistance from the court, to enable us to defend ourselves against a new expedition which threatened us; and the consolation we received was, a royal mandate to defend ourselves as we could. The following year the eastern shore (Banda Oriental) was occupied by a new and more formidable expedition: the town of Montevideo was besieged and taken by assault; here the British troops were augmented, and a powerful force prepared for making another attack on the capital, and, in fact, the attack was made a few months afterwards; happily the valor of our citizens triumphed over the enemy in the assault, compelling him, after a brilliant victory, to evacuate Montevideo, and the whole of the eastern shore.

A more favorable opportunity of rendering ourselves independent could not have been desired than that which now presented itself, if the spirit of rebellion or perfidy had been capable of moving us, or if we had been susceptible of those principles of anarchy and sedition imputed to us. At that time we had abundant cause for doing what we have since done. It was by no means our duty to be indifferent to the state of degradation in which we had so long existed. If at any time victory authorizes the conqueror to be the arbiter of his own destinies, we might justly then have fixed ours; we were, with arms in our hands, triumphant, and there was not a single Spanish regiment to oppose us; and if neither victory nor force can give right, ours was still greater no longer to tolerate the domination of Spain. We had nothing to apprehend from the forces of the Peninsula; its ports were blockaded, and the seas commanded by the fleets of Britain. Notwithstanding the favorable conjuncture thus presented to us by fortune, we chose to preserve our connexion with Spain, hoping, by this distinguished proof of loyalty, to effect a change in the system of the court, and render it sensible of its true interest.

But we flattered ourselves with vain hopes. Spain did not regard this conduct as an evidence of the generosity of our dispositions, but as a bare act of duty. America still continued to be ruled with the same tyranny, and our sacrifices, though most heroic, had no other effect than to add a few more pages to the history of that oppression under which we had so long groaned.

Such was the situation in which we were found by the revolution of Spain. We, who were habituated to yield a blind obedience to all her mandates, readily acknowledged Ferdinand VII. of Bourbon, although raised to the throne by a tumult at Aranjuez, which deposed his father. We saw him soon after pass over into France; we saw him there detained with his parents and brothers, and deprived of the crown which he had just usurped. We saw that Spain, everywhere occupied by French troops, was shaken to her centre, and that in her civil convulsions the most distinguished individuals, who governed with wisdom in the provinces, or served with honor in her armies, fell victims to the insensate fury of rivals; that, in the midst of these vibrations, governments rose up in each of those provinces, styling themselves supreme, and claiming sovereign authority over America. A Junta of this kind, formed at Seville, had the presumption to be the first to demand our obedience, and we were obliged by our viceroys to recognise and yield it submission. In less than two months another, entitled the Supreme Junta of Gallicia, pretended to the same right, and sent us a viceroy, with the indecent menace that thirty thousand men should also be sent, if necessary. The Junta Central next erected itself; we immediately obeyed it, without having had the slightest share in its formation, zealously and efficaciously complying with all its decrees. We sent succors of money, voluntary donations, and supplies of every kind, to prove that our fidelity would stand any trial to which it could be subjected.

We had been tempted by the agents of King Joseph Bonaparte, and great promises were held out to us of bettering our condition, should we unite ourselves with his interests. We knew that the Spaniards of greatest note had already declared for him; that the nation was without armies, and without the vigorous direction requisite in moments of so much difficulty. We were informed that the troops of Rio de la Plata, who were prisoners at London, after the first expedition of the English, had been conducted to Cadiz, and there treated with the greatest inhumanity, and that, in a state of nakedness, they had been sent off to fight against the French. Yet our situation continued unchanged until the Andelusias having been occupied by the French, the Junta Central was dispersed.

Under these circumstances, there was published a paper, without date, and signed only by the archbishop of Laodicea, who had been president of the extinguished Junta Central. By this paper a regency was ordered to be formed, and three persons, as those who should compose it, were designated. An occurrence so unexpected could not but cause us to hesitate and ponder over it seriously. Our situation became alarming, and we had reason to be apprehensive of being involved in the misfortunes of the capital. We reflected upon its uncertain and vibrating state, more especially as the French had already presented themselves before the gates of Cadiz and the island of Leon: we distrusted the new regents, who were unknown to us; the most distinguished Spaniards having passed over to the French, the Junta Central dissolved, its members denounced as traitors in the public papers. We saw the inefficacy of the decree published by the archbishop of Laodicea, and the insufficiency of his powers for the establishment of a regency; we knew not but that the French had taken possession of Cadiz, and completed the conquest of Spain in the interval which must elapse before these papers could come to our hands; and we doubted whether a Government formed out of the fragments of the Junta Central would not soon meet with the same fate. Considering the perils which surrounded us, we resolved to take upon ourselves the care of our own safety, until we should obtain better information of the true condition of Spain, and whether her Government had acquired stability. Instead of discovering this stability, we soon learned the fall of the regency, and saw it succeeded by continual changes of government in moments the most arduous and critical.

In the meanwhile we formed our Junta in imitation of those of Spain. It was purely provisional, and in the name of our captive King. The viceroy, Don Baltazar Hidaldo Cisneros, despatched circulars to the provincial governors, in order to light up the flames of civil war, and arm provinces against provinces.

The Rio de la Plata was immediately blockaded by a squadron: the Governor of Cordova immediately set about raising an army: the Governor of Potosi and the President of Charcas marched with another to the confines of Salta, and the President of Cuzco, presenting himself with a third army on the margin of Desaguedero, entered into an armistice of forty days, and, before its term had elapsed, recommenced hostilities, attacked our troops, and a bloody battle ensued, in which he lost fifteen hundred men. Memory is horror-struck in recalling the abominable cruelties then perpetrated by Goyeneche in Cochabamba. Would to God it were possible to forget this ungrateful American, who, on the day of his entrance into the city, ordered the respectable Governor Intendant Antesana to be shot, and, observing with complacency, from the balcony of his house, this iniquitous assassination, ferociously cried out to his troops not to shoot the victim in the head, as it was wanted to be stuck upon a pike; and when it was severed from the body, the headless trunk was dragged through the streets, while at the same time the brutal soldiers were barbarously permitted to dispose at pleasure of the lives and property of the inhabitants during many successive days.

Posterity will be shocked by the ferocity manifested towards us by men who ought to have been interested in the preservation of the Americans; and they will regard with astonishment the madness of attempting to punish as a crime an act marked with the indelible seal of fidelity and love. The name of Ferdinand of Bourbon preceded all the acts of the Government, and headed its public documents. The Spanish flag waved on our vessels, and served to animate our soldiers. The provinces, seeing themselves reduced to a kind of orphanage by the dispersion of the National Government, by the want of another of a legitimate character, and capable of commanding respect, and by the conquest of nearly the whole of the mother country, had raised up for themselves an argus to watch for their safety, and to preserve them entire, so that they might be restored to the captive King, in case he should regain his liberty. This measure was sanctioned by the example of Spain herself, and produced by her declaration that America was an integral part of the monarchy, possessing equal rights, and which had already been practised in Montevideo, at the instance of the Spaniards themselves. We offered to continue our pecuniary aids for the prosecution of the war and a thousand times published the uprightness and sincerity of our intentions. Great Britain, to which Spain was then so much indebted, interposed her mediation and good offices to prevent our being treated in a manner so harsh and severe. But the Spaniards were fixed in their sanguinary caprice, rejected the mediation, and despatched rigorous orders to all their generals to prosecute the castigation of the Americans with redoubled activity; scaffolds were everywhere erected, and ingenuity was taxed for inventions to frighten and afflict.

From thenceforward no pains were spared, and no means left untried, to divide and engage us in mutual extermination. They have spread abroad the most atrocious calumnies against us, attributing to us the intention of renouncing our holy religion, and of encouraging an unbounded licentiousness of manners. They have made a religious war against us, contriving by a thousand ways to disturb and alarm the conscience, and causing the Spanish bishop to publish ecclesiastical censures and excommunications, and to sow, through the means of some ignorant confessors, fanatical doctrines, even in the penitential tribunal. By means of those religious discords, families have been divided against themselves; they have occasioned dissensions between father and son; they have broken asunder the delightful ties which unite husband and wife; they have sown rancor and hatred between the most affectionate brothers; they have, in fine, endeavored to poison all the harmony of society.

They have adopted the dreadful system of putting men to death indiscriminately, for no other purpose than to diminish our numbers, and, on entering our towns, have been known to put to death even the unfortunate market people, driving them into the public square in groups, and shooting them down with cold-blooded, wanton cruelty. The cities of Chuquisaca and Cochabamba have more than once been theatres of this shocking barbarity.

They have compelled our soldiers, taken prisoners, to serve against their wills in the ranks of their armies, carrying the officers in irons to distant outposts, where it was impossible for them to preserve health for a single year, while others have been starved to death in dungeons, and many have been forced to labor on the public works. They have wantonly shot the bearer of flags of truce, and have committed the utmost horrors upon chiefs after their surrender, and other principal personages, notwithstanding the humanity that had been shown by us to those prisoners who fell into our hands. In proof of this assertion, we need only mention the Deputy Matos of Potosi, Captain General Pumacagua, General Angulo, and his brother, the Commandant Munecas, and other partisan chiefs, shot in cold blood, many days after having surrendered as prisoners.

In the district of Valle-Grande they indulged themselves in the brutal sport of cutting off the ears of the natives, and then transmitting a pannier full of them to head-quarters; they afterwards destroyed the town by fire, burnt about forty populous villages of Peru, and took a hellish pleasure in shutting up the inhabitants in their houses before setting them on fire, in order that their unhappy victims might be burnt alive.

They have not only shown themselves cruel and implacable in murdering our countrymen, but they have thrown aside all regard to decency and morality; causing old men of the religious profession, in the public places, and women, to be made fast to a cannon, but first stripped naked, and their bodies exposed to shame.

They have established an inquisitorial system for all these punishments; they have dragged out peaceful inhabitants from their houses, and transported them across the ocean to be tried for pretended offences, and have executed without trial a multitude of citizens.

They have chased our vessels, sacked our seacoast, murdered defenceless inhabitants, without sparing clergymen, and those in extreme old age; by the order of General Pezuela, they burnt the town of Puno, and, meeting with no others, they put to the sword old men, women, and children. They have excited atrocious conspiracies among the Spaniards residing in the midst of us, imposing upon us the painful necessity of putting to death the fathers of numerous families.

They have compelled our brothers and sons to take up arms against us, and, forming armies by the impressment of the natives of Peru, have compelled them, under the command of Spanish officers, to fight against our troops. They have excited domestic insurrections, corrupting with money and every species of seduction the pacific inhabitants of the country, in order to involve us in a frightful anarchy, and to enable them to attack us weakened and divided. They have displayed a new invention of horror, in poisoning fountains and food, when beaten in La Paz by General Pinelo; and the mildness with which they were treated, when compelled to surrender at discretion, was rewarded by the barbarous act of blowing up the barracks, which had been previously mined for the purpose.

They have had the baseness to attempt to tamper with our governors and generals, and, abusing the sacred privilege of flags of truce, they have repeatedly written letters inciting to treason. They have declared that the laws of war, recognised by civilized nations, ought not to be observed towards us; and, with contemptuous indifference, replied to General Belgrano that treaties could not be entered into or kept with insurgents.

Such had been the conduct of Spaniards towards us when Ferdinand of Bourbon was restored to the throne. We then believed that the termination of our troubles had at last arrived; it seemed to us that the King, who had been formed in adversity, would not be indifferent to the miseries of his people; we therefore despatched a deputy to him to make known our situation. We could not doubt but that he would give us a reception worthy a benign prince, and that he would feel an interest in our supplications, as well from gratitude as from that beneficence which the Spanish courtiers had praised to the skies. But a new and before unknown ingratitude was reserved to be experienced by the countries of America, surpassing all example that the history of the worst of tyrants can present.

Scarcely had he returned to Madrid, when he, without ceremony, at once declared us insurgents. He disdained to listen to our complaints, or hearken to our supplications, tendering a pardon as the only favor he could offer. He confirmed in authority the viceroys, governors, and generals, who had perpetrated the bloody deeds before detailed. He declared as a crime of state the having pretended to form a constitution for ourselves, that we might be placed beyond the reach of the capricious, arbitrary, and tyrannic power to which we had been subjected for three centuries; a measure which could displease none but a prince who is inimical to justice and beneficence, and consequently unworthy of ruling.

With the aid of his ministers, he at once set to work in collecting forces for the purpose of being sent against us. He caused numerous armies to be transported to this country, in order to complete the devastations, conflagrations, and robberies so well begun. He availed himself of the moment when complimented by the principal European Powers, on his return from France, to engage them to deny us every succor, and to look on with indifference, while he was gratifying the cruelty of his disposition in destroying us.

He has established a peculiar regulation for the treatment of American privateers, barbarously ordering their crews to be hanged. He has forbidden the observance towards us of the Spanish naval ordinance, established in conformity with the laws of nations, and he has denied every thing to us which we invariably allow to his subjects captured by our cruisers. He sent his generals with decrees of pardon, which they caused to be published, with no view but to deceive the simple and ignorant, in order to facilitate their entrance into cities and towns; but giving, at the same time, private instructions authorizing and commanding them, after having thus obtained possession, to hang, burn, sack, confiscate, assassinate, and to inflict every possible suffering on such as had availed themselves of such supposititious pardons. It is in the name of Ferdinand of Bourbon that the heads of captured patriot officers have been stuck up on the highways; that a distinguished partisan leader has been actually impaled; and that the monster Centano, after having murdered Colonel Gamargo in the same manner, cut off his head, and sent it as a present to General Pezuela, informing him that it was a miracle of the *Virgen del Carmen*.

It has been by a torrent of evils and bitter afflictions such as these, that we have been compelled to take the only course that remained to us. We reflected deeply on our situation and future fate, and, turning our eyes to every quarter, we were unable to see any thing but the three elements of which it must necessarily be composed—opprobrium, ruin, and abject submission. What could America expect from a King, actuated, at the very moment of seating himself on the throne, by sentiments so inhuman?—of a King who, previous to commencing his devastations, hastened to prevent the interposition of any other prince to restrain the effects of his insensate fury?—of a King who has no other rewards but chains and gibbets, for the immense sacrifices of his Spanish subjects in releasing him from captivity?—subjects who, at the expense of their blood and of every privation, have redeemed him from a prison in order to bind his temples with a crown? If these men, to whom he owed so much, thus received death, were doomed to perpetual imprisonment or to base slavery, for no other crime than that of having framed a constitution, what might we not expect to be reserved for us? To hope for a benign treatment from him and from his bloody ministers, would have been to seek among tigers for the mildness of the dove.

Then, indeed, would have been repeated towards us the ensanguined scenes of Caraccas, Carthagena, Quito, and Santa Fé; we should then have spurned the ashes of the eighty thousand persons who have fallen victims to the fury of the enemy, and whose illustrious names with justice call for revenge; and we should have merited the execrations of every succeeding generation, condemned to serve a master always disposed to illtreat them, and who, by his nullity on the sea, has become impotent to protect them from foreign invasion.

We, therefore, thus impelled by the Spaniards and their King, having declared ourselves independent, and in self-defence against tyranny, have staked our honors, our lives, and our fortunes. We have sworn before the Supreme Judge of the universe, that we will never renounce the cause of justice; that we will not permit the country which he gave us to be buried beneath ruins and submerged in blood by the hands of executioners; that we shall never forget the obligations that we owe to save her from the dangers which threaten her, nor the sacred right to require of us all necessary sacrifices to prevent her from being soiled by the foul footsteps of tyrants and usurpers. This declaration is engraven on our hearts, that we may never cease to combat in her cause. And at the same time that we unfold to the world the motives that have induced to this step, we have the honor to make known our desire of living in peace with all, and even with Spain herself, from the moment she thinks proper to accept our offer.

Given at the congressional hall in Buenos Ayres, 25th of October, 1816.

DR. PEDROS IGNACIO DE CASTRO Y BANOS, *President.*
JOSE EUGINIO DE ELIAS, *Secretary.*

D.

Notes which the Secretary of State in the Department of the Government and of Foreign Relations places in the hands of Messrs. the Deputies of the United States of North America, for the information of the President of those States.

The nation is styled the United Provinces of South America.

The number and denomination of each, with its intendencies and chief towns of districts (*cabezas de partido*) according to the former state of the viceroyalty, appears in document No. 1.

In 1814, five more provinces were erected, whose names are, Tucuman, Mendoza or Cuyo, Corrientes, Entre Rios, and Oriental del Rio de la Plata.

The capitals of the two latter are the town of Conception del Uruguay, or Arroya de la China, and the city of Montevideo.

Out of the fourteen provinces into which the territory of the ancient viceroyalty is now subdivided, there are nine in the hands of the patriots, which are stated in said document under the title of free provinces; and those occupied with troops, or under the influence of the Spanish army, are the other five, whose names are, Potosi, Plata or Charcas, Cochabamba, La Paz, and Puno.

In all the territory of the ancient royalty there is but one archbishopric, which is that of La Plata, and six bishoprics, which are stated in said document under the denomination of suffragans.

The territory of the United Provinces contains one hundred and forty-five thousand square leagues; their population according to the nearest estimate, amounts to one million three hundred thousand, without including the aborigines. Their productions, manufactures, and articles of commerce, will be seen in statement No. 2.

The political state of the provinces called free is quiet and tranquil; they are under the influence of the supreme direction of the states, which resides in Buenos Ayres. They have their governors in the intendencies, or capitals, lieutenant governors in the chief towns, villages, &c. The province of Assumption del Paraguay is an independent state, as also the Oriental del Rio.

The funds, public revenues, and annual expenditures, will be seen in the statement No. 3, with the notes on the same.

The land military force of the united territory appears in the statements Nos. 4 and 5; the latter shows the amount of arms and munitions of war which it possesses in its armies, parks, in its manufactories, and its armory.

The naval force will be seen in the statements Nos. 6 and 7.

The authority of the Supreme Director, of his secretaries, and of the tribunals of justice, are detailed in the provincial regulations, a copy of which is annexed under No. 8.

There is a tribunal of prizes, which is composed of the Secretary of the War Department, the President of the Chamber of Appeals, the Asesor del Govierno, and the Auditor General of War; there is another tribunal, which takes cognizance of appeals from the decisions of the former, and is composed of the Supreme Director of the State, the Secretary of State for the Government and for Foreign Affairs, and the Secretary of the Treasury. This tribunal takes cognizance also in case of supplication; and all being subject to the reglamento del corso (No. 9,) and other special regulations, which, although not appearing in the provincial regulations established by Congress, have notwithstanding been approved by the same.

At the present moment the formation of a constitution for the state is in progress. A committee consisting of members of Congress are assiduously engaged, and will soon present a project of the constitution.

The population of the city of Buenos Ayres, according to the census of 1815, amounted to fifty thousand nine hundred and ninety-nine inhabitants. This census was inaccurate and underrated. Since then, the emigration of foreigners has been unusually great, as also the emigration of numerous families from the Banda Oriental and Entre Rios, so that its population is at present estimated at sixty-two thousand souls.

Besides other institutions, this capital has what is called the colegio seminario; another institution for the education of youth, called the Union of the South, will be opened on the 25th May next, with a general plan of education, particularly of the languages and sciences; there is also an academy of jurisprudence, one of drawing, four of the study of medicine, and a board for the examination of those who prepare to practise.

There are three printing offices, a public library with twenty thousand volumes, schools for teaching the first elements in every parish; there is a society of men of taste for the stage, another of friends of the country, another of agriculture, a cannon foundry, a manufactory of small arms, one of swords, an armory, three parks of artillery, three powder magazines, and a variety of manufactories in different branches.

The independence of the state was declared at Tucuman the 9th of July, 1816, the congress being assembled at that place, and there sanctioning it. To obtain its acknowledgment by foreign Powers, communications and invitations have been made to them, and in Europe there is an envoy extraordinary to its several courts: he is Doctor Bernardine de Rivadavia.

These provinces have been *de facto* independent of Spain since the year 1810, when they openly made war upon her in Peru, in Paraguay, and in Montevideo. Early in 1813, as soon as the province of Potosi was taken possession of by the patriots, they coined money there impressed with arms of the state, hoisted the national flag, and took other public steps which were equivalent to the most solemn declaration of the new rank which they assumed.

They armed a considerable number of privateers, which have ruined the Spanish trade, and they have even blockaded some ports in the Peninsula.

It was not the proclamation of independence which gave origin to the rights of the Americans; it merely recognised them as they had before existed, and had been claimed since the memorable epoch of the 25th of May, 1810.

It appears unnecessary to make any further explanations of those facts and circumstances, which, having come within the knowledge of the commissioners, particularly of late, must have afforded the information desired.

GREGORIO TAGLE.

BUENOS AYRES, *April* 21, 1818.

No. 1.

Table of the ancient division of the Viceroyalty of Buenos Ayres.

Provinces.	Intendencies.	Archbishoprics.	La Plata.
Buenos Ayres, -	Montevideo.	Yampais.	Paraguay.
		Jonina.	Sta. Cruz de la Sierra.
	Montevideo.	Palaya and Paspaya suffragans.	La Paz.
	Corrientes La Plata.	Oruro.	Buenos Ayres.
	Sta. Fé.	Paria.	Cordova.
	Maldonado.	Carangas.	Salta.
	Colonia.		
Paraguay, -	Villa Rica.	Sta. Cruz de la Sierra.	
		Valle-Grande.	
	Curiguate.	Misque.	Buenos Ayres.
	Villa Real, Cochabamba.	Eliza.	Paraguay.
Cordova, -	Mendoza.	Arque; free provinces.	Mendoza.
	Rioja.	Tapicure; including those.	Tucuman.
	St. Juan.	Ayopaya, laid off in 1814.	Salta.*
	St. Louis.	Sacaba.	Corrientes.
Salta, -	Jujuy.	Paycayas.	Oriental.
	Tucuman.	Sicasica.	Entre Rios.
	Santa del Estero La Paz.	Onvasayos.	
	Catamarca.	Laricayo.	
Potosi, -	Porco.	Chulumani.	
	Chayante.	Apolobamba.	
	Chichas.	Lampa.	
	Tarija.	Caravaya.	
	Puno.		
	Lipes.	Arangaro.	
	Atacama.	Chicuito.	

* These are the intendencies and chief towns of subordinate districts; as each one has a number of other districts belonging to it.

TAGLE.

Buenos Ayres, *April* 21, 1818.

No. 2.

Showing the productions, manufactures, and branches of commerce of the free intendencies and their dependencies.

Buenos Ayres.—Grain, hides, tallow, wool, hair, horns. These are an inexhaustible supply of commercial resources; the trade with the Pampas Indians alone, in montas, wool, salt, bridle reins, and feathers, exceeds the sum of $100,000 per annum.

Paraguay.—Wood of a superior quality, of many varieties; the herb mani, tobacco, guambe, and peasaba for cables, honey and molasses, dried sweetmeats, sugar, rice, cotton cloths, various kinds of gums and raisins, beautiful birds.

Cordova.—Grain, hides, woollen and cotton cloths, raising of mules and herds, excellent lime, minerals of gold and silver.

Mendoza.—Dried fruits of many different kinds, wines, and brandy, grain, cattle, woollen cloths, carriage of goods, and wagons for the transportation of commodities to Chili, Buenos Ayres, and other provinces, minerals of gold.

Tucuman.—Woods, grain, rice, oranges, mani, tobacco, honey, wax, excellent cheese, woollen and cotton cloths, raising of herds, transportation of merchandise, and wagons.

Salta.—The raising of herds, mules, (of which there are annually sent seventy or eighty thousand head to Peru,) grain, sugar, honey, molasses, and brandies, wool of a superior quality, as also of the vacuna, cloths of it, woods, minerals of gold and silver, copper, iron, and tin, sulphur, alum, and vitriol.

Corrientes.—Hides, hair, cotton, agi, mani of different kinds, honey, dried sweetmeats, sugar, charcoal, cotton and woollen cloths.

Entre Rios and Banda Oriental.—Ox hides, horse hides, deer skins, otter and chinchilla skins, tallow, dried and salt meat.

TAGLE.

Buenos Ayres, *April* 21, 1818.

No. 3.

General table furnished by the Secretary of the Treasury, in pursuance of the order of the Supreme Director of the state, showing the capitals or funds, and branches which compose the mass of the national revenue, its produce in the year 1817, *the expenditures, and the balance remaining in the treasury at the end of the same year, with an account of the other funds and capitals of the state, debts and credits, viz:*

	Receipts, 1817.	Expenditures, 1817.	Balance.
Branches of the revenue—1st class.			
Balance in the treasury, January 1, 1817,	$880 5¾		
Tenths, and old duty of one and a half per cent. on silver.			
Fifths of gold.			
Sales of land,	823 4		
First-fruits of civil offices,	1,508 7¾		
Stamp paper,	17,563 2		
Tavern licenses,	16,750 2		
Other treasuries,	106,647 4		
Ninths of the state,	4,276 6		
Invalidos (or insolvencies,)	-	$260 5½	
Bills of exchange,	369,427 0¾	369,427 0¾	
Ordinary revenue,	885,074 1½	65,143 5	
Receipts of the custom-house, pledged in the same,	1,113,102 3¾	1,113,102 3¾	
Receipts of the custom-house, pledged in the same,	98,604 6	73,988 4½	
Receipts from the post office,	336,890 3¾	336,558 7½	
Receipts of the police,	50,156 2	49,484 4½	
	3,001,709 0½	2,007,965 7½	
Expenditures charged on the mass of the revenue.			
Salaries of civil or political officers,	-	56,164 3¾	
Salaries of ministers and foreign agents,	-	9,584 5	
Salaries of the military, and expenses of the War Department,	-	453,050 2½	
Contingent expenses,	-	430,853 6¼	
		2,957,619 0½	
Branches of the second class.			
Vacant benefices,	17,245 3	6,509 7½	
Escheats,	1,900 0		
Ecclesiastical first-fruits,	75 0		
Ecclesiastical dues,	111 5		
Temporalities, or glebes,	6,784 2½	8,959 4	
Military fund,	812 5	11,683 6	
Ministerial fund,	4,976 2	4,084 5	
Surgeons' fund,	93 5		
Municipal war,	-	60 7½	
Extraordinary.			
Deposites,	3,479 6	14,306 6	
	3,037,187 5½	3,003,224 4¼	$33,963 1¼
Result or summary.			
Produce of all the branches, 1817,	-	3,037,187 5½	
Expenditures of the same, in the same,	-	3,003,224 4¼	
Remaining in the treasury, in cash,	-	33,963 1¼	
In deposites,	-	6,429 2½	
In capitals of temporalities, placed at interest, redeemable at five per cent.	-	93,359 3¾	
In good unsettled accounts of former years,	-	8,554,404 2¼	
Amount in property, good accounts, deposites, and sums at interest,	-	8,688,156 1¾	
Amount, real and personal estate of the commonwealth,	-	9,310,472 5¼	
In advances made by the state treasuries,	-	297,078 7½	
Balance on accounts liquidated,	-	759,889 7	
Total of the funds of the state,	-	19,055,597 5¼	
Debts of the state,	-	1,438,054 0	
Balance in favor of the national fund,	-	17,617,543 5¼	

Exposition of the property and funds of the state, in all their various classes.

In cash in the treasuries of the state, of the custom-house, post office, and police, - -		$33,963 1¼
In good unsettled accounts of former years, - - - - - -		8,554,404 2½
Deposites, - - - - - - - - -		6,429 2½
In capitals of temporalities, at 5 per cent. interest, - - - - -		93,359 3¾
		8,688,156 1¾

In real and personal estate of the commonwealth.

By value of the effects in the storehouses of the treasury, - -	$2,263,104 1½	
By value of amount in custom-house chests, - - -	2,233 2¾	
By value of the custom-house and resguardia, and fifteen vessels, -	12,197 0	
By value of the marine, and fifteen vessels, - - -	188,199 0	
By value of the public library, - - - - -	158,322 3½	
By idem of the commissariat of clothing, - - - -	53,462 3½	
By idem of edifices belonging to the state, and under the direction of the Secretary of the Treasury, - - - - -	928,625 4	
By idem of others, in which the state has an interest, - -	70,000 0	
By idem of mathematical instruments, - - - -	2,184 4	
By idem of the articles belonging to the police, - - -	24,017 2½	
By idem to the general of accounts, - - - -	3,259 4	
By idem of the proceeds of the post office and the buildings, - -	60,895 4	
By idem of the Colegio de la Union, temple, and adjacent buildings, &c., -	2,000,000 0	
By idem of the edifice which serves as a military prison, - -	45,000 0	
By idem of the furniture, &c. of the different offices in the fort or government house, - - - - - - -	15,000 0	
By idem of the arms, ordnance, and munitions of war, with the armies, -	460,149 7	
By idem of the general park in this capital, - - -	1,337,876 3½	
By idem of the cannon foundry, - - - -	59,312 3	
By idem of the manufactory of small arms, - - -	88,206 0½	
By idem of the arsenal, - - - - -	307,535 0	
By idem of military edifices in the capital, and at Ensenada, - -	1,168,981 5½	
By idem on the frontier, - - - - - -	26,000 0	
By idem of the effects, &c. in the storehouses of the commissariat of war, -	29,652 4	
By idem in that of the capital, - - - - - -	6,258 0	
		9,310,472 5½

Advances.

Those made from the state treasury, - - - - - -	297,078 7¼

Balances on accounts settled.

On those liquidated by the general treasury, - - -	$62,908 2	
Same at the custom-house, - - - - - -	454,396 4	
Same at the post office, - - - - - -	16,039 1	
Same by the collectors of contributions from commerce, from different bodies, incomes, bread, and beef, - - - - -	176,200 0	
Same by the debt due from the state of Chili, as far as liquidated, -	50,346 0	
		759,889 7¼
		$19,055,597 5½

NOTES.

1st. The public lands of the state, which consist of hundreds of leagues in the vast extent of the provinces, and whose value may be estimated at many millions of dollars, are not included in this statement.

2d. The whole of the property and funds exhibited relates only to the province of Buenos Ayres, excluding those of Entre Rios, Sta. Fé, and Corrientes; without making mention of the estimates of the rest, which amount to many millions, in the produce of their peculiar branches and property of different kinds, on account of some of them being occupied by the enemy, and not possessing sufficient data to state the particulars with accuracy; nevertheless, according to the table of estimates made by the general of accounts in the year 1810, taking the whole of the provinces of the ancient viceroyalty, which at present compose the union, it appears that, at that date, the liquidated estimates, without including incomes, lots of ground, capitals at interest, and other funds, but merely the administrable proceeds, amounted to six million eleven thousand eight hundred and two dollars.

3d. No mention is made in this table of the annual revenues of the Cabildo of this capital, which, in 1817, amounted to $367,263, because, as municipal funds, they have their peculiar destination; leaving, however, a considerable residue, which, in case of necessity by the state, may be appropriated to its use, as also those of the other Cabildos of the union, of which, from the distance and shortness of time, it has not been possible to give an exact account.

4th. The amount of public debt acknowledged by the state, accrued in former years, until the close of last December, paid during the administration of the present Director, is $1,135,483 5¾.

5th. Although the post office establishment produces, at present, after deducting all expenses, a small balance in favor of the state, this is owing to the franks on ultramarine communications, and the interruption of intercourse with the provinces occupied by the enemy; but, in case of their becoming free, the administration of this capital alone will produce a surplus of $30,000, and the interior provinces in proportion.

ESTEVAN A. GASCON.

BUENOS AYRES, *April* 14, 1818.

No. 6.

Table showing the vessels of war of the navy of the state, which are at present in commission.

Vessels.	Number of officers.	Marines.	Seamen.	Guns.	Muskets.	Pistols.	Cutlasses.	Pikes.
Brig Belen, - -	2, commandant and second,	20	26	12—2 of 18, 8 of 8, 2 swivels, -	34	12	10	20
Brig Aranzair, -	2, commandant and second,	24	34	10—2 of 18, 8 of 8, - -	20	-	12	18
Brig Twenty-fifth May,	2, commandant and second,	18	25	14—2 of 18, 8 of 8, and 2 car. of 8,	15	25	24	6
Galvez, - -	2, commandant and second,	7	22	8 of 6—8, - - -	8	4		
Chacabuco, - -	2, commandant and second,	10	23	8 of 8. 10 car. of 10, - -	14	-	-	16
Cutter Invincible, -	2, commandant and second,	8	18	8 of 6, - - - -	8	3		
Fortune, - -	1, commandant, - -	7	17	8 of 8 car., 6 of 6, - -	9			
Felucca St. Martin, -	1, commandant, - -	-	20	1 of 8, - - - -	7	-	6	
Total 8.	14	94	185	69 different calibre.	115	44	52	60

NOTE.—There are, besides the above-mentioned brigs, the Eol and the Rosario, which are at present engaged in procuring their crews: also, there are two gun-boats, a felucca, and a launch employed.

MATTIAS DE ALDAO.

BUENOS AYRES, *March* 13, 1818.

No. 7.

Statement of the private armed vessels which have sailed from this port since the month of June, 1817.

June 25, 1817, -	Ship Argenteiva, - - - - - - -	Captain Hipolito Buchard.
August 18, 1817, -	Brig Atrevido del Sud, - - - - - -	Captain John D. Handell.
November 6, 1817, -	Corvette Union, - - - - - - -	Captain John Brown.
November 20, 1817, -	Schooner Pueyrredon, - - - - - -	Captain Diego Barnes.
December 6, 1817, -	Brig Independence, - - - - - -	Captain Juan Grinaldes.
January 19, 1818, -	Schooner Tucuman, - - - - - -	Captain George Wilson.
January 3, 1818, -	Schooner Cyripo, - - - - - -	Captain Adam Pond.
February 20, 1818, -	Schooner Buenos Ayres, - - - - - -	Captain Juan Dester.
February 24, 1818, -	Schooner Alerto, - - - - - -	Captain Daniel Chaytor.
February 24, 1818, -	Ship Vigilancio, - - - - - - -	Captain George Ross.
March 4, 1818, -	Corvette Picado de Buenos Ayres, trading and cruising, -	Captain Ebenezer H. Atis.

IRIGOGEN.

BUENOS AYRES, *March* 18, 1818.

BUENOS AYRES, *April* 22, 1813.

I send you, gentlemen, the statements and notes which exhibit the present situation of the United Provinces of South America, in order that, with the information they may afford, his excellency the President of the United States of North America may proceed in his steps in relation to these countries in the way most conformable to his high intentions, and to the greater prosperity and aggrandizement of the new world.

God preserve you many years, &c.

GREGORIO TAGLE.

Messrs. C. A. RODNEY and J. GRAHAM.

E.

Provisional regulation, sanctioned by the Sovereign Congress of the United Provinces of South America, for the government of the state, to be observed until the adoption of the constitution.

SECTION I.—OF MEN IN SOCIETY.

CHAPTER 1.—*Of the rights which belong to all the inhabitants of the state.*

Art. 1. The rights of the inhabitants of the state are those of reputation, liberty, equality, property, and security.

Art. 2. The first has an acceptation so uniform as to render its explanation superfluous. The second is the good opinion of his fellows, which every man strives to win by the rectitude of his conduct. The third is the right of acting according to the dictates of a man's own will, so long as he neither violates the rights of the public nor those of individuals. The fourth consists in the law being equal to all, preserving alike the rights of the weak and the powerful. The fifth is the right of full and unmolested enjoyment of property. The sixth is the guaranty granted by the state to every one that his rights shall not be violated, unless the conditions be broken upon compliance with which their enjoyment is by law made to depend.

Art. 3. Every inhabitant of the state, be he American or foreigner, citizen or not, shall enjoy these rights.

CHAPTER 2.—*Of the religion of the state.*

Art. 1. The Apostolical Roman Catholic religion shall be the religion of the state.

Art. 2. Every man ought to respect the public worship and the holy religion of the state; the violation of this law shall be deemed an infraction of the fundamental laws of the country.

Chapter 3.—*Of citizenship.*

Art. 1. All the municipalities of the provinces shall form immediately a public register, to consist of two books: in one of which it shall be an indispensable duty to write the names of all the citizens, with a statement of the age and origin of each; in the other shall be written the names of those who have lost the right of citizenship, or are suspended from its enjoyment.

Art. 2. Every citizen shall obtain a certificate, signed by the *alcalde ordinario de primer voto*, and attested by the notary of the municipality, of his enrolment in the register aforesaid; without which evidence he shall not vote at the elections hereinafter mentioned.

Art. 3. Every free man, born and resident in the territory of the state, is a citizen, but shall not exercise the rights of citizenship until he shall attain the age of twenty-five, or be emancipated.

Art. 4. Every foreigner, of the same age, who may have established himself in the country, with the intention of fixing there his domicil, and, having been resident there for four years, shall have become possessed of four thousand dollars worth of property, or, not holding property to such amount, shall exercise some trade, or pursue some occupation useful to the state, shall enjoy the right of suffrage in the assemblies of the citizens, provided he knows how to read and write.

Art. 5. After ten years' residence, he shall be eligible to all public employments, except those of the administration of the Government; but, to entitle him to the right of suffrage, and to render him eligible, he must first renounce all other citizenship.

Art. 6. No European Spaniard shall enjoy the right of suffrage, or be eligible to office, while the independence of these provinces is unacknowledged by the Government of Spain;

Art. 7. With the exception of Spaniards of this class, who have declared in favor of liberty, and have rendered distinguished services to the state; these shall enjoy citizenship, proper letters of naturalization being first obtained.

Art. 8. Those born in the country, of African blood, whose ancestors may have been slaves in this continent, shall have the right of suffrage, their fathers being freemen, and shall be eligible to office, provided they be in the fourth degree from said ancestors.

Art. 9. Those Spaniards and other foreigners who solicit citizenship must first prove their good conduct.

Art. 10. They shall both swear to defend, even to the extent of sacrificing property and life, the independence of the United Provinces of South America against that of the King of Spain, his successors, and the metropolis, and every other foreign Power. The Supreme Director shall have the power to appoint one or more commissioners to administer the oath.

Art. 11. Letters of naturalization shall be granted only to those who have resided four years within the territories of the state, unless eminent merit, distinguished services, or the public weal demands that such residence be dispensed with; it shall be left, for the present, to the wisdom of the Supreme Director to determine when it shall be expedient so to dispense with it.

Art. 12. The proofs of adhesion to the sacred cause of national independence, and other requisites expressed, shall be made before the governors or lieutenant governors of the provinces in whose territories the applicant may reside, with formal hearing before the *sindico procurador*, on being notified by the municipality, and the said governor; and, in default of this, the application shall be rejected. The letters of naturalization shall be published in the Ministerial Gazette.

Chapter 4.—*Of the privileges of citizenship.*

Art. 1. Every citizen is a component part of the national sovereignty.

Art. 2. In virtue of which, he has the right of suffrage, and is eligible to office in those cases designated by this provisional regulation.

Chapter 5.—*Of the several modes in which citizenship may be lost, and its enjoyment suspended.*

Art. 1. Citizenship shall be lost by naturalization in a foreign country; by accepting offices, pensions, or titles of nobility from another nation; by the illegal infliction of corporal or infamous punishments; by fraud in a debtor, until, the reproach being wiped away, a new qualification be obtained.

Art. 2. Citizenship shall be suspended when a debtor to the state is under execution; by accusation of a crime, provided it be well founded, and the punishment prescribed be corporal or infamous; by being a hired domestic servant; by not holding property, or pursuing some occupation lucrative and useful to the country; by madness or insanity.

Art. 3. Any magistrate who deprives a citizen of his right of citizenship, except for the causes enumerated in article 2, shall be punished by being deprived of his own.

Art. 4. Those judges who shall neglect to convey to the several municipalities information of the names which ought to be erased from the register, mentioned in article 1, chapter 3, in consequence of legal conviction of crime, shall be deprived of the right of suffrage, and be ineligible at two succeeding elections.

Chapter 6.—*Of the duties of every man in the state.*

Art. 1. Every man in the state owes, in the first place, complete submission to the law doing the good which it enjoins, and avoiding the evil which it prohibits.

Art. 2. Obedience, honor, and respect, are due to the magistrates, as ministers of the law and first citizens.

Art. 3. Every man, unless he be a foreigner, shall cheerfully make all the sacrifices required by the country in its necessities and dangers, not even excepting that of life.

Art. 4. It is his duty to contribute to the support and preservation of the rights of the citizen, and to the felicity of the state.

Art. 5. To deserve the delightful and honorable title of *man of worth*, being a good father of a family, a good son, a good brother, and a good friend.

Chapter 7.—*The duties of society.*

Art. 1. Society ought to secure to its members the enjoyment of the rights of man.

Art. 2. It ought to alleviate the misfortunes of the citizens, and to use adequate means for their prosperity and instruction.

Art. 3. Any regulation or statute contrary to the principles established in the preceding articles shall be of no effect.

SECTION II.—Of the Legislative Power.

Chapter 1.

Art. 1. The legislative power is resident originally in the nation; its permanent exercise, the mode, and its limits, shall be established by the constitution of the state. In the interim, this provisional regulation shall be in force, which shall be neither amended, interpreted, or have any addition made to it, except by the sovereign Congress; two-thirds of its members concurring in the measure, and circumstances demanding its adoption.

Art. 2. Until the constitution makes proper provision, all the statutes and regulations, as well general as particular, of the ancient Spanish Government, which may not be hostile to the liberty of these provinces, nor in contrariety to this provincial regulation and also such of the regulations, made since the 25th of May, 1810, as are in conformity with it, shall subsist.

Art. 3. The Supreme Director of the State, the judges, and public officers of every denomination, may communicate to Congress, and consult with that body, upon the doubts that may occur in the application of the laws and regulations, general or particular, whenever they consider them in conflict with declared rights and the actual system of the Government; and the resolutions adopted in consequence shall be communicated to the executive power.

SECTION III.—Of the Executive Power.

Chapter 1.—*Of the mode of choosing the Director of the state, and of his powers.*

Art. 1. The supreme executive power, until by it elsewhere placed, is in the nation, and shall be exercised by a Director of the state.

Art. 2. Until a constitution be adopted, the Congress shall name, from among all the citizens of the provinces, him most worthy and best qualified for so high an office.

Art. 3. In case of the absence of the Director in the defence of the state, or of other legal impediment in the exercise of this office, the Congress shall make suitable provision.

Art. 4. Those citizens who are natives of the country, and who have resided in it at least five years immediately preceding the election, can only be elevated to the Supreme Directorship.

Art. 5. The compensation of the Director of the state shall be twelve thousand dollars annually, and he shall receive no other emolument.

Art. 6. The person filling this office shall continue in it until a constitution be adopted, or until such time, anterior to it, as Congress may deem proper.

Art. 7. His title shall be that of *Excellency;* his guard and honors those of a captain-general of the army, respect being had to the ordinance.

Art. 8. Upon his entrance into office, he shall, before the Congress, or such commissioner or commissioners as they may appoint, assisted by all the corporations of the place, take the following oath:

"I, ———, do swear, by God, our Lord, and these Holy Evangelists, that I will discharge faithfully, and conformably to law, the office of Supreme Director of the state, to which I have been appointed; that I will observe the provisional regulation adopted by the sovereign Congress, the 3d of December, 1817; that I will protect the Apostolical Roman Catholic religion, being ever watchful to secure it respect and observance; that I will defend the territory of the provinces of the union against all hostile aggression, adopting such measures as I may deem suitable to preserve its integrity and independence; and I will retire from this office when the sovereign Congress shall so order. If I do thus, God prosper me; if not, to him and my country will I be accountable."

Art. 9. He shall watch over the execution of the laws, and the right administration of justice, urging its functionaries thereto, and to the carrying into effect the regulations of Congress, giving for the last object the necessary orders.

Art. 10. He shall submit to the consideration of the national representatives projects and reforms conducive to public happiness.

Art. 11. He shall be commander-in-chief of all the forces of the state, and shall have under his orders the navy, the army of the line, and the national militia of every description, for the protection of civil liberty, the defence, tranquillity, and good order of all the territory of the union.

Art. 12. He shall be the organ, and shall represent the United Provinces, for the purpose of treating with foreign Powers.

Art. 13. When he deems a rupture with any foreign Power inevitable, he shall submit to Congress the causes which impel to it.

Art. 14. If, upon a view of these, or for other reasons, Congress should decree war, the Supreme Director shall proceed to its solemn declaration, being authorized to raise land and sea forces to direct their movements, and to adopt all the measures necessary to the common defence and the annoyance of the enemy, respect being always had to art. 4, chap. 1, sec. 6, of the army and navy.

Art. 15. He shall have the power of commencing, conducting, and signing treaties of peace, alliance, commerce, and other foreign relations, which, however, to be valid, must be approved by the Congress within the time stipulated for their ratification, he transmitting in this stage of the negotiation all the documents relating to it.

Art. 16. In those cases in which secrecy is not essential to the happy result of negotiations, he shall submit to Congress their object and their state, to procure from this body such assistance as may facilitate them.

Art. 17. He shall receive the ambassadors, envoys, and consuls of other states, and shall nominate those whom it may be proper to send to foreign courts.

Art. 18. He shall appoint to all military offices and employments, generalships of the army, and naval forces, conforming to the existing ordinances of the army and marine, so far as they may be applicable.

Art. 19. He shall have the power of rewarding meritorious officers by promotion, and by bestowing medals of such form and design as he may deem best, without any allowance in money, however, independent of the pay.

Art. 20. He shall have the general superintendence over all the branches of the national property and revenues, over mints, mines, posts, and highways.

Art. 21. He shall appoint for the present to all offices vacant in the cathedrals of the United Provinces, and to all other benefices to which may pertain the right of presentation.

Art. 23. He may suspend public officers for just cause, giving afterwards an account to Congress.

Art. 24. If the suspension be merely for reasons of policy, the sovereign Congress itself shall take it into consideration.

Art. 25. If it be for imputed criminality, the sovereign Congress shall appoint a commission, which shall not be of their body, before which the *agente de la camara* shall accuse the person suspended; and the said commission, having heard the parties, shall declare whether or not he deserves to be removed from office.

Art. 26. He shall have the power of removing officers to other offices; and if, in consequence, they should be greatly prejudiced, they may bring the affair before Congress.

Art. 27. He shall nominate the three Secretaries—of State, of the Treasury, and of War, and their several officers; being responsible for the bad selection of the first.

Art. 28. He shall grant passports for travelling from the provinces of the state by sea and land, and licenses for the loading, unloading, and departure of vessels.

Art. 29. He shall be particularly careful to preserve unimpaired the credit of the state, being attentive to the collection of its revenues, and to the faithful payment of its debts, to the extent its exigencies will admit.

Art. 30. He may, of his own authority, expend freely the said revenues in defence of the state, during the war it is now waging for independence, with previous information in writing from the Secretaries of the Treasury and of War.

Art. 31. He shall confirm or revoke, in conformity to the opinion of his *asesor*, (who shall be the auditor general of war,) sentences passed on individuals by the military tribunes established in the armies, or in the capital, or by the ordinary councils of war in the other towns of the districts.

Art. 32. He shall have the power of suspending the execution of the capital sentences, of pardoning or commuting punishments on the anniversary of the national independence, or on the occurrence of any signal event, which shall augment the glory of the state, hearing first the information communicated by the tribunal before which the convict has been tried.

Art. 34. He shall every year transmit to the national representation an exact statement of all the receipts into the different treasuries of the state, and of the municipalities of the several provinces, in money or in credits, together with the expenditures, debts, and credits, giving timely orders to those who ought to prepare said statement.

Art. 35. The orders of the Supreme Director shall be obeyed exactly in the whole extent of the United Provinces.

Art. 36. He shall grant letters of naturalization for the present, and until a constitution be adopted.

Chapter II.—*Limits of the Executive Power.*

Art. 1. The Supreme Director shall not send expeditions by water, or by land, against any of the provinces in Congress united, or others of this continent who are engaged in sustaining their independence, without the consent of Congress previously obtained.

Art. 2. He may, nevertheless, do so in those cases in which it is absolutely necessary to act promptly, giving afterwards a particular account of such proceedings to the Congress.

Art. 3. He shall, in no case, hold command of a particular regiment.

Art. 4. He shall not exercise any jurisdiction, civil or criminal, in virtue of his office, nor upon petition of the parties; he shall not alter the system prescribed by the law for the administration of justice.

Art. 5. He shall, in no way, interfere with the causes cognizable by the tribunals of justice, either when pending, or when sentence has been pronounced, or carried into execution.

Art. 6. When the urgency of the case compels him to arrest any citizen, he shall, within the third day after, place him at the disposal of the proper officers of justice to await their judgment; giving, at the same time, a full statement of the motives of the arrest, and all other circumstances connected with it.

Art. 7. With the exception of those cases in which a compliance with what is required in the preceding article would endanger the public security, in which case he shall hold the arrested in custody, with the consent of his assessor, and the fiscal of the chamber of appeals, who shall share with him the responsibility for the time necessary to take the requisite measures for safety, placing him then at the judge's disposal.

Art. 8. He shall neither impose new taxes, contributions, nor loans, nor augment those subsisting, directly or indirectly, without a previous resolution of the Congress.

Art. 9. He shall issue no order, nor make any communication, without the previous subscription of the secretary of the department to which the business belongs; in defect of which subscription, the order or communication shall be void.

Art. 10. He shall not grant to any person in the state monopolies, or exclusive privileges, except to the inventors of arts, or to establishments of public utility, with the approbation of Congress.

Art. 11. The epistolary correspondence of the citizen is a thing sacred, which the Director shall neither violate nor intercept without incurring responsibility.

Art. 12. In cases, nevertheless, of well-founded fear of treason, or subversion of the public order, at the discretion of the Director, the Secretary of State and *Sindico Procurador de Commun*, who, in this case, shall each have a vote, being bound to secrecy and under equal responsibility, the former shall have the power of proceeding, with his said associates, to open and examine correspondence. The same power, under the same responsibility and like obligation to secrecy, in the governors and lieutenant governors of the several provinces, with their secretaries and sindico procuradores; in defect of whom the two first capitularies shall act.

Art. 13. Those who upon a scrutiny, as aforesaid, of correspondence shall appear to be guilty of the crime of treason, or subversion of public order, shall be proceeded against, and secured according to the greater or less imminence of the danger.

Art. 14. Except in the cases mentioned in article 30 of the preceding chapter, the Director shall not dispose of the funds of the state for extraordinary expenses, without the previous consent of the three secretaries, the assessor general, and the fiscal of the camara, and without its being made appear before the escribano de hacienda that the expenditure proposed is useful and necessary.

Art. 15. He shall not exercise the prerogative given him in article 32 of the preceding chapter, in case of treason, and other excepted cases.

Art. 16. He shall not bestow any office, civil or military, upon any person related to him in the third degree of consanguinity, or in the first of affinity, without the knowledge and approbation of Congress.

Art. 17. With the exception of those who, being already in service, may have been recommended for promotion by their respective chiefs, respect being had to seniority according to their merits.

Art. 18. He shall not confer the grade of brigadier, or of colonel-major, without the knowledge and approbation of Congress.

Art. 19. Excepting the case in which, for some brilliant action in war or extraordinary military service, it may be proper to reward immediately a chief whose grade is next to one of those above mentioned.

Chapter III.—*Of the Secretaries of State.*

Art. 1. The three Secretaries of State shall discharge all the duties assigned them in the last ordinance regulating their offices, which shall be in force, except where in contrariety to these articles.

Art. 2. They shall not, in any case, business, or circumstances, deliberate without the previous order and notification of the Director.

Art. 3. They shall have the power of communicating, of themselves, the orders issued by Government in the affairs of men, or importance, being bound to make an entry thereof in the book of entries, as is provided.

Art. 4. They shall not attest decrees or regulations, contrary to the provisional regulation, not even at the request or command of the Director; if compelled so to do, they shall make proper protests, and give immediate information of the affair to Congress.

Art. 5. They shall be removable at the will of the Director, equally with their subordinate officers.

Art. 6. When the removal is in consequence of inability, want of competent information, or any other defect compatible with integrity, they shall be indemnified with other employments suitable to their circumstances and merit. They shall incur no stigma by such removal.

Art. 7. When any one of these secretaries is removed for malversation, or upon petition of a party aggrieved, Congress shall take cognizance of the case.

Art. 8. The Supreme Director may, *ex officio*, or upon accusation, proceed summarily against the secretaries, giving an account of the proceeding to Congress.

Art. 9. For the trial of the secretaries, Congress shall appoint a commission, either of their own members, or of others, or it shall be appointed by such other body as they may substitute.

Art. 10. Sentence of acquittal, pronounced by the commission, shall not necessarily be followed by a restoration to office.

Art. 11. The secretaries may, for good cause, challenge the commissioners, and they may appeal from the sentence to three individuals, to be chosen out of nine, whom the Congress, a second time nominating, shall appoint.

Art. 12. The salary of these secretaries shall be three thousand dollars annually to each; the official title *señor*.

SECTION IV.—Of the Judicial Power.

Chapter 1.

Art. 1. The judicial power is in the body of the nation, until by them elsewhere placed; it shall be exercised for the present, and until a constitution be adopted, by the court established in article 14 of the following chapter; by the courts of appeal (*las camaras de apeleciones*,) and by the other judges. For those cases which have no court assigned by the law, Congress shall provide.

Art. 2. The judicial power shall be entirely independent of the executive and its principles; its form and extent shall be subject to the laws by which it is established.

Chapter 2.—*Of the Courts of Justice.*

Art. 1. The courts of appeal (*las camaras de apelaciones*) shall have the same territorial jurisdiction as heretofore; shall be composed of five individuals, and one fiscal; when united in a body, shall have the title of excellency, (*excelencia*,) individually, that of *usted* simply; their salary shall be fifteen hundred dollars each, free from payment of first-fruits, (*media annata*,) and all other charges.

Art. 2. The presidency of the courts in the interior, and at certain public assemblages, shall be held in turn by the five members every four months, according to seniority; the president shall take the votes, attend to the despatch of business, preservation of order, exercising all the powers of the ancient *regentes*, so far as they conform to this provisional regulation, and shall have the title of señor in official matters.

Art. 3. No one hereafter shall be named, even provisionally, for any of the offices of the courts of appeal, unless he be more than five-and-twenty years of age, and a lawyer who has practised at least six years.

Art. 4. When vacancies happen in these courts, no nominations of persons to fill them shall be made by the Director; in each vacancy, four persons being selected by the same tribunals from among the lawyers of the district, after examination and comparison of talents and services, and proposed to him.

Art. 5. The numerical order in which the aforesaid four persons are proposed shall give no preference; two of these shall be from the place where the court sits, the remaining two from other parts of the district.

Art. 6. These offices shall be holden during good behavior, but there may be removal from one court to another; and these officers shall be subject to scrutiny in their conduct every five years, or oftener, if justice should require it.

Art. 7. The court shall have two *relatores*, to be chosen after competition had; the salary of each shall be fifteen hundred dollars, and they shall have no other emolument.

Two assistants, one of the law civil, the other of the law criminal, dividing between them the business relating to the public revenues at the discretion of the fiscal. The salary of each shall be twelve hundred dollars, without the ancient perquisite of *vistas* (presents.)

Two bailiffs, *(porteros,)* who shall each have a salary of five hundred dollars, and who shall execute alternately for a week the office of alguacil.

Six attorneys, *(procuradores,)* whose intervention shall extend, when parties choose, to the subaltern judges of original jurisdiction, but not to the consulado; and the juggados de algadas y disputaciones de comercio.

And two notaries, *(escribanos,)* who shall only receive fees for services actually rendered, according to the regulation, *(arancel,)* without those called *tiras*,* which are henceforth forbidden.

Art. 8. They shall take cognizance, not only of all causes and business of which according to prior laws, the now abolished audiences had cognizance, but also of such as the provisional regulation designates.

Art. 9. Appeals from the decrees of the *tribunal de algadas de comercio*, because of their nullity or notorious injustice, shall be decided in the aforesaid courts of appeal *(camaras.)*

Art. 10. The trial of appeals *(algadas)* shall be taken in turn by the members of the court of the district in which the appeal occurs.

Art. 11. Questions that may occur between the ordinary and mercantile jurisdictions shall be decided by the aforesaid president, *(camarista presidente,)* conforming to the character by which the consulado is established.

Art. 12. They shall take cognizance, for the present, of first appeals in cases of smuggling, and other branches of the revenue, leaving their trial, in the first instance, to the intendentes de provincia; but in cases of capture, or detention of vessels by public or private armed ships, the cognizance shall continue in the tribunals in which it is already vested.

Art. 13. When a second appeal is taken, because of nullity, or notorious injustice, the courts, after hearing had, shall transmit an account of the proceedings, with the documents, to the Director.

* Fees paid when appeals were taken.

Art.14. Who, with the advice of his assessor general, *(asesor general,)* shall nominate immediately a commission of five lawyers, who shall decide the cause, and, having done so, shall be dissolved; while exercising this office they shall have the title of excellency.

Art. 15. There shall be named by the Director of the state, in the capital of every province, upon the recommendation under oath of its court, a lawyer, who shall exercise the functions of judge of appeals throughout the said provinces.

Art. 16. His salary shall be eighteen hundred dollars, free from first-fruits and other charges.

Chapter 3.—*Of the Administration of Justice.*

Art. 1. Justice shall be administered according to the principles and method which have been heretofore observed, so far as is compatible with the subsequent provisions.

Art. 2. The judges of appeals in the several provinces shall take cognizance of all appeals in civil cases from the ordinary alcaldes and other ministers of justice.

Art. 3. Appeals to the camaras, to the full extent given by law, shall be allowed to those interested in all cases, except those in which the amount of property involved is one thousand dollars, or less, when two similar sentences shall be conclusive.

Art. 4. They shall have cognizance of criminal causes of every kind, referring to the courts of appeal *(las camaras)* those which according to law ought to be referred to them.

Art. 5. Parties in the said causes shall have the privilege of resorting directly to the courts of appeal *(las camaras,)* passing by the provincial judge.

Art. 6. The ordinance of the 20th of April, 1812, shall be abolished.

Art. 7. In criminal cases the accused shall have the privilege of choosing a person to assist him, *(padrino,)* who shall be present at his confession, and at the examination of the witnesses, without prejudice to the lawyer established by law, and the practice of the courts.

Art. 8. The assistant mentioned in article 7 shall take care that the confession and depositions of the witnesses shall be heard by the notary or judge, clearly and distinctly, in the terms in which they may be expressed, without modification or alteration, assisting the accused, whenever, from fear, want of intellect, or other cause, he is unable, unassisted, to make himself understood.

Art. 9. Criminal causes of all classes, which may be pending without this new mode of defence, shall be prosecuted according to the usual course of law.

Art. 10. The taking of oaths shall be restored without innovation in all cases, except that of the accused's confession of his own criminality.

Art. 11. Sentences to hard labor, to whipping, or a banishment, shall not be executed without previous consultation with the courts of appeal *(las camaras)* under the penalty of two thousand dollars, and perpetual disqualification to be inflicted upon the judge violating this important article.

Art. 12. Except in those extreme cases in which the public safety is so greatly endangered by popular commotion, or other cause, as not to admit of executions being deferred; information being always given to the camaras.

Art. 13. All sentences in criminal causes, to be valid, must be pronounced according to the express letter of the law; the infraction of this article shall be a crime in the magistrate, punishable by the payment of costs, and all losses incurred in consequence.

Art. 14. By the last article, it is not intended to repeal the laws authorizing the infliction of punishment, at the discretion of the judge, according to the nature and circumstances of the offence; neither is it intended to re-establish any others which, from their cruelty, have been abolished, or softened by the practice of the superior tribunals.

Art. 15. No individual shall be arrested without semi-plenary proof of guilt, at least, which shall be stated in the previous process.

Art. 16. At the end of the third day the accused shall be informed of the cause of his arrest; and if the judge arresting be not authorized to take any further steps in the case, he shall refer it to the officer to whom its recognizance belongs.

Art. 17. No accused person shall be prevented from taking the sacrament after his confession, nor at any time for more than ten days, without just cause, which shall be entered of record; information of the obstacle to his communicating being given to the accused every third day while it continues.

Art. 18. Persons being for safe keeping, and not for the punishment of the accused, whatever, under the pretext of securing, serves only maliciously to harass, shall be punished by the superior tribunals, and proper indemnity being given to the aggrieved.

Art. 19. To decree arrest, seizure of goods, and examination of papers, against any inhabitant of the state, his name, or the marks which distinguish his person, and the object of the proceeding, must be mentioned in the decree.

Art. 20. When goods are seized, an inventory shall be carefully made of them in the presence of the accused, a duly attested copy of it shall be given to him, and they shall be placed for safe keeping in the custody of the notary employed in the case; or, in defect of him, of the judge decreeing the seizure, and two witnesses.

Art. 21. When, at the time of seizure, it is impracticable to make the aforesaid inventory, the goods shall be secured under two keys, one of which shall be taken by the judge, the other by the accused; when this is not practicable, the chests shall be closed and sealed in his presence; and the doors of the house, as soon as circumstances will admit, shall be opened in his presence, and the inventory made.

Art. 22. When the seizure must be made in the absence of the accused, the judge shall name a respectable and substantial citizen, who shall act for him, and be recompensed in proportion to his labor; but if the absence of the accused arises from sickness, he shall appoint such person as he pleases as his substitute.

Art. 23. The judge or deputy arresting any citizen (not being taken in the act) without conforming to article 15 of this chapter, shall be removed; he who fails to do what is prescribed when goods are seized, shall be responsible to the owner, and make good any loss accruing in consequence.

Art. 24. The *tribunal de concordia* being abolished, the judge having original jurisdiction, before taking cognizance of a cause, shall use all possible means of reconciling the parties.

Art. 25. Notaries shall serve personal notices on the parties, who are to subscribe them. In case of resistance, or incapacity to sign, the service shall be supplied by a witness, with a statement of the defect.

Art. 26. If the notary shall not find the party to be notified at his house, he shall seek him there twice more; if then he does not find him there, he shall leave a paper signed by him, which shall contain the decree, or other matter he goes to serve; and it being made to appear in the process that due diligence has been used to execute it, the same effects shall result as if the party had been personally notified.

Art. 27. Every omission of the notaries, in a matter so interesting, shall be punished by the judge before whom the cause is pending, according to the enormity, and other circumstances of the case.

Chapter 4.—*Of the Governors of Provinces.*

Art. 1. The governors and lieutenant governors shall not, in virtue of office, have any jurisdiction, civil or criminal; retaining, however, all the powers relating to revenue, police, and war.

Art. 2. The code of the intendencies shall be observed by them, and all others, to whom it relates, save only what relates to the junta superior de hacienda, which shall be abolished, and also what may be contrary to this provisional regulation.

Art. 3. Neither the governors nor lieutenant governors shall use the power which the 15th article of the said code gives for confirming the decrees of the Cabildos.

Art. 4. In those cases, however, of well-founded fear that the public order will be subverted by executing said decrees, they may suspend them, being responsible should the Director not previously approve the proceedings.

Art. 5. All that is prohibited in chapter 2, section 3, to the Supreme Director of the state, shall be also forbidden to the governors and lieutenant governors, so far as it is applicable to their respective offices.

Art. 6. The office of deputy assessor of the intendencies, as established by the code mentioned in art. 2, shall be suppressed. Those who have obtained this office shall be attended to by the courts (*camaras*) in their recommendations for other employments.

Art. 7. The governors, while in office, shall appoint as secretaries such persons as they please, who must, however, be lawyers, and who shall assist them in the departments of Government enumerated in article 1 of this chapter; they shall, when they have thus nominated, inform the Director, that he may grant proper commissions.

Art. 8. The salary of such secretary shall be, for the present, twelve hundred dollars a year, including the six hundred provided by the code mentioned in article 2, for the expenses of the secretaryship, free from first-fruits and other charges.

Art. 9. No public officer of the Government mentioned in the chapters of this section shall receive any emoluments, except in case of services rendered in defect of the notary, other than those assigned by law to his office.

SECTION V.—The Mode of choosing Public Officers.

Chapter 1.—*Of the manner in which the Governor, Lieutenant Governor, and Subdelegados shall be chosen.*

Art. 1. Governors, lieutenant governors, and subdelegados shall be appointed by the Director of the state, from the lists of persons eligible, either within or without the particular province, which the several Cabildos, the first month after election, shall form and transmit to him.

Art. 2. These lists, which shall be printed, shall not contain more than eight, nor less than four persons for each province.

Art. 3. Of those comprehended in one list, no more than two shall be chosen, unless a third should be included in the lists of another province.

Art. 4. The appointments of subdelegates of districts having a numerous population, without Cabildos, shall be made provisionally, until municipalities are established in them.

Art. 5. The aforesaid officers shall hold their offices for the term of three years; at the expiration of which, they shall be subject to scrutiny into their conduct, (*residencias.*)

Art. 6. The salary of governors of provinces, in territory actually free, shall be three thousand dollars, and that of lieutenant governors two thousand.

Art. 7. If any individual, by artifice, intrigue, bribery, or other unlawful means, procures the insertion of his name on the aforesaid list, it shall be erased therefrom by the Director of the state, and he shall be declared incapable of holding any office, there being sufficient evidence of his guilt.

Art. 8. If the capitulares are, in any way, delinquent in forming the said lists, they shall incur the punishment in the last article mentioned.

Chapter 2.—*Election of Cabildos.*

Art. 1. Election to deliberative offices (*empleos consiples*) shall be by the people, in the cities and towns where Cabildos are established; but the notifications to electors shall not extend to those who reside beyond their precincts.

Art. 2. The citizens, nevertheless, of the vicinity and county, in the exercise of the rights of suffrage, may vote, if they so think proper, at said election.

Art. 3. The city or town shall be divided into four sections, in each one of which the citizens comprehended in it shall vote for as many electors as correspond to the number of inhabitants in said district, in the proportion of one elector to every five thousand souls.

Art. 4. In the cities and towns whose population may not be sufficient for the appointment of five electors, five shall, however, necessarily be chosen, each votable voting in his own section for such persons as he deems proper.

Art. 5. At this election shall preside a capitular, associated with two alcaldes de vaino and a notary, or, in defect of him, two inhabitants of the vicinity, in the quality of witnesses; and it shall be holden on the 15th day of November.

Art. 6. The votary being concluded in the several sections, all the votes shall be collected in the sala capitular; and, being publicly counted by those who have presided as aforesaid, associated with the alcalde de primer voto, those shall be elected who have a majority in their favor.

Art. 7. The electors shall meet on the 15th of December, in the same sala capitular, to make the election for the ensuing year; and, it being made, they shall notify the elected, in order that they may be ready to enter upon their offices as soon as the term of service of the Cabildo they are to succeed expires; information being given to the governor and to the Director of the state.

Art. 8. The Cabildos, the second day after entering into office, shall elect the *alcaldes de barrio*, *hermandad*, and *pedaneros*, who may be necessary to maintain order and administer justice, according to the powers vested in them, in all the curacies and departments of the country comprehended in their respective territories.

Art. 9. They shall form a book for the said elections, which shall be made to fall upon persons of the best repute for talents and integrity, residents in the vicinity, and who know how to read and write; and they shall transmit a list of the persons elected to the governor or lieutenant governor of the province, for his information.

Art. 10. They shall appoint an assessor, (*letrado,*) who must be of the corporation, and one of the alcaldes ordinarios.

Art. 11. The Cabildo shall establish the salary of the assessor, it being charged upon the funds of the municipality; if it has not been previously established, when such funds are inadequate, information shall be given to the Supreme Director, in order that he may make proper provision.

Art. 12. The governors and lieutenant governors, and Cabildos already established, under the highest responsibility, shall be required to inform the Congress of the places in which, from their possessing the requisite population, it may be proper to erect new corporations, with the titles of cities or towns.

Chapter 3.—*Mode of appointing Ministerial Officers.*

Art. 1. Those public officers who are required to be lawyers, with the exception of the asesores de Cabildo, and secretarios, asesores de intendencias, shall be nominated by the Director, upon the recommendation, under oath, of the courts of appeal for the respective districts. The order in which persons may be named in the aforesaid recommendation shall give no preference.

Art. 2. Recommendations for appointments to military offices of every grade and description shall be strictly made according to the order and scale which the ordinanza general del exercito prescribes.

Art. 3. Appointments to offices relating to revenue, police, dockyards, manufactories, the office of captain of the port, and the like, shall be made by the Director, upon the recommendation of their respective chiefs, according to seniority, when there is an equality as to ability and services.

Art. 4. The list of persons recommended shall be published by the chief recommending in the office or department where the vacancy happens, at least eight days before he transmits it to the Director, that opportunity may be afforded to those aggrieved by it to obtain suitable redress.

Art. 5. When his interposition is proper, the Director shall interpose, and, proceeding summarily, declare the recommendation just, if he so finds it, and go on to nominate, or return it to the chief making it, to be amended.

Art. 6. In commissions, the qualifications and condition of the person commissioned shall always be expressed; without which, he shall not be enrolled in the tribunal of accounts and the offices which belong to it, nor receive the salary to which he would be otherwise entitled.

Art. 7. Appointments to the offices of chiefs of every description shall be made by the Director, respect being had to the right of choice in those in the vicinity where the vacancy happens (if such right exist) and timely information being given, as far as the public interest will admit; the Director shall be responsible for the bad selection of the said chiefs.

Art. 8. All other offices in the state, the appointment to which is not by law otherwise vested, shall be open to the Director, to be filled by him with such citizens as he may deem most suitable.

Art. 9. All ministerial offices shall be holden during good behavior.

Chapter 4.—*Of the mode of electing the Deputies from the Provinces to the General Congress.*

Art. 1. Prior to the meetings of the primary assemblies (*asambleas primarias*) to be holden for the election of the deputies of the provinces, there shall be taken an accurate census of all the inhabitants of each district, unless it has been already done, at least eight years from the present time, with a statement of that portion of the population inhabiting cities, towns, and villages.

Art. 2. The primary assemblies in the cities and towns which have municipalities shall be held in four sections, in each of which shall preside one member of the municipality, and two *juezes de barrio*, of the greatest probity, assisted by a notary, if there be a competent number of these officers; if otherwise, in the presence of two witnesses.

Art. 3. In every section, the votables shall vote for so great a number of electors as shall correspond to the total of population, in such manner as that there shall be one elector for every five thousand souls; but if the city or town does not admit of division into four sections, all the citizens shall vote in one place.

Art. 4. In the country the same proportion shall be observed at elections, but the method as to the sections shall be different.

Art. 5. In every primary assembly there shall be sections, and each citizen shall vote therein for an elector.

Art. 6. The principal judge of the curacy, and the curate, with three neighbors of probity to be appointed by the municipality of the district, shall meet at the house of the first, and shall receive the votes as they are given in, depositing them immediately in a small chest under three keys, which shall be distributed between the judge, the curate, and one of the aforesaid neighbors.

Art. 7. The vote may be given either verbally or in writing, open or closed, as may be most agreeable to the voter; in it he shall name such person for the office of elector as he shall think proper.

Art. 8. The voter, after he has given in his vote, and, if verbally, after its insertion in a schedule, shall retire; the judge shall attend particularly to this, to prevent confusion and altercation.

Art. 9. If any one be charged at such election, or afterwards, with either offering or taking a bribe, he shall immediately make verbal defence before the five judges of the section; the accuser and accused being confronted, and the charge being substantiated, he shall forever after be incapable of voting, and be ineligible to any office; false accusers shall suffer the same punishment as those they accused would have done had the charge been substantiated.

Art. 10. The voting shall positively be concluded at the end of two days. The votes of each section shall remain shut up; and the following day the alcalde, with two of the three associated neighbors aforesaid, shall take the chest containing them to the seccion de numero, the curate then delivering that key which was intrusted to him.

Art. 11. The district of united curacies which shall include in its territory five thousand souls shall be the seccion de numero.

Art. 12. If there should be no town in the district of the seccion de numero, the municipality of some neighboring territory shall designate the curacy, which shall be the head of the section, preferring always the most populous and deciding questions which may arise in it.

Art. 13. To the head of the seccion de numero shall be brought the chests of the *secciones de proporcion*, and they shall be received by the judge, the curate, and the three associated neighbors aforesaid, who, opening them, shall count the votes, declaring and certifying the majority. *All this shall be done publicly.*

Art. 14. Those chosen electors shall be informed of their election, and shall immediately repair to the place where the electoral assembly is to be held.

Chapter 5.—*Of the Electoral Assemblies.*

Art. 1. The electoral assembly shall meet in the town-house of the city or town which has a municipality, where they shall assemble on the day appointed, according to distance and other circumstances, without delay.

Art. 2. The governor, lieutenant governor, or subdelegado, who may be at the head of the municipality, shall preside at the first act of the electors, which shall be to nominate a president from among themselves to preserve order. He having the majority of votes shall be president; and, upon his election, the president *pro tem.* shall give place to him, and retire immediately.

Art. 3. The proceedings of the electoral assembly shall be put in writing by the notary (*escribano*) of the municipality; and this assembly shall only have the power of doing, previously to the business for which they are chosen, such things as are necessary to establish the regularity and validity of its election, without occupying for such purpose more time than is necessary, or four-and-twenty hours.

Art. 4. It shall proceed immediately to the election of deputies for the Congress, and the election shall result, for the present, from a simple plurality of votes.

Art. 5. If the case should be such that, by the scattering of the votes, and adherence to them after the third voting, no simple majority results, then those between whom there is an equality of votes shall draw lots, and this shall decide.

Art. 6. No elector shall vote for himself. Within three days the election shall positively be concluded, and the result published. The president shall immediately inform each person selected of his election, transmitting a proper certificate, authenticated by the notary, of the fact.

Art. 7. As the number of deputies to form the General Congress must depend upon the census spoken of in article 1, chapter 4, there shall be such regulation that for every fifteen thousand souls there shall be one representative named.

Art. 8. Should there be any fractions, the following rules shall be observed: 1. If, in the seccion de numero, there should be any fraction not exceeding two thousand five hundred souls, only one elector shall be voted for; but, if it exceed that number, two. 2. If, in the district of fifteen thousand souls which each deputy shall represent, there should be any fraction exceeding seven thousand five hundred souls, there shall be named for them in the electoral assembly one deputy; but, if the fraction should be less, they shall not have such additional representative, but be considered as represented by the deputies of the provinces.

Art. 9. Each province may lessen the number of its representatives, conferring the necessary powers and giving the proper instructions to those they may deem sufficient, if the want of sufficient funds, distance, or other just cause, prevent their naming the number adequate to their population, with the express condition that in such powers the cause of the diminution be stated.

Art. 10. No one while in the office of representative shall hold any other public office, employment, or commission. If he accept any other, he shall lose the first; but if his constituents, after his so losing it, re-elect him, he may in this case hold the two offices, exercising the last by deputy.

SECTION VI.—Of the Army and Navy.

Chapter 1.—*Of the Marine and Regular Troops.*

Art. 1. In all that relates to the naval forces, the last ordinance of marine (*ordinanza de marina*) shall be observed, so far as it is conformable to the actual circumstances of the state.

Art. 2. The Director shall have the whole military authority, and be commander-in-chief of the navy, the army, and the militia: he shall appoint a commandant of each, the estado mayor general serving at present in lieu of them.

Art. 3. The provision in article 3, of the limits of the executive power, shall extend equally to the chief of the estado mayor general and the generals of the army.

Art. 4. New regiments shall not be created while those already created are not filled up.

Art. 5. The supernumerary officers of all descriptions, who, at different epochs of the Government, may have been dismissed from active service, either with reason or without, (which shall be ascertained,) upon declaration of their readiness to serve, shall be classed for appointments to vacancies in their regiments, without prejudicing those actually serving in them, or to other vacancies suitable to the circumstances of the individual.

Art. 6. If the supernumeraries in the preceding articles mentioned should have received whole pay, or half, or one-third, the Directors of the state shall require from the officers of the treasury a catalogue of them, and the orders that may have been received for their payment, correcting them according to what results from the provision in said preceding article.

Art. 7. Until there be a complete regulation on this head, there shall be no appointment to offices of profit except those of escala natural in the regiment, upon the recommendation of their respective chiefs, according to the ordinance, and through the medium of the estado mayor general, to whom the scale of classification, mentioned in article 5, shall be sent, that it may appear who are in service, and who are not.

Art. 8. Until the establishment of the uniform systems mentioned in article 17 of this chapter, the tribunal militar, established under the regulation under which it was governed, shall continue in lieu of the ancient *commission*, it being the duty of the defender of the accused to be present at confession.

Art. 9. That article of a prior regulation, which imposes upon deserters the punishment of death for the first offence, and which declares that the plea of pay being withheld shall not avail, being abolished in future, the *ordinanzo militar* shall govern, and the punishment it provides for cases of desertion be alone imposed.

Throughout the state shall be observed the ordinance of 30th January, 1814, as to supplying vacancies caused by desertion. [*Note.*—The following article was in the original erroneously marked the 10th.]

Art. 11. Governors, lieutenant governors, and sudelegados shall be ever watchful for the apprehension of deserters; if they fail in this particular, it shall be one of the first duties, when residencia* takes place, to inflict upon them exemplary punishment.

Art. 12. If neglect in this particular be proved against them before their offices expire, it shall be the indispensable duty of the Director to remove them.

Art. 13. The alcaldes de hermandad and pedancas de los curatos, for like neglect, shall incur for the first offence a fine of one hundred dollars, to be applied to defray the expenses of recruiting; and, upon the repetition thereof, be removed.

Art. 14. The soldier who shall inform against a deserter, shall, upon his apprehension, be rewarded with ten dollars, and the abatement of two years of his term of service.

* *Residencia.*—According to the Spanish law, officers, at the expiration of term of service, are bound to reside for a certain period in the places where they exercised their offices, to give an opportunity to proceed against their malversations.

Art. 15. The subaltern officers shall read frequently to the soldiers of their respective companies the ordinances of the penal laws, from article 26 to article 43, inclusive, of tit. 10, trat. 8.

Art. 16. This ordinance being in a great measure altered, shall be, without delay, reduced to order by another, which shall be formed by a military commission of three individuals, to be named by the Director, associated with the asesor general of war, and, being framed, shall be transmitted to Congress for its sanction.

Art. 17. The Director shall also name another commission of five individuals, military men of the most extensive information, who shall form a uniform military system, embracing the regular forces of the state and national militia.

Art. 18. He shall also appoint another commission, composed of as many individuals as he thinks proper, to form a uniform system for the regulation of the marine, in all branches embracing arrangements as to ports, the establishment of nautical and mathematical schools, and transmitting it, when formed, to Congress.

Art. 19. He shall establish in the capital a permanent academy, appointing its president for the instruction of cadets of the regiment of infantry and cavalry, upon a plan to be furnished by the estado mayor general, and approved by the Director.

Chapter 2.—*Of the National Militia.*

Art. 1. Every individual of the state being in America, every foreigner enjoying the right of suffrage, every European Spaniard, with letters of naturalization, and all free persons of African or mixed blood, inhabitants of the cities, towns, villages, and country, from the age of fifteen to sixty, unless incapacitated by infirmity, are soldiers of the state, bound to support the independence which has been declared.

Art. 2. From the aggregate of all these inhabitants shall be formed, with all possible speed, in all the respective provinces, by the respective governors, lieutenant governors, and subdelegados, a body of national militia of infantry or cavalry, according to the quota of the province, and upon that footing as to force which the Director shall determine by regiments, battalions, squadrons, or independent companies, subject to the regulation of the 14th January, 1801, made for the provincial militia, the estado mayor general giving information of variations and additions when deemed necessary.

Art. 3. The governor, lieutenant governor, and subdelegado of each province shall be commander-in-chief of its militia, while in office, and shall make all recommendations for promotion to the Director, through the medium of the estado mayor general, in the department of Buenos Ayres. The governor shall, in like manner, command the militia, if he be a military man; if not, the commandante general de les armes shall command.

Art. 4. In the national militia shall be included all persons who have obtained commissions in it since the date of the last-cited regulations, being Americans or European Spaniards, with letters of naturalization.

Art. 5. It shall be one of the first duties of the governors, lieutenant governors, or subdelegados to preserve the national militia in a state of good discipline.

Art. 6. The principal object of this militia shall be to defend the state, and to aid and reinforce the army of the line when it shall be necessary.

Art. 7. When it may be necessary to detach a portion of the militia to reinforce the army of the line, the abovementioned chiefs shall do so with persons having no just ground to claim exemptions from the service, supplying immediately the place of the force detached, in order to preserve entire the national force of the province.

Chapter 3.—*Of that portion of the Militia termed Civicos.*

Art. 1. Of the inhabitants of the several cities, towns, and villages, shall be formed the corps of civicos, by regiments, battalions, or independent companies.

Art. 2. This militia shall be solely of such as have property worth one thousand dollars at least, of the owners of open shops, and of all who exercise a trade, or pursue some public occupation.

Art. 3. In the department of Buenos Ayres the civicos shall be subject to the Cabildo in subordination to the Supreme Director.

Art. 4. Of the residue of the inhabitants, the Cabildos shall have the command of as many as they can organize, without prejudice to what belongs to the governors, lieutenant governors, and subdelegados, in virtue of their offices.

Art. 5. The appointment of officers (to captains inclusive) shall be made by the Director, upon the recommendations of the chiefs of regiments, which the Cabildos shall transmit through the medium of the estado mayor general. The Cabildos shall, by themselves, recommend for officers of higher grades.

Art. 6. Those persons only of the regular army incorporated as chiefs, as sergeants, or corporals, for the purpose of instruction, shall be out of the ordinary civil jurisdiction, in order better to prevent unjust imprisonment.

Art. 7. The principal duties of the civicos shall be to maintain good order in the towns, to assist in the administration of justice, and defend the country.

Art. 8. No soldier of the army, of the line or militia, national or civic, to whom arms have been intrusted, shall use them factiously against any inhabitant of the state.

Art. 9. The persons thus misusing them shall be tried and punished within the third day by the judge to whom the cognizance of the offence belongs, for the satisfaction of public justice, deeply interested in personal security.

SECTION VII.—Personal Security and the Liberty of the Press.

Chapter 1.

Art. 1. For those actions offending neither against public order nor interfering with private rights, men are solely accountable to God.

Art. 2. No inhabitant of the state shall be obliged to do that which the law does not clearly and explicitly command, nor restrained from that which it does not, in like manner, prohibit.

Art. 3. Crime is solely the infraction of laws in full force, since, without this requisite, they are not obligatory.

Art. 4. No inhabitant of the state shall be punished without previous legal sentence and regular process.

Art. 5. All orders that shall be issued by magistrates in the regular exercise of authority, to promote public order, or to regulate the business pertaining to their office, shall be in writing.

Art. 6. Excepting orders relating to the army in matters belonging to the service, as to which the ordinance of the provinces of the union shall be observed.

Art. 7. Every citizen may keep in his house powder and arms, for the defence of his person and property, in those urgent cases in which he cannot avail himself of the protection of the magistrate.

Art. 8. The Government shall not take possession of such arms unless the public defence should require them, paying their just value.

Art. 9. The house of a citizen is a sanctuary, which it shall be a crime to violate; it shall not be forcibly entered except in case of resistance to legal process.

Art. 10. The right of forcible entry, given in article 9, shall be exercised with moderation, personally, by the judge issuing the process; and, in case of his being utterly unable to act in person, the order, delegating the power, shall be in writing, with all necessary specifications, a copy being given to the individual when apprehended, and to the owner of the house, should he so require.

Art. 11. No citizen shall resist the arrest of his person or the seizure of his goods, when decreed by a competent magistrate; but he shall have the right of claiming the full benefit of the provisions in favor of personal security, contained in chapter 3, section 4, of this provisional regulation.

Art. 12. Every man shall have the liberty of remaining in the territory of the state, or of departing therefrom, as he thinks proper, so long as the public security is not thereby endangered, or its interests prejudiced.

Art. 13. The preceding provisions in favor of personal liberty shall never be suspended.

Art. 14. Except in those extreme cases in which the public security may require such suspensions, the public authorities, driven by so lamentable a necessity to this measure, shall give an account of it to Congress, who shall examine into its cause and the time of its duration.

Chapter 2.—*Liberty of the Press.*

Art. 1. The decree concerning the liberty of the press, which was issued October 26, 1811, and which is incorporated in this chapter, shall be observed.

Art. 2. To facilitate the use of this liberty, it is declared that any individual, be he native or foreigner, may freely erect printing-presses in any city or town of the state, with this sole condition: that he shall give previous information to the provincial governor, lieutenant governor, and Cabildo, and that every thing printed shall bear the name of the printer, and of the place where the press is erected.

Art. 3. The intendentes de policia shall be particularly careful that in periodical works and public papers the greatest possible decorum shall be preserved, without failure of the respect due to magistrates, to the public, and to individuals.

Art. 4. In cases of violations of article 3, it shall be the duty of the said intendentes to give notice to the tribunal of the liberty of the press, which, conformably to the laws establishing and regulating it, shall scrupulously examine the matter.

Decree of the Liberty of the Press of October 20, 1811.

Art. 1. Every man may publish his opinions freely and without previous license, (*previa censura;*) all laws and regulations contrary to this liberty shall be of no effect.

Art. 2. The abuse of this liberty is a crime when it invades private rights; its prosecution belongs to the persons interested, and to all the citizens when it endangers the Roman Catholic religion, the public tranquillity, or the constitution of the state. The magistrates having cognizance shall impose the punishment according to law.

Art. 3. To guard against abuses in the classification and graduation of crimes of this kind, there shall be created a body of nine individuals, with the title of protectors of the liberty of the press. In order to its formation, the Cabildo shall present a list of fifty respectable persons not employed in the administration of the Government; from these, selections shall be made according to plurality of votes. The electors shall be the prelado eclesiastico, alcalde de primer voto, sindico procurador, fiscal de la camera, and two respectable persons of the vicinity, nominated by the Cabildo. The escribano de pueblo shall certify the election and respective commissions, which shall be delivered to the elected without loss of time.

Art. 4. The power of these protectors shall be limited to determining whether or not there be criminal matter in such publications as may be submitted to them. The punishment of the crime, after the evidence is declared, shall belong to the magistrates. The protectors shall hold their offices for one year, at the expiration of which there shall be a new election.

Art. 5. The third of the votes in favor of the accused shall be a sentence of acquittal.

Art. 6. Any party interested appealing, the protectors shall choose, by lot, nine individuals of the forty-one remaining on the list out of which they themselves were selected; these shall review the matter, and their sentence, if in favor of the accused, shall be irrevocable. In cases of challenge for just cause, the places of the challenged shall be supplied in the same manner.

Art. 7. The same method shall be followed in the provincial capitals, substituting for the prior de consulado, the deputado de comercia, and for the fiscal de la camera the promotor fiscal.

Art. 8. Works which treat of religion shall not be published without scrutiny by the diocesan. In case of accusation, the work shall be re-examined by the same ecclesiastic, assisted by four of the protectors, and the majority of votes shall constitute an irrevocable sentence.

Art. 9. Authors are responsible for their works, or the printers, not making it appear to whom they belong.

Art. 10. This decree shall be observed till Congress otherwise determine.

Final Chapter.—*General Provisions.*

1. The reglamento de policia, (regulation of police,) issued the 22d day of December, 1812, for the capital and province of Buenos Ayres, shall subsist for the present under the following limitations:

The powers of the intendente de policia shall remain vested as they are, in the governor of the province; the three commissaries, with the powers and duties designated in the said regulation, shall continue for the present under the inspection of the governor, and among them seniority as to the possession of office shall alone give preference; except their salaries, they shall receive no emolument for services performed in quality of commissaries. The governor shall undertake no work requiring expenditure of public money, without previous consent of the Cabildo and the approbation of the Director. Every payment shall be made according to the mode prescribed in the said regulation. No payment shall be made at the treasury, without the approbation of the Supreme Director, and the treasurer shall replace money paid by him contrary to this article. The 3d, 4th, and 5th articles, which establish an assessor, portero, and escribano de ramo, shall be repealed, the last office being exercised by a like officer of the General Government. The 8th, 10th, and 14th, shall only have effect so far as they are compatible with personal security, liberty of the press, and other rights of man, which have been declared. The 41st of the circular instruction to the alcaldes de barrio shall be observed so far as it is compatible with the chapter upon the liberty of the press. All the change that may have been made contrary to the said reglamento de policia, and to what the estatuto provisional (provisional statute) of May 5, 1815, in article 1, final chapter of general provisions, provides, shall be amended; the office of four commissaries last established being suppressed.

2. The Cabildos of the other cities and towns of the state shall appoint a commission of four persons of the vicinity, of the best information and the greatest zeal for the public good, who, keeping in mind the said reglamentos of the capital, shall form one suitable to the circumstances of the place, transmitting it to Congress for their approbation.

3. Securities for the due discharge of duty shall be required from all officers, according to the nature of each office; the laws formerly requiring them being hereby restored. Those exercising offices for the due performance of which security ought to be given, are peremptorily required to give it within six months from the date of this provisional regulation, the Director and governors attending to this, with the privilege of taking four securities, each security binding himself for one-fourth of the whole amount.

4. To the officers of the treasury, (*ministras de hacienda,*) and the officers of the custom-house, (*administradores de aduana,*) shall be restored the coercive jurisdiction for the recovery and collection of debts, certain and liquidated, in favor of the state.

5. The laws and decrees made by the last convention (*asamblea*) as to religious profession shall be of no effect.

6. Contributions imposed in one province for its special benefit shall not extend to the other.

7. All the provinces in the union, cities and towns, having Cabildos, may, without the necessity of obtaining permission, giving, however, previous information to the Director, make all the establishments they may deem useful and promotive of their industry, prosperity, arts and sciences, without prejudice to the friends of the state.

8. All those in possession of letters of naturalization, which have not been issued by the former General Constituent Assembly, by the present Congress, or the Supreme Director for the time being, in virtue of the decree of the 29th August, shall present them to the present one for ratification, should they deserve it, without which they shall be of no effect.

9. All the officers of the Government, including the Supreme Director of the state and his secretaries, shall, upon termination of office, be liable to inquiry into their conduct; the Director and his secretaries before Congress, the others before judges to be appointed by the Congress; the last shall be liable to such inquiry for four months after termination of office.

10. The present provincial regulation shall be observed throughout all the territory of the state from the time of publication, which the Director shall cause to be made in a convenient form; those articles of the provisional statute *(estatuto proviscina)* passed by the Junta de Observacion, not comprehended herein, being repealed, and all anterior laws, regulations, and decrees in opposition to it, being in like manner repealed.

Sanctioned by the General Congress, sealed with the provisional seal, signed by the president, and countersigned by his secretary, in Buenos Ayres, the third day of December, A. D. one thousand eight hundred and seventeen.

PEDRO LEON GALLO, *President.*

Doct. Jose Eugenio Eleas, *Secretary.*

H.

The Director (ad interim) of the state, in Buenos Ayres, to the citizens of all the provinces.

Buenos Ayres, *August* 8, 1815.

I could wish, by means of a detailed manifesto, to explain to the people every step which has been taken for the purpose of establishing concord with the Chief of the Orientals, and the difficulties which have constantly opposed themselves to so desirable an object; by this means, also, holding out a warning to all minds of the evils which must flow from these unfortunate differences. But, for the present, this is not possible, nor so necessary as the immediate communication to all of the results of our last negotiations.

No mystery has been attempted in this business; even the minutest particulars have been made known to all such as were desirous of being informed; but, at a distance, every thing is liable to misrepresentation: it is, therefore, my duty to provide against it. For this purpose, I confine myself, for the present, to the publication of the documents necessary for the information that may be desired. These will save me the trouble of a statement that may possibly deserve the imputation of being made with passion; while the citizens of all the provinces will thus be left at liberty to form their opinions according to the dictates of their reason, without being led astray by partiality.

It is notorious that I sent deputies to the Chief of the Orientals, in order that we might fix upon some plan of establishing such an understanding and harmony as would be sufficient to avoid reciprocal aggressions until the General Congress should be assembled, and arrange our differences on permanent principles.

The propositions reciprocally made did not satisfy either. The decision was reserved for a future Congress.

Such was the state of things, when there appeared in this city four deputies, sent from an assembly of the Orientals, and, united with these, Cordova, Santa Fé, and Corrientes, with official instructions from General Artigas, which authorized them to enter into stipulations. The documents subjoined have originated from this procedure.

Finally, after refusing to sign the statement No. 2, of the document No. 3, they returned, giving assurances, by word, that they went in peace, and they were answered, "Peace be with you." People of the provinces! it is for you to judge; the case is yours, and your safety is the supreme law of the state.

IGNACIO ALVAREZ.

Gregorio Tagle.

Plan for the establishment of harmony, presented by the deputation of the Chief of the Orientals to the Government of Buenos Ayres.

Buenos Ayres, *July* 3, 1815.

There shall be a union, offensive and defensive, between the provinces under the direction of the Chief of the Orientals and the Government of Buenos Ayres.

The troops of Buenos Ayres which passed over to the eastern shore of the Uruguay shall be considered as purely auxiliary, until the occupation of Montevideo. There shall be restored of what was carried away from that place three thousand stand of arms, one thousand swords, twelve pieces of light artillery, of twos, fours, and sixes. There shall be mounted on the fortifications the number of pieces of artillery that may be requisite, the principal portion to be brass, with the necessary material for all and each of said cannon; nine gun-boats, with all requisite supplies; powder, fixed ammunition for cannon of every calibre, also for small arms, and fifty-five thousand flints; one-half of the mortars taken away; the bombs and grenades, with every thing for using them, together with the printing press.

To Santa Fé there shall be delivered five hundred stand of arms.

To Cordova a like number.

The remainder of the articles withdrawn from the Oriental province of the Uruguay shall remain in Buenos Ayres as a deposite, for the purpose of aiding the other provinces, to be used at the instance of the Chief of the Orientals, and for the aid of the province of Buenos Ayres itself, according to its future exigencies.

The deputation has the honor to state to his excellency the Director of Buenos Ayres that they will cheerfully enter into any discussions to which their propositions may give rise with the magistracy of this capital, according to the 25th article of the 1st chapter, section 3, of the provisional statute.

MIGUEL BARRIERO,
JOSE ANTONIO CABRERA,
JOSE GARCIA DE CASSIO.

Official letter of his excellency the Director of the state to the Chief of the Orientals.

BUENOS AYRES, *August* 1, 1815.

The deputation sent by your excellency to this Government presented your esteemed communication of the 29th ultimo, which, at the same time that it served as the credentials of the mission, manifested the desire of conciliation which animates your excellency. I was, indeed, induced to expect from this that the mission had been directed to propose more reasonable grounds of accommodation than those offered by yourself to my deputies, Colonel Pico and D. Riverola. Judging by my own heart, I considered the negotiation already ended. I requested the deputies to give me their proposals in writing; and the following day they reproduced, in substance, the same as before offered, with the addition of several supernumerary articles. I immediately took steps to assemble the authorities, according to the provisions in such cases of the 25th art. chap. 1st, section 3d, of the provisional statute, by whom the subject has been maturely considered, and the plan proposed anew on your part duly weighed. They have resolved to give for answer that the claims of your excellency ought to be left to the supreme judgment of the General Congress of all the provinces; that if, in reality, the sovereignty of this august body is to be recognised, it is proper to wait for its determination, which will irrevocably terminate our differences. We concurred in our private opinions how injurious to the common cause these discords must be, particularly in this important portion of the country. The sending to your excellency the beforementioned deputies was an act dictated by the necessity of coming to an amicable understanding, so that the expedition expected from the Peninsula should find us acting in concert, as I have expressly stated in my communication of the 11th of May. In such circumstances, it was plainly for the common interest that we should at least agree not to make war upon each other, even if we should be unable to agree upon any thing else. It never could be just to expose the fate of all the provinces, by disputes between the Orientals and Buenos Ayres, for advantages reciprocally claimed over each other. But, since the danger which threatened us is dissipated, let us await the decision of the Supreme Congress on our cause. If we are liberal in our principles, and are not disposed to wrong the other provinces, let us give them a share in the adjudication of rights, when it so properly belongs to them.

Buenos Ayres, by the sacrifices she has made, has been reduced to her present state of honorable poverty; her efforts were made as a member of the union, and as the capital of all; as a member, she has brought all her wealth into the common fund; as the capital, she has received contributions from the other members without discrimination. But for none has there been so much expended as for Montevideo. Your excellency, in her name, demands those articles which have been taken away, and generously bestows a thousand stand of arms upon Cordova and Santa Fé, the remainder to remain in deposite in this place, to be used at your instance (see intervention) to aid the other provinces. The difficulty consistsin this, that if all the other provinces should follow the examples of the Orientals, and demand what they have contributed, Buenos Ayres will also come in for a share, and it will be her duty to make an equal distribution of the property which has been saved in the general bankruptcy to each creditor according to the amount of his credit. But Buenos Ayres cannot be both party and judge; it is therefore evident that the next Congress is the only tribunal for the decision of this important cause. Until then (aspiring still to the praise of acting with the same moderation you have shown in the midst of the severe trials experienced in the cause of liberty, as you have observed in your communication,) your conduct will be such as to preclude the occurrence of unhappy contentions, while, on my part, I shall do nothing but to endeavor to prevent it. To this end I have ordered a force to Santa Fé, with instructions to publish the proclamations herewith enclosed. The deputies of your excellency have experienced some detention, because, having informed them of the measure before mentioned, I was apprehensive that they would hasten to your excellency in order to oppose the carrying it into effect with the necessary tranquillity. They have not with all persons observed the greatest prudence in their conversation, forgetful of the character in which they appeared, and of the frankness with which they were received in this city.

I ought not to omit, on this occasion, to satisfy your excellency with respect to the surprise which you tell me in your letter already noticed of the 10th July was felt by you at my stating in mine of the 1st of the same month that your excellency was unwilling to enter into details on the subject of the establishment of mutual harmony. This complaint (which I confess surprised me much) was made by your excellency in your communication of the 18th of June, brought by my deputation. Your excellency will please to examine the original, and I hope your excellency will not persist in asserting officially what can thus be refuted. Let us not be intolerant because we happen to differ in matters of opinion. Athens and Lacedemon, under different forms of government, attained equal glory and felicity; we have differed as to what best suits us, we have not yet fixed on the kind of government that is to be adopted, and for this reason our differences appear to be interminable; so that, in whatsoever mode the question is received, there is the greater reason for referring it to the decision of the General Congress; we shall otherwise be at variance, without the possibility of coming to a compromise. May the day of its accomplishment, with the establishment of our ardently-desired liberty, soon arrive!

IGNATIO ALVAREZ.

GREGORIO TAGLE, *Secretary.*

Official letter of Don Antonio Saens to the Director of the state, accompanied by the notes designated 1 *and* 2.

MOST EXCELLENT SIR: BUENOS AYRES, *August* 4, 1815.

I have entered into conference with the deputies of the Chief of the Orientals, in pursuance of your excellency's instructions. I considered it expedient not to defer it until they should produce sufficient credentials from the

Congress of Paysander, of which they declare themselves the deputies. It appeared to me that the informality of their powers ought not to stand in the way of the establishment of an honorable peace, when the stipulations might afterwards be legalized by confirmation; and as it is not possible for them to obtain regular credentials from the Congress which no longer exists, the adjustment may still be considered as made with the Chief of the Orientals. After protracted debates, it was finally agreed that peace should be established, and that the Orientals should renounce their pretensions. Without a moment's loss of time, I proposed the establishment of its basis according to the principles agreed upon, and to sanction it by our signatures. But I soon found that in their conceptions it was not so easy to sign as to promise. They then delivered me the signed paper No. 1. I saw that it was not in my power to affirm it on account of the doubts which it presented, and the interpretations of which it was susceptible, the simple proposition which it contains being conceived in vague and indefinite terms, and the authority of the Supreme Director narrowed in an offensive manner, placing it even below that of the Chief of the Orientals, and being changed into the simple Government of Buenos Ayres; and, finally, because it is not couched in the terms used amongst civilized nations. For these reasons, I presented them the note No. 2, and requested their sanction. They replied that the articles were conformable to what had been argued upon in our conferences, but that they were all consequences of the single article establishing peace, &c.; they said they would religiously pledge their faith and honor for the true performance of them, but that they were unwilling to sign the paper. This is the only reason they have thought proper to give for a conduct so strange. They dropped something, it is true, about its not being expedient to sign at the present moment, although just to do so, and that they would give an explanation of the reasons more fully on their return homes. Such have been the subterfuges with which they have evaded signing the accommodation which I proposed them, and such also is the result of our protracted conferences. The most earnest and energetic representations have been unavailing to induce them to desist from a conduct so injurious. The conferences at length closed without effecting any thing.

I have the honor to be, &c.

ANTONIO SAENS.

No. 1.

To the Supreme Director.

The citizens Don José Garcia de Cassio, Don José Antonio de Cabrera, Don Pascal Andrino, and Don Miguel Barriero, deputies from the Congress of the Orientals, to treat of peace with the Government of Buenos Ayres, have terminated a conference with citizen Don Antonio Saens, authorized by his excellency for that purpose, with this only proposition:

There shall be peace between the territories under the Government of the Chief of the Orientals, and his protection, and the Government of Buenos Ayres.

MIGUEL BARRIERO,
DON JOSE GARCIA DE CASSIO,
DON PASCAL ANDRINO,
JOSE ANTONIO CABRERA.

Signed at BUENOS AYRES, *August* 3, 1815.

No. 2.

BUENOS AYRES, *August* 3, 1815.

The commissioner, on behalf of his excellency the Supreme Director of the state, appointed to treat of peace with the four deputies who have come for this purpose from Paysander, sent by General Artigas, requires that the sole proposition of peace, which they have subscribed, should be reduced to a formal and solemn treaty, as expressed in the following articles:

First. There shall be perpetual peace, friendship, and alliance between the Chief of the Orientals and the Government of Buenos Ayres.

Second. The same shall be established between the citizens who reside under the Government and protection of each.

Third. Both territories and Governments shall be independent of each other.

Fourth. The Parana shall be the line of demarcation between them.

Fifth. Each of the contracting parties shall renounce all claims to indemnity for what may have been attributed to the common cause.

Sixth. They likewise oblige themselves to send deputies to the Congress of Tucuman.

Seventh. The vessels which have left Buenos Ayres for Montevideo, or other parts under the Chief of the Orientals, shall be permitted to return.

Eighth. A veil shall be cast over the past, and no one be persecuted for his conduct heretofore.

Ninth. The four deputies of the Congress of Paysander shall produce sufficient powers to ratify the treaty.

Tenth. The present treaty shall be ratified by the competent authorities in three days, and by the Congress assembled at Paysander within twelve.

ANTONIO SAENS.

Another official letter from his excellency the Director of the state to the Chief of the Orientals.

BUENOS AYRES, *August* 7, 1815.

After having delivered to the deputies from your excellency the communication dated the first of the present month, advising you of the result of the last negotiations, they proposed that some mode should be adopted to render negotiation less difficult. I immediately took steps for this purpose, in order that the deputies might depart in peace, and that the same should be with this Government. I repeated that I should be unchangeable in my principles of moderation, and that I would preserve all possible harmony as far as was compatible with the honor and interests of the provinces over which I have the honor to preside. I expect the like sentiments on the part of your excellency, and in this confidence I pray you to permit the return of the vessels which have left this river in good faith, to the ports of the eastern shore, and which suffer great prejudice in consequence of the detention. In this case, justice will acquire the credit of generosity, and variance of opinion on the part of the Governments will be less calamitous to the unfortunate citizens who have no part in their discords.

IGNACIO ALVAREZ.

GREGORIO TAGLE.

To Gen. JOSE ARTIGAS, *Chief of the Orientals.*

I.

General Artigas to the Supreme Director, Pueyrredon.

[TRANSLATION.]

EXCELLENT SIR: PURIFICATION, *November* 13, 1817.

How long does your excellency mean to sport with my forbearance? Eight years of revolution, of privations, of dangers, of reverses, and misfortunes, ought to have sufficed to establish the rectitude of my intentions, and the character of my Government; the dignity of the Oriental people has more than once shown forth; they ought to know the delicacy I have manifested in reference to the inalienability of their sacred rights; and your excellency has the boldness to insult them. Your excellency is doing every thing in your power to provoke my moderation; the thought of this alone should cause your excellency to tremble. However specious may be the motives alleged in support of such conduct, they are incompatible with the general interest assailed by the Portuguese aggression. Your excellency is guilty of a criminal conduct in repeating those slanderous insults under cover of which the enemy believe the success of their invasion to be certain.

It is in vain for your excellency to attempt a display of the generosity of your sentiments; the course of events alone is sufficient to refute the attempt, and these prove that your excellency is more zealously occupied in embroiling the nation, than inspiring freemen with the energy which should animate them against tyrants; otherwise, how could your excellency have ventured to publish the pretended recognition of the Government of Buenos Ayres by the Orientals? A crime of so revolting a nature could only be perpetrated by the most impure hands; and your excellency has had the audacity to commit it. But it was in conformity with the mysterious plans of your excellency to destroy the firmest rampart opposed to their execution. A people enthusiastic in the cause of their liberties must be taken by surprise; the dangers are every moment increasing, and the recognition before mentioned was brought in aid of your excellency's designs for our common destruction. Your excellency knows sufficiently well the dignity of my character, and that the unjust reproaches heaped upon me are the offspring of your perfidy; and this is the foundation upon which your excellency rests your disgraceful neutrality. But it is in vain to imagine that this paltry excuse can justify your excellency in the treachery of supplying the enemy at Montevideo with wheat, while besieged by me. It is also a fact little to the honor of your excellency, that you have made arrangements for a third expedition against Santa Fé, with a view to foment the intrigues of the Parana, and promote insurrection on the eastern shore. The same unfriendly disposition induced your excellency to protect the Portuguese who fled from Seriano, sending them back to their general, while, instead of practising a similar generosity towards the Chief of the Orientals, you did not think proper to return the arms and other articles which those persons carried with them in the vessels on board of which they fled. It is thus that your excellency has endeavored to seize a favorable moment to light up the fire of discord, to plot with the Portuguese, and excite disaffection in the regiment of Libertos, seducing them to your side, and receiving them in triumph: an act of so gross a character cannot be mentioned without scandalizing the perpetrator; and your excellency is still the Supreme Director of Buenos Ayres.

An officer openly in the service of Portugal could not have acted more faithfully for his King; and to the impartial mind it must have been evident that your conduct was dictated by motives much more black than the cold neutrality which you allege. But, whatever may be the merit of our respective criminations, sound reason declares them to be out of place, in the presence of an ambitious stranger; more than once have I exhibited an example to your excellency of my determination to act up to this principle. Alas! it is but too true that the road of virtuous patriotism is as rough as the name of country is delightful. Without proving a traitor to your own understanding, it is impossible for your excellency to be indifferent upon the subject of the detestable incursion of General Lecor into our territory. Your excellency has already protested against his conduct; and how will your excellency deny the work of your own hands? Are not the Portuguese of this year the same as of the last? Do not the same complaints exist now as then? Has not your excellency outraged the people of Santa Fé, and in them those of the other provinces? Confess, sir, that you have no other object in putting on this affected neutrality but to conceal your intrigues. The Supreme Director of Buenos Ayres neither can nor ought to be neutral. Did not your excellency accuse the Portuguese general of violating the laws of civilized warfare, in the threat he held out against the Orientals? And how can this be reconciled to the character of a neutral? Be then a neutral, an indifferent spectator, an enemy; but let me tell you to beware of the just indignation of those who, having sacrificed every thing to the love of liberty, fear nothing but its loss.

Renounce the despicable expectation that on the ruin of the Orientals you may one day raise the lofty column of your glory and our degradation. The greatness of the Orientals is only to be compared with itself. They know how to meet dangers, to subdue them, and to be reanimated by the presence of their oppressors. I at their head shall march wherever danger threatens. Your excellency knows me, and ought to fear the justice of my vengeance. Your excellency does not cease to repeat insults offensive to my moderation, and to the discredit of the common cause. Your excellency ought not to think me insensible. While I am in the field, engaged in a bloody conflict with the invaders, you are laboring to weaken our force by mingling with it an affair which does not fail to excite well-founded suspicion. While I am engaged in opposing the Portuguese, you are taking measures to favor them. Would your excellency, in my place, have regarded these things with a serene countenance? I acknowledge to your excellency that I have made a sacrifice of my feelings to my country, which claimed a concentration of all its forces. It was this which induced me to seek a peace with your excellency, while you were endeavoring to provoke me to a war. I opened the door which, for weighty reasons, I ought to have kept shut. I sent back to you the officers taken prisoners, without subjecting them to the sufferings which ought to have followed the crime of their violent and cruel aggression against an innocent people. Your excellency cannot deny those acts of generosity, which, notwithstanding your repeated promises of reconciliation, you have not been able to equal.

It is true your excellency did send some supply of arms to the Parana, but without giving me the least intimation of it. This deceitful act had for its object the exculpation of your excellency from the charge of indifference in the eyes of the provinces, and evinces the fertility of your machinations; but do not think that this shallow artifice will enable you to escape. We have just experienced the effects of this generosity in the disturbance of the Parana and Entre Rios. Can it be concealed from the provinces with what views these arms were distributed, when done without the knowledge of the Chief? Let me pray your excellency to cease your generosity, if such are to be its effects; let me beseech you to refrain from aiding the country, if you can do nothing but obscure its splendor by such hateful scenes. No, sir, it is not from you that our country can expect to be freed from the ambition of the Brazilian King; instead of boasting of having saved the country, your excellency has nothing to boast of

but of having tortured my patience to the utmost point of endurance. I have suffered for my country, and yet your excellency dares to criminate me in public and in private. I have no need, like your excellency, of having defenders; incontrovertible facts speak in my behalf.

Sir, I am still ready to enter into an amicable adjustment of our difference, so as to unite our forces against the Portuguese; and I repeat the offer which I made in June last. I then requested that deputies should be sent, with full powers to draw closer and closer the ties of union. Your excellency could not deny the importance of this requests, and engaged to send them. In consequence of this, I announced to the people the pleasing hope of reconciliation; but, until the present day, nothing but disappointment has been the result. Your excellency, it seems, has had the effrontery to announce that deputies were expected from the eastern shore at Buenos Ayres. It is but little becoming in your excellency to frustrate so desirable an object, and afterwards to calumniate me; this is the last insult I am willing to bear, and henceforth must request your excellency to be silent. Such imposture is not less injurious to the reciprocity of the country than insulting to me. In opposing the reconciliation of the two shores, your excellency can be regarded in no other light than as a criminal, and unworthy of consideration.

Your excellency, by this time, must be wearied in hearing truths, but you ought to be more so in giving cause for them; they are stamped with the characters of sincerity and justice. Your excellency has occasionally provoked my moderation; my wounded honor will demand satisfaction. I speak for once and for all, your excellency is responsible before the altars of the country for an inaction incompatible with its interests, and the day will arrive when its justice will call you to a severe account.

In the mean time, I challenge your excellency to appear with me in front of the enemy, and to combat with a courage which will display all the virtues that render glorious the American name.

I have the honor to salute your excellency with cordiality and respectful consideration.

FERNANDO JOSE ARTIGAS.

J.

[TRANSLATION.]

Extract from the Gazette of Buenos Ayres of the 5th of February, 1818.

INVASION OF THE PORTUGUESE.

In the Gazette of the 1st of December last, we published the official letter of his excellency the Director to the Portuguese general in the Banda Oriental, requiring him to cease his march into a territory whose union with the United Provinces of the South had not been renounced, but accidentally suspended. The Portuguese general, in his reply, denied the principles on which this protest was founded, insisting on the pretext which had induced his court to a rupture so unjustifiable: but as, at the same time, he referred for his justification to the orders of his prince, from which he was not at liberty to depart, there were reasons to suspect that, from the slowness of his operations and other circumstances, he might possibly have received instructions to suspend his marches, and evacuate the country unjustly invaded. This doubt has disappeared with the event, and the occupation of Montevideo has been preceded by an action in which that precious soil has been moistened by the blood of its sons. We shall hereafter make some further observations upon this conduct; at present we shall insert the reply of the Portuguese general, as also an official letter of his excellency the Director, transmitted by Don Manuel Roxas, who sailed for Montevideo the 2d of the present month.

Official letter of the general of the Portuguese Army in the Banda Oriental, in reply to that of this Government, published in the Gazette of the 1st of December last.

MOST EXCELLENT SIR: HEAD-QUARTERS, PASO OF SAN MIGUEL, *November* 27, 1816.

Taking into consideration what you have been pleased to communicate to me in your official letter of the 13th of October last* past, delivered to me by Colonel Vidia on the 24th of this month, (November,) I can assure your excellency that my marches have for their sole object the removal of the germ of disorder from the frontier of the kingdom of Brazil, and the occupation of a country abandoned to a state of anarchy.

This wise and necessary measure ought in no respect to excite uneasiness in the Government of Buenos Ayres, since it has been executed in a territory which has declared itself independent of the western side.

The most scrupulous regard has been paid to the armistice concluded on the 26th of May, 1812, establishing amity between the two countries; and, in case of being attacked, I shall only act on the defensive, until the receipt of further orders from my King and sovereign.

The proclamation which I enclose to your excellency (the same which has already appeared in our newspapers) will make known the spirit in which I come to this unfortunate country by the commands of my sovereign.

I continue my marches, which can only be suspended by order of the King my sovereign; and it will shortly be in my power to manifest to your excellency the good faith of my military operations by a better opportunity and from a nearer point.

I thank your excellency for the occasion you have afforded me of being acquainted with Colonel Vidia.

God preserve your excellency.

CARLOS FREDERICO LECOR, *Lieutenant General.*

Illmo. and Exmo. D. JUAN MARTIN PUEYRREDON.

Reply to the foregoing letter by the Supreme Director.

HOUSE OF THE GOVERNMENT OF BUENOS AYRES, *February* 1, 1817.

MOST EXCELLENT SIR:

The suspension which I observed in the operations of the army under your command, after the receipt of your reply of the 27th of November last, together with the proclamation which it enclosed, gave me reason to hope that your excellency, doing honor to the armistice concluded on the 26th of May, 1812, between His Faithful Majesty

* This letter has been mislaid.

and this Government, whose violent infraction I protested against under date of the 31st of October last, would refrain from giving rise to the horrors of war; or, at least, that you would enter into some temporary arrangement, until the explanations of your court could be obtained in an affair considered not less important to the inhabitants west of the Uruguay and the Parana than to those of the Banda Oriental. Your excellency, notwithstanding, at an unexpected moment, hastened your marches; and, under the sole justification of force, you have gone so far as to oppress with your arms the place which you now occupy, but without any other effect than to convince you of the abomination with which its inhabitants regard every foreign yoke.

The assurances which your excellency presents to this Government in your beforementioned official letter, far from affording tranquillity, only excite our alarm; and the United Provinces, in the last steps of your excellency, can discover nothing but the sad presage of the evils which threaten them, should they remain insensible to the aspirations of a foreign Power over a constituent part of the nation.

In order to demand an explanation of this aggression upon the rights of the provinces, so notoriously unjust, I have determined to send an envoy extraordinary to His Faithful Majesty, as also to learn the origin and object of a war, which will be provoked with a state at peace, in order to secure the immunity of the Banda Oriental.

Until the reply of His Faithful Majesty shall have been received, I hope your excellency will not prosecute the war in that territory, but immediately suspend the operation of your arms, under a provisional armistice, which will be entered into by means of a person whom I shall send with sufficient authority, so soon as your excellency will inform me of your willingness to meet my proposal, as I hope will be done by the hand of Colonel Manuel Roxas, who is the bearer of this communication.

If your excellency, in strict obedience to the orders of your sovereign, under these extraordinary circumstances, should continue the war, your excellency will be responsible to humanity for the blood that will be shed; and the impartial world will justify the means of indemnity that will be taken for the sacrifices of conquest, protesting as I do against all usurpation of territory comprehended within the limits recognised before the opening of the campaign of your excellency, and beyond the frontiers of the kingdom of Brazil.

God preserve your excellency many years.

JUAN MARTIN PUEYRREDON.

General FREDERICO LECOR.

To the House of Representatives of the United States: DECEMBER 15, 1818.

I lay before the House of Representatives copies of the remainder of the documents referred to in the message of the 17th of last month.

JAMES MONROE.

REPORT OF THEODORICK BLAND, ON THE CONDITION OF SOUTH AMERICA.

BUENOS AYRES.

SIR: BALTIMORE, *November* 2, 1818.

The fair prospects which seemed to be opening upon some portions of the people of South America; the lively sympathy for their cause felt by the citizens of the United States; and the deep interests of our country in the fate of those provinces where colonial rule or independent freedom seem to have been put at issue, and contested with all the energy which such a stake never fails to excite, justly attracted the most serious attention of the Government. In whatever disposition of mind the South American contest and its scenes were contemplated, whether with feelings of benevolence, and the best wishes, or with regret, and under a sense of injury, the first thought, that which appeared most naturally to arise in the mind of every one, was the want of information as to the actually existing state of things. A new people were evidently making every possible effort against their transatlantic masters, and preparing themselves to claim a recognition in the society of the nations of the earth. In this struggle, each contending party endeavoring to strike his antagonist beyond the immediate area of the conflict, our commercial rights had frequently received a blow, and our municipal regulations were sometimes violated. New and fertile regions, rich and extensive channels of commerce, were apparently about to be opened to the skill and enterprise of the people of the United States; as to all which, their feelings and their interests seemed to require to be gratified with further information. Under these considerations, it became the earnest wish, and was deemed the right and the duty of our Government, to explain the views it had in some of its measures; by timely representations and remonstrances, to prevent the further injury which our commercial and other rights were likely to sustain, and to procure correct intelligence as to the existing state of affairs in those parts of our continent where the revolutionary movements had attracted the most attention and excited the strongest interest.

For this purpose, three persons, of whom I had the honor to be one, were selected, and sent in a public ship to South America; who being, among other things, directed that "if, while in the execution of their instructions at Buenos Ayres, they should find it expedient or useful, with reference to the public service, that one or more of them should proceed over land to Chili, they were authorized to act accordingly." They did, therefore, at Buenos Ayres, take into consideration the expediency and utility of going to Chili, and did there determine that, under the then existing circumstances, it would be expedient and useful for one or more of them to go to that country. In consequence of which, I crossed the Andes; and, having returned, it now becomes my duty to communicate a statement of such facts, circumstances, and documents, as I have been able to collect, and which presented themselves as most likely to be of importance, or in any manner useful to the nation.

When I contemplate the wide range of the expectations of the Government, as indicated by our instructions, and the vast extent of the subject, and, more especially, when I meditate on the novelty and complicated nature of the scene I am called on to portray, and the many circumstances peculiar to the state of society in South America, which cast a shade of obscurity over its affairs, and, in some instances, have absolutely, as yet, closed the avenues of information, I feel myself under the necessity of asking for the most liberal indulgence for the errors I may have fallen into, as well from the difficulties of the subject itself, as from my own want of ability to remove them.

We sailed in the United States frigate the Congress, from Hampton Roads, on the 4th of December, 1817, and touched, as directed, at Rio Janeiro, where we delivered the despatches committed to our charge to Mr. Sumpter, the minister of the United States resident there. After a stay of a few days, we proceeded thence direct for the river Plata, which we ascended in the Congress as far as Montevideo. Mr. Graham and myself visited that city, and found it, with the country immediately around, to the extent of about three miles, in the actual possession of

a Portuguese army under the command of General Lacor. We were treated by the general with politeness, and an offer was made by him of permission to procure there every facility we might want to convey us thence to Buenos Ayres; and also of leave to obtain for the ship every refreshment and accommodation she might want. Finding that it would be impossible for the Congress to proceed much further up the river, owing to there not being a sufficient depth of water for her over a bar between Montevideo and Buenos Ayres, which traverses the river entirely, and on which it is only eighteen feet deep, we took passage thence in a small vessel, and landed at Buenos Ayres on the 28th day of February last.

After consulting and advising together as to the extent, object, and manner of executing our instructions, it seemed to us that no time should be lost in presenting ourselves to the Government or chief constituted authorities of the place, and in making known to them all those subjects which we were directed to present to their view. In arranging those points, it was deemed most proper, in the first place, to express the friendly and neutral disposition of our Government, and to place in a fair and amicable point of view those measures which it had been supposed were likely to be interesting, or materially to affect the feelings or the claims of the people of the river Plata; and then to present the injuries many of the citizens of the United States had sustained, and the infractions of their laws which had been committed by armed vessels assuming the name and character of patriots, belonging to the independent Governments of South America; and to seek the information which our Government had directed us to obtain, and which it had been deemed most advisable to procure from the public functionaries themselves as far as practicable.

Accordingly, after ascertaining the names and style of the principal personages in authority, we called on his honor El Señor Don Gregorio Tagle, the Secretary of State; and having made known to him who we were, and expressed our wish to have an interview with the Chief Magistrate of the country, a day and hour was appointed for the purpose; when we called, and were accordingly introduced by the Secretary of State to his excellency El Señor Don Juan Martin de Pueyrredon, the Supreme Director of the United Provinces of South America. After the interchange of some complimentary expressions of politeness, good wishes, and friendly dispositions, we made known to the Director, in general terms, the character of special agents, in which we had been sent by our Government to communicate with him, and that our communications might be either with himself or his secretary. The Director replied that they would be received in a spirit of brotherly friendship, and in that form and through either of those channels which we should deem most convenient.

In a short time after our introduction to the Director, and in about a week after our arrival, we waited on the Secretary of State, as being the most formal and respectful mode of making our communications to this new and provisional revolutionary Government. We stated to the Secretary that our Government had not viewed the struggle now pending between the provinces of South America and Spain merely as a rebellion of colonists, but as a civil war, in which each party was entitled to equal rights and equal respect; that the United States had, therefore, assumed, and would preserve with the most impartial and the strictest good faith, a neutral position; and in the preservation of this neutrality, according to the established rules of the law of nations, no rights, privileges, or advantages would be granted by our Government to one of the contending parties, which would not, in like manner, be extended to the other. The Secretary expressed his approbation of this course; but, in an interview subsequent to the first, when the neutral position of the United States was again spoken of, he intimated a hope that the United States might be induced to depart from its rigid neutrality in favor of his Government; to which we replied, that as to what our Government might be induced to do, or what would be its future policy towards the patriots of South America, we could not, nor were we authorized to say any thing.

We stated to the Secretary that certain persons assuming the name, character, and authority of an independent Government in some part of the Mexican portion of South America, had, not long since, taken possession of Amelia island, where they had attempted, with the name of the patriot cause, to put on the garb, and exercise the rights incident to national independency; that this island, so seized, lay on the coast of the Atlantic, and immediately adjoining the boundary of the United States; that the persons by whom it was held, under the name of the patriot authority, had committed numerous violations and piratical depredations on the commerce of most nations found in that neighborhood, and more especially on that of the United States. They had not only lawlessly seized our vessels which were navigating those seas rightfully and in peace, but the immediate vicinity of the island to our territory had enabled them to commit other outrages on our rights, no less serious and injurious. It was used by a nest of smugglers to introduce their merchandise into the United States without paying the duties; it had become a harbor for runaway slaves from the neighborhood; and it had become a place of deposite for the most infamous of all traffic, the trade in cargoes of slaves, which were landed there, and thence illegally introduced into the adjoining states, in violation of the most positive prohibition, thus defrauding our revenue, depriving our citizens of their property, and disturbing our peace; that the cruisers, which so mischievously prowled the ocean from this island, not being at all scrupulous about consistency of character, had, as was found most convenient, assumed the flag of Buenos Ayres, or that of the other patriot Governments of South America: that, notwithstanding the notoriety of the daring violences committed by this band of adventurers of Amelia island, it appeared that Spain, too feeble, or otherwise too much occupied, had not extended its authority over it, and suppressed what could not but be considered as an expulsion and contempt of its jurisdiction. We further stated, on this subject, that a station in all respects similar, and as pernicious, had been formed at a place called Galveston, situated near the mouth of Trinity river, and immediately on the coast of the Gulf of Mexico: that, under these circumstances, the United States had deemed it a right and a duty to break up, and entirely to remove those two establishments, as well to preserve their own interests and that of their citizens, as their peace with other nations; and that the Government of Buenos Ayres, we were sure, could not fail to see, in this measure, the highly honorable and amicable disposition of the United States towards all foreign nations, and more especially to perceive the happy effect which it would have on the patriot name and cause, by preventing it from being soiled with the imputation of acts which the really honorable patriot Governments did not deserve, and could not countenance. We stated, in addition, that our Government would take and hold possession of Amelia island, in order to prevent the misuse of it in future, subject to explanations to be given to Spain; and that Galveston would be taken possession of and held as a part of the territory of the United States.

To which the Secretary replied that the Government of Buenos Ayres had not before been informed or heard of the abuses committed by those who had taken possession of Amelia island and Galveston; that it had no connexion whatever with those who had exercised any authority at either of those places; and that the removal of those establishments could not fail to be attended with good consequences to the patriot cause, by preventing any improper imputations being cast on it; and, therefore, his Government could certainly only see in that measure of the United States the manifestation towards it of the most friendly disposition. We stated to the Secretary that it had been understood that many unprincipled and abandoned persons, who had obtained commissions as privateers from the independent patriot Government, had committed great depredations on our commerce, and had evidently got such commissions not so much from any regard to the cause of independence and freedom as with a view to plunder;

and that we entertained a hope that there would be a due degree of circumspection exercised by that Government in granting commissions which, in their nature, were so open to abuse.

The Secretary replied that there had hitherto been no formal complaint made against any of the cruisers of Buenos Ayres; and, if any cause of complaint should exist, his Government would not hesitate to afford proper redress on a representation and proof of the injury; that the Government of Buenos Ayres had taken every possible precaution in its power in such cases; that it had established and promulgated a set of rules and regulations for the government of its private armed vessels, a copy of which should be furnished us; and that it had, in all cases, as far as practicable, enjoined and enforced a strict observance of those regulations and the law of nations.

We stated to the Secretary that a considerable portion of the people of the United States had manifested a very favorable disposition towards the patriot cause in South America; and the Government, also, had every disposition to treat the patriot authorities with the justice, dignity, and favor which they merited; that, although our Government had, for the present, determined on adhering to a strict and impartial neutrality between the contending parties, it might yet deem it politic and just hereafter to adopt other measures; and, therefore, with a view to regulate its conduct and policy with perfect good faith and candor, as well with regard to its neutrality as with regard to any other measures it might deem advisable to take, it had charged us, as special agents, to seek and endeavor to obtain, in this country, such information as to the actual state of things as would enable it to act with correctness, precision, and understandingly, in whatever course it may hereafter pursue. That the information thus to be obtained might be of a character deserving the highest confidence, we had been directed to ask it of those actually in authority, and of the then existing Government of the country. We observed that we did then, in pursuance of our instructions, ask of that Government to furnish us with a statement, or full information, as to the actually existing state of things; of what number of provinces that Government was composed; the form of its confederacy, and the constitution by which they were united; the population in each province; the principal commodities of commerce, the imports and exports; the amount of its revenue derived from foreign commerce as well as from internal taxation; the strength of its regular army, and the number of its militia; the amount of its tonnage, and the strength and number of its public and private vessels of war; and what were its relations with foreign nations, or with the adjoining provinces; or had the Government of Buenos Ayres formed any treaty or understanding with any foreign nation, or with any other of the provinces of South America who had actually declared themselves independent, or were then in a state of revolution and at war with Spain. We assured the Secretary that our Government sought for this information from an experience of the want of it, and in a spirit of the most perfect amity; that, until the commencement of the present revolutionary movements in that country, it had been so comparatively locked up from the eye, observation, and intercourse of every foreign nation, that the real state of things in it had been but very imperfectly, and, in some respects, was wholly unknown; that the friendship so openly and decidedly expressed by a considerable portion of the people of the United States would furnish conclusive proof of the spirit of goodwill in which this information was sought, and, in itself, was a guaranty that their Government would, under no circumstances, use the communications that might be made for improper or unfriendly purposes towards the people of that country. But, if that Government should think proper to note any communications it should make as private and confidential, we pledged ourselves that our Government would never suffer it to go to the public; if, indeed, there could be wanting any other more solemn and decided manifestation of respect, on its part, than the very act itself of our having been sent in a public ship of war to have this intercourse with them. The Secretary, in reply, said that his Government had the greatest confidence in the friendly dispositions of that of the United States, and that the people of the two countries were friends and brothers, felt as such, and would act towards each other as brothers; that the information sought for should certainly be granted, and that orders would be given to the proper public functionaries to collect, digest, and arrange it in the most acceptable and intelligible form; that, as regarded foreign nations, they had hitherto had no official communication with any of them; and that their relations with all, except Spain, were those of mere peace, such as were obvious to the world, without any treaty or stipulation of any kind whatever; that from some they had met with acts of injustice and hostility, but, finding themselves so much occupied with their revolutionary movements as to be unable to resist or resent, they had therefore borne with wrong, and suffered the mere relations of peace to continue.

We had several conversations with the Secretary, all of which were asked for by us, in the course of which the matters I have related were fully and in various forms reiterated and explained to him; and in all, from the first to the last, the request for information was repeated in terms of similar import, and at each interview the promise of its being soon and fully granted was renewed.

As the promised communication was not, however, made before I took leave of the Director and left Buenos Ayres, I shall proceed to present such information relative to the United Provinces of South America as I have been able to collect from those sources which were within my reach, and that appeared to deserve confidence; leaving my statements to be corrected by the official account which I understand has been furnished by the Government of Buenos Ayres, where they materially differ, or to be revised by any other standard you may think proper to apply.

The new Political Union, whose Government we found seated on the shores of the river Plata, which once styled itself "The United Provinces of the river Plata," and which now, having been actuated by caprice, or by more correct or more enlarged views, assumes the name of "The United Provinces of South America," has declared the independence, and claims the privilege of self-government for all the people, and the rights of a nation over all the territory of which the late Spanish viceroyalty of Buenos Ayres was composed in the beginning of the year 1810. It thus designates the boundaries of its territorial claims, and the extent of the jurisdiction it asserts. It will be proper, therefore, to trace out its extreme limits as the country relative to which our inquiries are to be more particularly directed.

The Spanish viceroyalty of Buenos Ayres is situated to the southward of the Portuguese dominions of Brazil, and, according to the treaty of St. Ildefonso, of 1777, the following boundary between them was finally adjusted: Beginning on the coast of the Atlantic at a place called Invernada de Felix José, a little to the south of the Rio Grande de St. Pedro; thence, in a northerly direction, along mountains or highlands, to the Rio Iquacu, or Caluetiba, or Coreitiba; thence, down that river, to the Parana; thence, up that river, to the lower end of the Illia Grande de Salto; thence, in a westerly direction, to where the Rio Paraguay is intersected by the tropic of capricorn; thence, up that river, to the mouth of the Rio Latirequiqui, near the foot of the Cordillera de St. Fernando; where, taking leave of the dominions of Brazil, the boundary of the viceroyalty, excluding the Indian territory to the north, was further designated by a line directed; thence, nearly west, to the Sierras Altisimas; thence, along the confines of the province of Mizque and the Altos Intinuyo, including the province of La Paz, to the Cordilleras of the Andes which pass to the westward of Oruro and Paria, to the Cordillera Real; thence, south, along the most elevated summit of the principal Cordillera of the Andes, until it is intersected by the parallel of thirty-eight and a half degrees of south latitude; thence, due east, to the Atlantic; thence, with the coast of the ocean, to the beginning, at Invernada de Felix José.

To the south of latitude thirty-eight degrees and a half, and between the Andes and the Atlantic, as far as the straits of Magellan, is, at present, entirely in possession of the various tribes of Patagonian savages, over whom the colonial Government exercised no authority, nor asserted any claim, other than that of a right of pre-emption and of settlement in their territory against all foreign nations; to which rights and benefits the independent Government claims to have succeeded. That tract of country which now forms the three provinces of Mendoza, San Juan, and St. Louis, and which, under the Spanish Government, was called the province of Cuyo, was, about half a century ago, attached to the colonial viceroyalty of Chili; since that time it has continually belonged to Buenos Ayres. And the province of Arica, which covers that space to the westward of Potosi and Chicas from the summit of the Andes down to the Pacific Ocean, was, by a royal order, about the year 1774 taken from the viceroyalty of Buenos Ayres, and annexed to that of Lower Peru or Lima, and is at present under that jurisdiction.

The vast elevated plains, a great part of which are, in the rainy season, entirely overflowed, lying to the north of the Llanos de Manso and the Sierras Altisimas, that are traversed by the principal branches of the Rio Madeira, which winds its way along the back of Brazil into the Maranon, and that are also drained of their waters by some of the branches of the Paraguay, and which are comprehended under the three colonial divisions of the Chequitos, the Government of Santa Cruz de la Sierra, and the province of the Moxos de Musu, like the great pampas to the southward of the Rio de la Plata, seem to be destined to eternal vacancy, or to the rearing of innumerable herds, and to be inhabited only by their keepers. At present they are in the possession of several tribes of Indians, over whom, and their territory, the Government of the viceroyalty claimed no other right or jurisdiction than over the pampas of the south; which, however, the patriot Government in like manner asserts, has devolved on it by the revolution.

To the westward of Paria and Oruro lie the provinces or jurisdictions of Carangas, Pacajes or Berenguela, and to the north of La Paz, and to the west of the Cordillera de Acama, lie the provinces or districts of Omasuyos, Chucuyto or Puno, Lampa, Asangaro, and some others; all of which are said by Ulloa to be within the audience of Charcas, the scene of the celebrated rebellion of Tupac Amaru; and which audience, according to Dean Funes, was given entire to the viceroyalty of Buenos Ayres when it was erected, and it is so laid down. But I have excluded these provinces by the general outline I have drawn of the viceroyalty, because, not being able to learn that any revolutionary movements had been made in them, I wished to disencumber the subject of our survey as much as possible, as well by separating it from such districts as from Indian territory.

Such are, then, the outlines of this Union, or rather proposed Government, and asserted confederation, embracing an extent of territory much more prodigious than has ever been yet known to be comprehended under one and the same voluntary association. Excluding the great triangular space of Indian territory, of upwards of two hundred thousand square miles in extent, called the Llanos de Manso, lying between the province of Paraguay and the mountains, and excluding also the high plains to the north and the pampas to the south, we shall find a mixed and civilized population of one million and eighty thousand souls scattered over a space of about seven hundred and sixty-three thousand square miles, from one extremity of it to the other. The thirteen United States of North America, within the boundary designated by the treaty of 1783, comprehended a territory of about eight hundred and thirty-one thousand square miles. They erected almost all, and some of the best of their political institutions in the severest season of the revolutionary struggle, in "a time that tried men's souls." They vanquished their enemy, and accomplished the final establishment of their independence and freedom, with a population of about three millions, seated between the seashore and the mountains, on a tract of country of not more than two hundred and fifty thousand square miles; their population was composed almost exclusively of agriculturists, very thinly scattered, as was said of them, over an immense forest. The difficulties which the invader had to encounter, the ease with which his blows were parried or eluded, and the fortitude with which he was met, and the deadly skill with which he was struck, it has been often said, were owing to various peculiar circumstances—to the nature of the country, its watercourses, forests, mountains, and fastnesses; to the habits, manners, and customs of the people, arising out of their political institutions, their situation, and their necessities. Each, no doubt, had some effect; and, in the natural order of events, tended to the same great end, the accomplishment of our independence and freedom.

A revolutionary struggle not materially dissimilar to that which so much excited the interest and feelings of the civilized world, as exhibited on the northern coasts of the Atlantic, is now making some of its most active efforts on the shores of La Plata, and within the extensive limits I have designated. The people of the United States, who sympathize warmly with this new contest, will take great interest in drawing out a comparison of difficult situations, and deducing inferences from trying circumstances analogous to those with which they or their fathers formerly contended; and, to enable their Government to act understandingly, and to bestow their friendship in a manner worthy of its dignity and value, it will be necessary to look over and examine this newly-asserted Union; to survey the locality of the several parts of which it is composed, and to estimate the numbers and powers of each; to measure the spaces between them, that we may form some opinion as to how and when they may be filled; to see how each has been, and how it is now governed; and to inspect the bonds which hold them together, and the repulsive principles which have driven some of them asunder. It will be proper that these things should be done, that we may understand how much it is to be attributed to nature, and how much to accident; how far the revolution has been promoted by the virtues and patriotic wishes of the people, and how much retarded by designing and ambitious military leaders; what is to be feared, and what to be hoped, from the future.

The viceroyalty of Buenos Ayres, like all others of the Spanish possessions in America, was laid out into civil and ecclesiastical divisions, which grew up under peculiar circumstances, were from time to time altered, and often cast from the jurisdiction of one viceroy or governor under that of another, according to the increase or change of population, as convenience suggested, or to gratify the caprice or cupidity of the regal rulers. And, besides, the very nature of the colonial Government itself was but illy calculated to define and preserve, with any tolerable degree of distinctness, the territorial boundaries of the several audiences, provinces, bishoprics, jurisdictions, intendencies, presidios, and governments, into which the viceroyalty was divided. I have, therefore, put together all I have been able to collect from books and some intelligent persons; and, with what I saw, and by the help of the largest and best map extant of the country, corrected down to the year 1807, I shall describe and give the name of *province* to each of those cities or districts which appear to be politically distinct, by having been at any time so treated, or being now, or at any time heretofore, separately represented in the body called the Sovereign Congress of the Union.

I propose first to direct your attention to the provinces successively, that we may note the geographical situation, extent, and population of them severally, and the relation which each one has, by representation or otherwise, with the confederacy—recollecting that the ratio of representation, fixed by the existing government or reglamento provisorio, is one representative for every fifteen thousand citizens.

The province of Buenos Ayres, situated in the southeastern corner of the Union, is bounded by the Rio de la Plata; by the ocean to the southward of that river; by the territory of the Patagonian Indians as far as about the

sixty-first degree of west longitude; thence by a line north to the Aroyo del Medio; thence, by that watercourse, to the Paraguay; and thence, by that river, to the Rio de la Plata. This is by much the most populous of the provinces below the mountains. It contains, according to the last census, ninety-eight thousand one hundred and five souls, which is said to be exclusive of troops and transient persons; but, including those, it is said to amount to one hundred and five thousand persons of all descriptions. The army, quartered in Buenos Ayres, is said to amount to two thousand five hundred men; if so, then it follows that, exclusive of citizens and soldiers, this province contains a population of more than four thousand resident foreigners and others. According to the same census, there are within the same city and suburbs of Buenos Ayres forty-seven thousand one hundred and eighty-four souls, exclusive of troops and transient persons. The principal towns or villages are Ensenada, St. Isidro, and Las Conchas, on the river Plate, and Luxan in the plain. There are, besides these, some lesser groups of population, the rest of which is scattered over the plains of this pampa province, that may be estimated as containing fifty thousand square miles. In the city of Buenos Ayres is situated the strong fort, within which is the palace, where the former Vice-King dwelt, and which is now occupied as the residence of the Supreme Director. This city was formerly the capital and seat of the colonial Government, and therefore, and for that reason, asserts and maintains that it is of right, and ought now to be, the capital and seat of the independent Government; and the Government is now seated there accordingly. This province is represented in the existing Congress by seven representatives, which is its full quota according to its population.

The province called Montevideo under the royal Government, but which, since the revolution, has acquired the appellation and is most frequently designated by the name of the Banda Oriental, with relation to the river Uruguay, which forms its entire western boundary, and from its lying wholly to the eastward of it; this province lies immediately opposite to that of Buenos Ayres, and is situated in the northeastern extremity of the Union; it is bounded by the ocean on the east, by the Rio de la Plata on the south, by the river Uruguay on the west, and by the Portugese dominions of Brazil on the north. Its present population is said to amount to about forty-five thousand inhabitants, who have for their chief leader and Governor, General José Artigas. The city of San Felipe, or Montevideo, as it is more usually called, from an elevated hill or look-out place opposite to the point of land on which the city stands, contains at present, after the waste, devastation, and destruction of the English, Spaniards, and Portugese in succession, a population of about ten thousand souls. Maldonado is another of its towns, situated on the Rio de la Plata, near the seacoast; it contains about two thousand inhabitants. The capital, or present seat of Government, is held at a place called Purification, formerly Capilla Nueva; it is a town which contains between three and four thousand inhabitants. This province, with some unsettled Indian territory, embraces about eighty-six thousand square miles. It has no representative in Congress, and refuses to be represented in that body under the present political system; and it is now at open war with Buenos Ayres.

The province of Santa Fé, within which may be included what was called, under the colonial Government, the jurisdiction of Corrientes, lies immediately adjoining and west of the Banda Oriental and Buenos Ayres. It extends in a narrow slip entirely across the Union, from the Patagonian territory on the south, to the dominions of Brazil on the north. It is sometimes called the Entre Rios, from the greater portion of it lying between the rivers Uruguay, Paraguay, and Parana. That part of the province which extends over the pampas south of the Paraguay is bounded on the west by a line drawn nearly south from that river, above the city of Santa Fé, passing the easternmost point of the Lagunas Salados de los Porongos, leaving the village of Frayle Muerto on the Rio Tercero to the west, unto the land of the Patagonians; thence east to the province of Buenos Ayres. This province of Santa Fé or Entre Rios, exclusive of the Guarana tribes of Indians dwelling above Corrientes, and the Charrnas, seated below the city of Santa Fé, contains a civilized population of about twenty-five thousand souls. The city of Santa Fé, its capital, which is pleasantly and conveniently situated on the right bank of the Paraguay, is said to contain a population of not much more than six thousand inhabitants; and the city of Corrientes, farther up the river, is about the same size. This long, narrow province comprehends, including the territory of its Indians, about one hundred and four thousand five hundred square miles. In the year 1814, and prior to that period, it had one representative in the Congress of the Union; it now has none, and is in alliance with the Banda Oriental, and at war with Buenos Ayres.

The province of Cordova is composed nearly of that which was formerly the colonial jurisdiction of Cordova. It is bounded by the territory of Santa Fé and the Rio Salado on the east; by the Patagonian boundary over the pampas on the south; thence, on the west, by a line to the Sierra Comichigeles, and along that ridge to its northern extremity; thence in a northeast direction, including the town of Tamisqui, on the Rio Dulce; and thence across the Rio Salado. Its capital, the city of Cordova, is a neat town, delightfully situated on the Rio Primero, and contains about ten thousand inhabitants. The population of the whole province is estimated at seventy-five thousand souls; and it measures about one hundred and five thousand square miles in extent. It has, heretofore, gone astray from the Union; but it has been brought back into the fold of the confederation by the bayonets of Buenos Ayres. It is reckoned a godo or tory province. It has now only three representatives in the existing Congress, although its full quota is five; because, as it is said, it does not choose to defray the expense of a greater number.

The province of Punta San Luis has been carved out of the easterly portion of the royal province of Cuyo. It is bounded on the east by the territory of Cordova; on the south by the Patagonia pampas; on the west by the Rio Moyalac, Leuvu, and the Desaguedero to the Laguna Grande; thence, on the north, by a line drawn in an easterly direction to the confines of Cordova. This province contains a population of not much more than ten thousand souls. Its chief town, and seat of Government, is San Luis de la Punta, or the point of St. Lewis, from its being situated at the but-end of one of the ridges of the mountains of Cordova. The town contains about two thousand inhabitants, and is agreeably situated in a well-watered valley. From this place, the post road from Buenos Ayres to Mendoza passes over the Travesia, the most dreary region I ever saw, sixty miles in breadth, where there is not a single human habitation, nor one drop of fresh water to be had. The town of San Luis is made one of the principal places of confinement for the prisoners of war captured in Chili and on the frontiers of Peru. This province is the poorest, and has been always the most faithful to the Union. It contains about forty thousand square miles in extent. One representative is now and has always been received from it, although its population is below the given ratio. The present Supreme Director was its representative when he was elevated to the station he now holds.

To the westward of the province of San Luis, stretching along the great Cordillera which separates it from Chili, as far south as the Rio Blanco, lies the province of Mendoza. This province is another, and the largest of those which have been formed out of the colonial one of Cuyo. Its whole population is calculated at thirty-eight thousand inhabitants; of which, about twenty-one thousand are found in the capital and its suburbs, the town of Mendoza, which is very advantageously situated on one of the branches of the Tunuyan, immediately at the eastern foot of the Andes. Mendoza has a beautiful public walk, and has been much improved of late years. The province has always been zealous and hearty in the cause of independence and liberty. It is of right entitled to two representatives;

but it at present has only one member in the existing Congress. It contains, of plains and mountainous territory, about thirty-eight thousand square miles.

To the north of Mendoza, lying along the eastern foot of the Andes, and extending as far north as the ridge which separates the waters of the Rio Magana from those of the Rio Famatina, is that fine territory, bounded on the east by Cordova, formerly called the valley, now the province of San Juan. This includes the residue of what was formerly comprehended under the name of Cuyo. It embraces a tract of about thirty-six thousand square miles, and contains a population of thirty-four thousand souls; about nineteen thousand of which are seated in its capital, San Juan de la Frontera. The patriotic public spirit of San Juan has never been questioned; and yet it has no more than one representative in the present Congress, when, according to its population, it should have two.

Still further north is that pleasant valley now called the province Rioja, toward whose boundaries we are directed by the Rio Anqualasta, by which it is watered, and rendered fruitful, and which, after lifting its arms in various directions among the surrounding mountains that designate the confines of the province, terminates and subsides in a lake to the southward of Simbolan. Its whole surface may be estimated at twenty-two thousand four hundred square miles. The population of this province amounts to twenty thousand souls, and its capital town is Todos Santos de Rioja la Nueva. Rioja has been always attached to the Union. It has at present one representative in Congress, and is entitled to no more.

Turning immediately to the east, and adjoining, we find the delightful valley of Catamarca, which now, with that of Conando, next to it on the north, forms the province of Catamarca. The adjacent ridges form a great rampart all round these two valleys, and are the acknowledged and natural limits of the province. It contains a population of thirty-six thousand souls, and its chief city and seat of Government is Catamarca. Its extent of territory does not exceed eleven thousand two hundred square miles. Catamarca, beside other efforts in the cause, has manifested its sincere devotion to independence and freedom, by furnishing from itself alone nearly six thousand men to the patriot army. It has now, however, no more than one representative, although its population entitles it to two.

Directly to the east of the valley of Catamarca lies the province of Santiago, formerly the colonial jurisdiction of Santiago del Estero. It is bounded on the south by the territory of Cordova; on the north by a line running in a northeasterly direction from the head of the Hondo to the Laguna de Molaras, and by the Indian territory of the Great Llanos de Manso on the east. This province embraces a territory of forty thousand square miles in extent, and has a population of forty-four thousand souls. Its chief city and seat of Government is Santiago del Estero, situated on the banks of the Rio Dulce, in which there are about ten or fifteen thousand inhabitants. Santiago has wavered in its attachment to the Union, but has never been wanting in bravely defending the cause. Its population rightly entitles it to three representatives in Congress; it has, however, at present only one.

Along the whole northern frontier of Santiago, and of the valley of Conando, lies the province of Tucuman, formerly the royal jurisdiction of St. Miguel de Tucuman. It is bounded on the east by the mountains of the Yuanes; on the north by a line extended from that ridge westerly to the confluence of the Tala and the Salado; thence to the source of the Tala; thence, along the ridges which include the valley of Palicipa, to the great Cordillera; thence, along the Andes, to the Rio de Betlen; thence to the confines of the valley of Conando. The population of this province amounts to forty-five thousand souls. Its chief city and seat of Government is San Miguel de Tucuman, situated on the Rio de San Miguel, which unites with the Rio Dulce not far below the city. The province comprehends about an extent of fifty thousand square miles of territory; it has been generally attached to the Union and the cause. It was once honored with the presence of the Congress, in which body it now has two representatives, although it is entitled to three.

Rising from the unbroken plains, and proceeding still farther to the northward, we next enter the province of Salta, lying in level spaces among the elevated spurs of the Andes. It is bounded on the east by the Rio Vermejo; on the north by the Rio Grande, to the confluence of the Aquilotes and Siancas; thence, to the source of the Rio Perico; thence, including the valley of Calchaqui, which forms its western boundary. This province contains fifty thousand inhabitants, and an extent of forty-one thousand square miles of territory. Its chief city is San Felipe el Real de Salta. Salta has been accused of wavering in its attachment to the Union and the cause, but it has been very much the seat of war. It is now said to be a firm member of the confederation, and it is made the headquarters of the patriot army of Peru, under General Belgrano. Although it ought to have three representatives, according to its population, it has now no more than one member in the Congress.

Ascending still in a northerly direction, we next enter the province of Jujuy, stretching along the whole northern frontier of Salta, and extending westward to the ridges in which are found the sources of the Rio de San Salvador; thence, with its summits as far north as the ridge which surrounds St. Bernardo, and along the mountains of Tacsora; thence, descending by the eastern branch of the Rio Tarija, to the territory of Salta, embracing a mountainous tract of thirty thousand square miles. The population of Jujuy amounts to twenty-five thousand inhabitants. Its chief city is San Salvador de Jujuy, situated on the Rio Grande de Jujuy or de Aquilotes. It has one member in the present Congress, which is its full quota of representation. The whole, or the greater part of this province is said to be at this time occupied by the enemy.

Turning to the west, and crossing the mountains, is found the province of Chicas, extending along the brow of the great Cordillera of the Andes, which separates it from the desert district of Atacama, and north of the province of Tucuman, as far as the source of the Pilcomayo; thence, descending that stream, and passing the ruins of ancient Tarija, and ascending the Rio Toxo until it intersects the Chica mountains, it forms what is called the province of Chicas, extending over a space of twenty-six thousand four hundred square miles, and which has a population of ten thousand souls. Its chief town is the city of Tupiza, distant one hundred and eighty miles from the city of Potosi; besides which, it contains the city of Catagayta, on the river of the same name, which pours itself into the St. Juan below the town and great pass of Suipaca, which, together, unite soon after with the Pilcomayo. This province sends one representative to Congress, to which it is entitled, and no more. It is, at present, under the royal Government.

To the north, and adjoining Chicas, lies the far-famed Potosi. The valleys of Porco, Paspayo, and Yamparaes compose the present province of Potosi; and the circumjacent ridges of mountains, which overlook those valleys, form its lofty barrier and boundary, which embraces an extent of territory not exceeding twelve thousand square miles. This province contains a population of one hundred and twelve thousand inhabitants, thirty thousand of which are seated in the city of Potosi itself; and the city of La Plata or Chuquisca is said to be no less populous. This province was attached but a short time to the Union. According to some accounts, there were four representatives in Congress, which assembled at Tucuman in the year 1816. Its population would entitle it to seven members, but, at this time, it is not represented in Congress at all; and has been, for some years past, entirely under the royal authority.

To the eastward of Potosi, and between the Rio Condorillo, which divides it from Cochabamba and the mountains or Altos de la Intinuyo, is the province of Mizque, which is composed of the valleys of Pomabamba, Tomina,

and Mizque. It contains a population of fifteen thousand souls, and is nine thousand square miles in extent. Its chief city is Pomabamba. The population of this remote province exactly entitles it to one representative, which it has sent, although it is now subject to the colonial Government.

Directly to the west of Mizque, and north of Potosi, lie the valleys of Charcas or Chayanta and Oruro, extending to the principal elevation of the Andes, which compose the province of Charcas, that measures only five thousand square miles, and contains a population of one hundred and twenty thousand inhabitants; thirty thousand of whom are found in the city of Charcas or Chayanta, which is its capital. This province is now, and has been for some time past, under the government of the mother country. But, like some others, as we have seen, from liberality, policy, or intrigue, it has placed or continued three members in the present Congress; and yet, to be fully represented, Charcas ought to have ten representatives.

To the north of Charcas lies the small but prodigiously fertile territory formerly called the valley, now the province of Cochabamba, at the head of the Rio Grande de la Plata or Guapahi, which pours its waters into the Great Maranon. This province contains a population of one hundred thousand souls, the capital of which is the city of Oropesa; and yet its extent does not exceed three thousand four hundred square miles. Cochabamba, according to its population, ought to have seven representatives. As being now, and having been for some time past, entirely under the royal Government, it ought not to be represented at all; yet, according to some notions, or views, or circumstances, which I do not understand, it has one member in the present Congress.

Crossing the ridge of mountains which bound Cochabamba on the north, we enter a delightful valley called Cicacica, watered by various small streams with which the Rio Beni, one of the limbs of the great Amazon, begins to form itself. This valley constitutes the province of La Paz, the most northerly and remote one of the Union. It is said to contain a population of about sixty thousand inhabitants, and may be estimated at an extent of ten thousand square miles. When represented it will be entitled to four representatives. It is now, however, entirely in possession of the colonial authorities, and has no member in Congress.

From the northern boundary of La Paz, leaving the lofty ridges called the Sierras Altisimas, which are almost entirely encircled by the Rio Grande de la Plata, and passing by Santa Cruz de la Sierra la Nueva or San Lorenzo el Real de la Frontera to the mouth of the Rio Latirequiqui, thence down the Rio Paraguay to the lowest extremity of the territory of the Abipones, a short distance above Santa Fé; thence, ascending again by the way of the Laguna de Molaras, and along the eastern boundary of the provinces whose limits have been just described, to the Altos de Intinuyo, will present a very extensive triangular space of country running in a southerly direction into the United Provinces of South America. This territory is altogether owned and occupied by various tribes of Indians. It is an extensive elevated plain called the Llanos de Manso, watered by various branches of the Paraguay passing through it; but it is very illy supplied with timber. The tribes of the Llanos de Manso, as well as many others to the northward, were formerly under the pious pupilage of the Jesuit missionaries; but their pastors having been withdrawn and expelled, they have lost all the genuine notions of civilization that were taught them, if, indeed, they really ever learned any, and are now, in situation and habits, similar to our neighbors the Osages and Mandans of the river Missouri.

And, finally, after passing in an easterly direction over this great triangle of Indian territory, the province of Paraguay, in many respects the most interesting and important of the Union, presents itself. It is bounded by the rivers Paraguay and Parana, and the dominions of Brazil; and, with an extent of forty-three thousand two hundred square miles, it contains a population of about one hundred and ten thousand souls. Its capital is the ancient city of Asumpcion, situated on the left bank of the Paraguay. This province has never been attached to the Union. About the year 1810 the Government of Buenos Ayres sent an army into it, under the command of General Belgrano, for the purpose of forcing it into the confederacy. The Buenos Ayres forces were compelled to retire. Soon after, Paraguay declared itself independent, or some of the chiefs snatched the power from the hands of the colonial rulers, and declared war or a hostile non-intercourse against Buenos Ayres, which is the present state of the relations between them. And not long after, Paraguay assumed a similar stand with regard to the provinces of Santa Fé and the Banda Oriental. Paraguay, therefore, has never, at any time, had a representation in the Congress of the Union; but, according to its population, it would be entitled to send seven members.

This completes the survey I proposed to take of the several political divisions of this extensive Union, and of the local situation, the extent, the amount of population, and the relationship of each to the whole.

They having sprung from the same origin, and speaking the same language, having been bred up in the same religious creed, and been governed by the same laws, are of themselves strong foundations whereon to rest a political union. These circumstances operate very powerfully throughout Spanish America; they are among the leading causes which hold together a part of the provinces which I have described, and they produce a disposition in them all to unite; indeed, they seem, at times, to have excited the expression of a hope that all who speak the Castilian tongue, and worship according to the Catholic faith in America, might be formed into one grand confederacy. But the good sympathies arising from these circumstances will be displaced by the experience of profitable advantages; and the benevolence that is awakened by the sound of the mother tongue from the lips of the stranger, and his observance of the same forms of divine adoration, will be suppressed or banished by the dictates of self-interest, and a regard to those calls and necessities which local circumstances suggest or imperiously demand, and by those habits and customs which the peculiarities of the country insensibly inculcate and cherish. Therefore, to form an opinion of the nature and strength of those sympathies, interests, and circumstances, by which these provinces are now in part united or dissevered, attracted towards or repelled from each other, and also to render some of the traits in the character of its population more intelligible, and to understand the nature of its commerce, it will be necessary that we should take a survey of this Union with reference to the physical character of the country, and observe what are the articles produced by its soil, or by the ingenuity and industry of its inhabitants, making no other reference to the provinces than as they may serve to assist in designating the extent of each of those districts which are naturally and characteristically different from the rest.

Supposing we were to draw a line, beginning on the river Paraguay, near the city of Santa Fé, which should sweep northwardly so as to include a portion of the province of Cordova; thence bending round below that ridge of the mountains of Cordova, near the foot of which stands the town or village of St. Augustine; and thence passing along a little below the eastern boundary of the province of the Punta San Luis, proceeding due south, we should very nearly designate the western limits of one of the most extensive and peculiar plains in the world, which stretches from the shores of the Rio de la Plata toward the southern extremity of our continent, between the line I have described and the coast of the Atlantic Ocean. This is the vast flat plain or pasture ground of Buenos Ayres, or, as it is most usually and correctly called, the *pampas*, which word, in the Quecha tongue of Peru, signifies properly a valley.

This pampa, which forms a part of the territory of Cordova and of Santa Fé, and all that of Buenos Ayres, if measured entire into the country of the Patagonian tribes, extends in length fifteen hundred miles, and in breadth in a direct line, following the southern boundary of the Union, five hundred miles from the ocean to its western con-

fines. Over all this immense space there is not a tree, not a shrub, nor a single perennial plant to be seen, save only those few which here and there lift their heads near a herdsman's hut. There are no hills nor eminences, and the undulations are so gentle as only to be perceived by taking a long view over its surface; and then the eye passes round and round the horizon as over the face of the undulating ocean in a calm, where there is not a single object to delight, or to relieve, or to vary the scene. The keen blasts called the pamperos sweep over the houseless and unsheltered plain without the least obstruction; and the fierce rays of the sun are felt in all their unmitigated fervor. You are sometimes in sight of thousands of animals, but they are chiefly horned cattle and horses, and the deer, ostriches, wild dogs, and others, fly as you approach. For a while the pampas present the mind with an agreeable astonishment; but that soon subsides, and the eye may often be directed in vain in any way to obtain a single glimpse of society. Surrounded by a boundless, silent sameness, one sensibly feels the value of the voice and variegated scenes of nature. This interminable plain spreads out one of the most expanded and awful solitudes on earth.

I do not know that any chemical analysis has ever been made of the nature of the qualities of the soil of the pampas, nor can I say that the few experiments that have been tried to shade them with a lofty growth were made with botanical skill; but they have all hitherto failed. I can only relate what I saw, and what were recounted to me as the trials of husbandmen and others, who, actuated by a love of gain, or directed by fancy, were anxious to aggrandize themselves, or to decorate their possessions. It is now two hundred and thirty-eight years since the city of Buenos Ayres was founded, and in six miles out from the Plaza Mayor you take leave of all quintas, and gardens, and orchards, and enter upon the great naked plain. The post road from Buenos Ayres to Mendoza (along which I travelled) passes five hundred miles over these pampas. In all that distance I saw not a single stone, no gravel, nor any sand; the surface of the earth appeared to be entirely a soft, black, rich soil on the banks of some of the rivers, and in places a reddish clay appeared. The water in almost every well in the city of Buenos Ayres is brackish; that of the wells in the pampas is generally as bad, and in some places worse. The water of the river Plate is used for drinking where it can be had. Many of the rivers of the pampas are brackish, as their names indicate, and there are in these plains many salt lakes; those called the Laguna Brava, one hundred and twenty miles, the Laguna Palantalen, one hundred and forty miles, the Lagunas de Monte and del Oeste, two hundred miles, and the Salinas de Paraguyes, two hundred and sixty miles from Buenos Ayres, before the revolution, at one time employed constantly from three to four hundred carts in carrying salt from them to the city for the supply of the country, and they now furnish a considerable quantity. There is under the whole of these pampas from three to twelve feet, and in some places more; below the surface a stratum of earth of a foot or more in thickness, which appears to be a concreted clay, about as firm as a common brick. This concretion, as it projects along the water's edge of the Rio de la Plata at the city of Buenos Ayres, is called *tosco*, or rough earth. On the margins and beds of most of the watercourses this stratum of tosco is visible; and the Rio Arecefe, or the river of the paved bottom, rolls entirely over it for a great distance. Near the banks of the La Plata, the Paraguay, and their branches, there are a few large trees and some shrubbery; but most of the lesser streams creep through the plains as in crooked ditches, without their courses being perceived at any distance, either by trees, shrubs, cliffs, or valleys.

The pampas are exceedingly productive in grass, and a great proportion of them are beset with a species of thistle, which grows from two to seven feet high, and is not unlike our garden artichoke. The only tree that seems to flourish everywhere, as a natural free citizen, is the embudo, or the perennial poke; its trunk, however, is a mere watery pulp, and the growth is utterly useless for every thing but shade. The peach grows well; but, in our country, it flourishes best on the seacoast and on the borders of the salt marshes. The olive and the fig also thrive; but they are natives of the dry and saline deserts of Arabia. Except these, there are no trees which appear to indicate that nature made them welcome where they were. There is no tradition that, in all this immense extent of territory, called the pampas, one single stick of good timber has been ever found growing at the distance of one mile from the rivers. If I might be indulged in adding a conjecture to the facts I have related, I would say that it seemed to me that this great plain had been gently lifted just above the level of the ocean, and left with a surface so unbroken and flat as not yet to have been sufficiently purified of its salt and acrid matter, either by filtration or washing, as to admit of the growth of any thing more than mere grass and herbage, out of the upper stratum by which it is covered. The pampas are sometimes afflicted with the most wasteful droughts, when vegetation is parched up, the ponds and streams are dried, and the numerous herds of cattle either die of thirst, or wander away towards the rivers in pursuit of water, and are wholly lost.

The soil of the pampas produces good wheat, barley, and Indian corn; but the crops frequently fail. The grain of the wheat has the appearance of a very inferior quality; but it makes excellent flour, and is said to be much superior to that of Chili, which looks so much better on comparison. Chacaras, or grain farms, have neither been extended nor multiplied since the revolution; and I question whether agriculture be likely soon to increase in this country; while, on the one hand, it has to overcome the difficulties incident to the want of timber, and the peculiarities of the soil, and, on the other, to resist the temptations to pasturage, to which the country invites so strongly, and to which it is so eminently suited. The staple commodities of this great district of pasture ground are derived chiefly from its innumerable herds of cattle. It might furnish any quantity of salted beef; but the present Government has thought proper to prohibit the putting it up. Therefore, the only articles which it now furnishes are hides, tallow, horns, wool and hair, viscacha, sheep and wild dog skins. In some years it produces a surplus of wheat; and it has furnished, and still supplies, some salt from its lakes. There are, also, some furs and swan skins, and feathers brought from the Patagonian territory. The ostrich of the pampas, with the size and speed, and much of the manners and habits of that of Africa, has not a single feather of his soft waving elegance of plumage. The pampa bird is clad in a very coarse gray garb, which, when plundered from him, except what is suited for bedding, is neither ornamental nor useful. Buenos Ayres is the principal city of this district; and as it is the seat of Government, the public manufactory of arms has been erected there. The productions of its industry are playing cards, beer, spirits distilled from barley and fruit, cleaned hair and wool, hats, boots and shoes, tinware, Windsor chairs, cabinet manufacture, olive oil, candles, soap, shipbread, and some few others. In the country, the people manufacture some hats, boots, shoes, and coarse woollen cloths.

Taking in the whole of the Banda Oriental, that which may be properly called the Entre Rios; all the residue of Cordova, below the mountains; all of Santiago del Estero; and so much of Tucuman and Salta as is not extended over the mountains, and we shall describe another vast district of the pasture lands and plains of this Union, the uses of which have been hitherto similar to those of the pampas; but the nature and capacities of which are very different, and the destinies of which may finally, perhaps soon, receive another direction.

The soil of the Banda Oriental is uncommonly productive, and well adapted to all kinds of grain, of which it can easily be made to yield a most liberal return. Its surface is very waving, and everywhere abundantly irrigated with never-failing springs and streams of the purest water. There are some great spaces destitute of timber, particularly along the coast of the river La Plata, towards the Portuguese settlement of Rio Grande de San Pedro. Groves of fine timber, more than sufficient for all its necessary probable wants, are, however, scattered over its

whole extent, and its more northern extremity is, for the most part, an entire forest. There has no quality yet been discovered in its generous soil, which indicates the least unkindness to any species of vegetable growth. There are no bogs, swamps, or lakes to be found in any part of it; and its climate throughout is remarkably salubrious. In short, buxom nature frolics over this beautiful scene, and with an open hand bestows everywhere health, variety, gaiety, and fecundity. The Banda Oriental has, however, hitherto been applied to no other purpose than pasturage, and the rearing of cattle, mules, and horses.

The country properly called the Entre Rios is, in most particulars, similar to the Banda Oriental; it is very fertile, and is furnished with an abundance of timber. There are, however, some extensive plashes in it, such as the baxada or low grounds opposite Rosario, which are dry in summer, and, in the wet seasons, covered with water; the soil, in such places, shoots up a species of reed, or large coarse straw; hence they are distinguished by the Spanish name pajanal. It was in one of those pajanals, then dry, near Santa Fé, in which the Buenos Ayres troops suffered so severe a defeat in April last. Almost the whole of the Entre Rios, like the Banda Oriental, has hitherto been employed only as a pasture ground; and, for that purpose, its fertile rincons, or forks of rivers, have been considered as the most valuable estancias, or pasture farms, in the country.

The residue of the territory of Cordova, not embraced as pampa or mountain; all that of Santiago del Estero, with so much of Tucuman and Salta as lays below the mountains, is, in general, an elevated, dry, sandy plain, destitute of timber, except near the watercourses. The Rio Dulce occasionally overflows its banks, and fills large ponds near it, leaving them stagnant, and making the neighborhood very unhealthy. Hence the addition of Estero to the name of the city of Santiago; for, when the Rio Dulce pours its waters over its banks, forming a great lake in its vicinity, it is then, unfortunately during a sickly season, truly called Santiago of the Lake. This vast plain, as well as that of the pampas, seems destined to eternal pasturage; hitherto, it has been applied to no other purpose. Being at a little distance from the rivers, higher, drier, and more copiously supplied with pure water than the pampas, it is, therefore, better adapted to the rearing of horses, mules, and sheep, of which there are great herds and flocks on those plains.

The principal internal commerce from Cordova and this district, prior to the revolution, was its trade in mules, sent over to Lower Peru and Lima. This traffic, although at present wholly cut off by the war, deserves notice as illustrating the actual state of the country, and the nature of its productions. At two and a half years old the mules were purchased of the breeders, in the Banda Oriental, Entre Rios, and round about, and gathered in herds near Cordova, where they were wintered, and remained about six months. Thence they were taken up to Salta, where they spent a second winter; in which time they obtained their full growth, and were put in good order for the prodigious journey they had before them. Thus, somewhat gentled, seasoned, and prepared, they were presented for sale in the great mule fair at Salta, which opened in the month of March, where they were sold at from ten to fifteen dollars a head. The drover having purchased as many as, assisted by his peons or hirelings, he could manage, which was, on an average, two or three thousand, he set out on his journey towards Lima; which, taking into account the circuits he would be obliged to make to find pasturage for the drove, may be safely computed at not less than two thousand miles, and a great part of the way over the crags and defiles of the most rugged and lofty portions of the Cordilleras, among which many of his mules commonly strayed off, and were wholly lost. To reach Lima with two-thirds of the numbers with which the journey was commenced from Salta, was reckoned a successful voyage. Mules which cost in Salta fifteen dollars, were sold in Lima for twenty-five or thirty dollars. One year with another, there were, in this manner, travelled over, from Salta to Peru, from fifty to seventy thousand mules. All the labor and transportation by beasts of burden in Peru has been, until lately, performed entirely by mules; and they seem to be the only animals which can be trusted along its precipices, and can labor under its burning sun, or that are well suited to the climate and country. This mule trade has now been so long cut off, that the stock of these useful animals in Peru is nearly exhausted, and the conveniencies and the productions of the country are materially affected by it. The price of a good mule now in Peru is more than three or four times what it was in the years before the revolution.

The productions of this extensive district of dry plains and wooded pasture, which I have just described, are chiefly similar to those of the pampas; they are hides, horns, tallow, hair, wool, sheep and wild dog skins, and some peltry, Indian corn, wheat, barley, and rice, fine potatoes, oranges, figs, grapes, and thence wine, brandy, and raisins, tobacco, timber, and lime. The articles which the ingenuity and industry of the people of this district produce for home consumption or domestic exchanges, are hats, tanned leather, coarse cotton and woollen cloths, candlewick, and ponchos or cloak of the country.

To the southward of the mountains of Cordova, and to the westward of the pampas, including the whole of the province of the Punta San Luis, and the eastern part of the province of Mendoza, is another district of mere pasturage. It is a high, dry, broken plain, and perhaps the most barren and unproductive of any in the Union. A great part of it is covered with several kinds of thorny shrubbery, interspersed with which there are some small timber trees. This district produces hides, tallow, horns, some grain, wine, brandy, and dried fruit.

By including a considerable extent of the Entre Rios round Corrientes, and the whole of the province of Paraguay, we shall designate a district which by many is considered as the fairest portion of this great Union, and equal, in its various excellencies, to any tract of similar extent in all our continent. Its climate is delightful, possessing all the advantages of that of the torrid zone, without being visited by the fierce rays of its sun, or being enveloped in its pernicious vapors. The face of the country is not mountainous, nor anywhere flat; it is well supplied by a great variety of streams of pure water; its soil is everywhere found to be exceedingly fertile and productive, and a rich and variegated forest originally overshadowed the whole, and now covers a great part. This forest produces mahogany, and several other kinds of beautiful wood suited to cabinet work, and furnishes, besides, an abundance and variety of timber excellently adapted to domestic and naval architecture. This may be regarded as more particularly and especially the agricultural district of the Union. The state of husbandry in Paraguay is said, however, to be, like that of the other provinces, in a very low and unimproved condition, and conducted in the most rude and unskilful manner. The productions of the country are as various as they might be abundant. The sugar cane grows well, but little sugar is made; its juice is chiefly manufactured into spirits. This district produces Indian corn, wheat, and barley, but exports little or none. All the European fruit trees flourish and produce well; the orange, fig, olive, and vine grow luxuriantly. It produces cotton, flax, hemp, and tobacco, hides, tallow, lion skins, tiger skins, and some peltry. Its inhabitants manufacture hats, shoes, and several kinds of coarse cotton and woollen cloths for home consumption chiefly, and they make, for the markets of the other provinces, tobacco, cigars, and matte.

Within this district grows that singular vegetable, so much in demand and use over all South America, called matte, or the yerba of Paraguay. It is a perennial plant, rather a tree than a shrub, and, when full grown, is about the size of a common apple tree. Every spring, when the tree puts forth, as it does very luxuriantly, its succulent boughs, to about the length of two or three inches, and, when the leaves are about half formed, the young shoots, are cut, gathered, and carefully dried; and, when perfectly cured, are put up in sacks, made of raw hide, of about one

or two hundred pounds weight, and sent abroad over all the adjoining provinces. The young shoots and leaves of the matte, it would seem, have received the name of *yerba*, rather from the soft and *herbaceous* state in which they are gathered, than from the character of the plant. The yerba is used in decoction, like the tea of China; but, instead of making it, like that, in a pot, and serving it out in cups, it is made in a little vase, and sucked up through a small tube of about a foot in length, called a bombilla, or little pump, at which each one draws. The matte is used by all ranks and classes, and is one of those luxuries which has grown into as inveterate and necessary a habit as the use of the tea of China in the United States.

Embracing all the residue of the Union under one view, we find an extensive mountainous district, stretching along below the eastern brow of the Andes, from Mendoza to La Paz, and spreading out over the whole of the province of Jujuy, as low down as the confines of the Llanos de Manso. On all those within this district I shall bestow the epithet of the *High Provinces*, as lying entirely among the broken and rugged elevations of the Cordilleras of the Andes; some of them, from Jujuy north and west, have been rather vaguely designated heretofore by the name of Peru-Alto, from their having formed a part of the empire of the Incas, whose seat was at Cuzco, three hundred and seventy miles to the north of La Paz. Throughout the whole of the high provinces, almost every one of the Spanish settlements seems to have been originally attracted to its present seat by an expectation of the wealth to be derived by the extracting of the precious metals from some mine in its vicinity. Each town and valley, from that of Uspillata, near Mendoza, to those of Chicas, Potosi, and La Paz, has had, or now has, some productive mine in its neighborhood. Population has gathered about these subterranean masses of wealth, and agriculture was made necessary for the support of those who came to dig, or to profit by digging for silver and gold. Recourse was had to the neighboring valleys, and the cultivation of their generous soil has, in many respects, been found more profitable, and exposed to fewer disappointments than mining. Hence, this great district, first seated as a mining country, has now become rather more of an agricultural one. The mines of Uspillata and Famatina have ceased to enchant, or to be as productive as formerly; and the watered and cultivated fields and vineyards of Mendoza, San Juan, Rioja, Catamarca, and many other valleys, have brought such a pleasing and a comfortable wealth to their owners, that they are, in many respects, perfectly cured of their fanatic love of Plata, and have become as indifferent about searching after it as their predecessors the original natives.

I directed my inquiries in various ways, for the purpose of ascertaining, with some degree of certainty, what had been, or now was, the total amount of the precious metals extracted from the high provinces of the Union, but found it impossible to obtain any data whence a tolerably fair estimate of their fecundity could be made. Before the revolution the productions of the mines of Peru-Alto were, in part, sent to Lima, in part to the ports of Cobija and Arica, on the Pacific; but the greater part was exported from the city of Buenos Ayres, whence between two and three millions of dollars were sent to Europe annually; but then a very great proportion of that amount was derived from Chili. Again: the amount sent to Spain from Chili, every year, was about two or three millions of dollars; but then the whole of that amount, together with what was sent over the Andes, cannot be set down as its own production either, because a great portion of it was obtained from Lima, Arica, and Cobija, in payment for its wheat; so that if we are to ascertain the amount of the exports of each of the three viceroyalties of Peru, Chili, and Buenos Ayres, it would be difficult to say how much was properly its own production, because of their having been so intermingled. Since the revolution the mines of the high provinces have been very much neglected, owing to the country's having been in so distracted a state, and so much the seat of war. It is said that, within the last year, Buenos Ayres has exported about two millions of dollars; if so, a very small amount has been obtained from the high provinces, because much the greater production, or nearly all of that amount of its metallic exports, has been, in various ways, drawn from Chili.

In addition to the precious metals, the high provinces produce copper, tin, lead, and iron; hides, tallow, wool, wheat, corn, and barley, rice and cotton, of which last article Catamarca is uncommonly productive. They produce, also, wine, brandy, and abundance of dried fruit. It will be proper to observe, however, that this district extends over a part of that singular region of America where, owing to the elevation and range of the Andes, or to some other causes, the vapors that are lifted into the sky are not permitted to fall on it in rain during the summer months; and, consequently, as it does not rain for many months together, the valleys, to be made arable, must be irrigated from some neighboring stream of water. Beside the productions of the mines and the valleys of this district, there is drawn from the heights and obscure retreats of the mountains a considerable quantity of peltry, of which gunaca, vecuna, and chinchilla skins are the chief. The gunaca wool is equal to the merino, and the wool or fur of the vecuna seems not only to be capable of being manufactured into the finest cloth, but hats made of it rival, in lightness and fineness of texture, those made of beaver. The inhabitants of this district of the high provinces manufacture hats, shoes, tanned leather, and several kinds of cotton and woollen cloths, and ponchos. And, in many respects, the native Indian mode of manufacturing, as well as the form of the fabric, has been retained.

The various routes, and the facilities by which internal exchanges are effected, and the points at which they draw together and meet the commerce of foreign nations, with much truth may be considered as the cords by which a nation or a union is bound together; along which, as by so many nerves, each province is made sensible that it belongs to one whole, and every limb is made to brace itself in the common cause of all. Therefore, to complete the concise review which I propose to present to you of this Union, its several parts, and its productions, I shall exhibit some of its principal paths and channels of commerce, and the manner and the places at which its productions are collected for barter among themselves, or gathered together to meet the exchanges of our citizens and those of other nations. These details may, perhaps, appear to be unnecessarily tedious, but I know not how to compress them; and, besides, statistical information consists in mere matters of calculation and interest, in which we look rather to the value and the utility of the knowledge, than to the beauty of the scene which it is in the power of the narrator to depict.

I have endeavored to lay before you a fair representation of the peculiarities of the country; and, as may readily be supposed, some of the peculiarities and the facilities of internal transportation grow out of, or are the natural suggestions of those of the country. The pampas are, in rainy seasons, very wet, and in places there are great pantanas, or spaces of soft mud; for want of stone, or gravel, or wood, the roads cannot be rendered firm for carriages. There are few places of refreshment or repair, and the distance over them is prodigious. The carriage of burden is, therefore, accommodated to these circumstances. The Tucuman and Mendoza carts, at a little distance, look like thatched cabins slowly moving over the plain. The whole machine is destitute of a nail or a bit of iron; its great coarse wheels are not less than eight feet in diameter; six oxen, in general noble, strong animals, move it. The two front pair have a great length of cord by which they draw; and the load of the cart, which, on an average, is not less than four thousand weight, is pretty nearly balanced on the axletree; the body of the cart is either covered with raw hide or thatch made of reeds or straw; and, with a collection of brushwood as fuel, tied on the top, and brought from the westward of the pampas, these carts are seen crossing the plains in caravans of from thirty to forty together. On the journey the oxen are unyoked occasionally through the day, and at night, and permitted to seek their food round about. Thus, without any other provision than what is necessary for himself, the

carrier pursues his way over a waste of thirty days or six weeks' passage. There are in Buenos Ayres and Mendoza a number of owners of these carts; and the several common carriers of Tucuman keep about two hundred of them constantly employed in the trade of that city. From Buenos Ayres to Mendoza the distance is nine hundred miles, and the fare is from one hundred and forty to two hundred dollars the cart load downwards; but, to the westward, the fare is only about forty dollars the load. The route is performed in about thirty days. From Buenos Ayres to Cordova the distance is four hundred and fifty miles, the fare, per cart load, is twenty-five dollars, and the journey is performed in about sixteen or eighteen days. It is nine hundred miles from Buenos Ayres to Tucuman, and the fare, per load, according to seasons, is about one hundred and fifty dollars. From Buenos Ayres to Jujuy, the distance is twelve hundred miles, and it is the utmost extent to which the roads are practicable for wheel carriages; the fare is not less than two hundred dollars the cart load.

Mules are used for transportation in every direction over land, as well where carts can, as where they cannot travel. But they are most commonly employed to traverse the mountains, and to bring down to Buenos Ayres the productions of the high provinces. San Juan is only one hundred and eighty miles to the north of Mendoza; and along the valley parallel to the Andes there is a good cart road from one to the other; but the direct road from San Juan to Buenos Ayres is no more than nine hundred miles, but it is only practicable for mules. In general, in the high provinces, there are no roads which are at all passable for carriages. A mule load, according to the custom of the country, is four hundred pounds weight, for which the fare between San Juan and Buenos Ayres is ten dollars, and the route is usually performed in thirty days. From Buenos Ayres to Cordova the fare is seven dollars, and so in proportion further, or in other directions. From Jujuy, whence the transportation can only be effected, in any westwardly or northwardly direction, on mules, the distance to La Paz, the most remote city of the Union, is about seven hundred miles, and the fare is thirty-five dollars the mule load. The carriers, who make a business of transportation by mules, have from fifty to one hundred of these animals in a drove, the greater number of which are loaded when on a journey; and whatever may be the route they pursue, they carry no provisions with them, nor purchase any by the way for these beasts of burden. Either on the plains, or in the mountains, the patient, hardy animal, relieved of his pack, is turned loose at night to gather his food, and take his rest; and in the morning the load is replaced, and he is driven on, very commonly, the whole day without stopping.

The mail leaves Buenos Ayres for the northwest four times in the month. The whole distance to La Paz is little short of nineteen hundred miles; and the mail usually reaches that city from Buenos Ayres in forty days. It is said that individuals, by the usual mode of taking relays of hired post horses, and pressing forward, have gone the whole route to La Paz in twenty days, and that extraordinary expresses have gone through in twelve days from Buenos Ayres.

These are the principal paths of the commercial intercourse of the Union over land; the channels of communication by water, that have been accessible to foreigners, or which have been at all used by the inhabitants, are only those of the Rio de la Plata and its tributary streams. If we should measure directly across the mouth of this great river, from the Portuguese dominions to the line I have designated as the boundary of the Patagonian territory, we shall find a length of not more than about three hundred and seventy miles of coast on the Atlantic belonging to the Union; but if, as seems to be most correct, the river Plate be considered merely as a great arm of the sea, and its shore be taken into the account, then the Union will be found to have an extent of between five and six hundred miles of coast. The Rio de la Plata is said by navigators to have many dangerous singularities, and materially to differ from every other known river of the world. No vessel drawing more than eighteen feet water can pass up to Buenos Ayres; and all navigators are cautioned to beware of its singularly changeful currents, and the destructive blasts, called pamperos, which occasionally sweep over its surface. There are no fish of passage, which, at any season, frequent this estuary; and, therefore, there can be no fishery anywhere in it for the purposes of profitable commerce, except, indeed, the seals that may be taken on the islands of Flores and Lobos, near its mouth. The Rio de la Plata commences from Cape St. Maria, on the north, and Cape St. Antonio, on the south; thence it gradually narrows until it reaches Buenos Ayres, where it is about forty miles broad, and it terminates by a round end just above the small island of Martin Garcia, which is said to command the mouths of all the rivers which unite a little to the northwest of it, and pour their waters into the La Plata. At present this island is uninhabited, and seems to be considered as of little other importance than as a convenient place to procure paving stones for the city of Buenos Ayres.

On the shore of the Banda Oriental, just within Cape St. Maria, is the port of Maldonado. The harbor is chiefly formed by the small island of Gorette. There are six or seven fathoms water within it, but it is not of easy access, except for small vessels; those drawing eighteen feet or more must enter by a crooked channel to the westward of the island. Next above Maldonado, on the same side, is Montevideo. It is a tolerably good harbor for such vessels as can enter, but it has not more than fourteen feet of water within the cove. The ensenada de St. Lucia, above Montevideo, has about eighteen feet water at its mouth, but furnishes no harbor. The Rio las Conchas, whose mouth is in the territory of Buenos Ayres, just below the Paraguay, is entered by vessels of ten or twelve feet draught of water, and for such it affords a good harbor. The city of Buenos Ayres is itself situated on a long, straight reach of the coast of the La Plata, and the vessels trading or belonging there lie out from two to seven or eight miles from the shore, in a bleak, unsheltered roadstead. The ensenada de Barragan, or the mouth of the creek of Barragan, below Buenos Ayres, affords a harbor for vessels of about twelve feet draught of water. Except these, the only security for any vessel, anywhere within the Rio de la Plata, is her ground tackle.

Passing the island of Martin Garcia, and ascending the Uruguay, on tide, by a broad and bold navigation fifty-four miles, the beautiful Rio Negro presents itself, entering from the eastward. This limpid stream, whose waters, collected from the pasture ground and groves, beset with sarsaparilla, of the Banda Oriental, are pleasant to the taste, and said to be for many cases medicinal, is navigable for all vessels that can pass over the bar in the La Plata, as far as Capilla Nueva, about forty miles from its mouth, where the capital of the country, now called Purification, has not long since been fixed. This river hides its head in the Cerro de Lascano, nearly three hundred miles farther up, and is said to be navigable for boats some distance above Purification.

Returning, to follow up the Uruguay, it is found to afford an easy, uninterrupted navigation as far as St. Antonio, or Salta Chico, more than two hundred miles above its mouth, to which place the Government of Buenos Ayres, in the year 1810, sent several launches, of many tons burden, laden with provisions and munitions of war for its army then stationed there; and I have understood that it is navigable to Capilla St. Pero, a hundred miles still further up: thence the stream is uncommonly rapid for more than three hundred miles, to where it receives the Rio Pepry from the west, and its right bank forms the boundary of Brazil; thence, about fifty miles farther, it is met by the Rio Vermejo from the east; and from thence to its source, in the Sierra de Sta. Catherina, opposite the island of St. Catherine, on the coast, a distance of about two hundred and fifty miles, it passes wholly within the Portuguese dominions. The general course of this river is nearly northeast; and its whole length, travelling with its course, may be estimated, from its source to its mouth, at little short of one thousand miles.

Immediately opposite to the island of Martin Garcia, within a space of about forty miles, the great river Paraguay pours its mighty collection of waters into the Rio de la Plata through seven mouths, of which the Brazo de la Tinta, on the left, enters the Uruguay from the west, and the Bocha de las Palmas, on the right, enters the La Plata on a line with its western coast, just above the Rio de Lujan; but the chief opening, and that which is most usually navigated, is the Boca del Guante, which presents itself directly to the west of Martin Garcia. Any vessels which can cross the three-fathom bank in the La Plata below Buenos Ayres may ascend the Paraguay with ease and safety to Santa Fé, three hundred miles to the westward of Buenos Ayres, which, with a fair wind, may be reached in ten or twelve days; indeed, it is said that such sized vessels may ascend as high as Corrientes. In ascending the Paraguay from the mouth, you pursue a northwest course, about two hundred miles, to Rosario, a town on the right bank; thence north, one hundred miles, to Santa Fé, which is also situated on its right bank, and just above its confluence with the Rio Salado; thence, bending away nearly northeast, and ascending about four hundred and fifty miles further up, and twenty miles below the mouth of the Parana, you arrive at the city of Corrientes, situated on its left bank. Pursuing the same course about two hundred miles still further up, you arrive at the ancient city of Assumpcion, once the capital of the whole country, now that of the province of Paraguay only; thence, following a course more northwardly, after ascending about one hundred and fifty miles further up, you reach the Brazil line at the Rio Ipane, which enters from the east, at the mouth of which is situated the village of Nueva Sta. de Belem; thence rising along the stream, in a direction nearly north, and having the Portuguese dominions on the right, for a distance of three hundred miles, you meet with the Rio Latirequiqui, entering from the west, near the end of the Cordillera de San Fernando, which elevated range of mountains forming the boundary of Brazil, the river becomes wholly the right of the Portuguese; thence pursuing the same course for a distance of three hundred miles further through the great morass of the Xareyes, you find the marco, or marble pyramid, erected as a boundary in 1754, near the mouth of the Rio Jouru; by ascending which some distance, the traders of the country carry their boats over a portage of four thousand eight hundred yards into the Guapore; by descending which to the Madeira, and thence downward, they reach the mighty Maranon. About three hundred miles farther up you find the sources of the Paraguay in the Prisidios dos Diamantos; so called from its being said to have the richest diamond mines in all Brazil, perhaps in the world. So that the Paraguay, in the whole, extends itself, in a northwardly direction, nearly two thousand miles; about fifteen hundred of which affords good boat navigation, and between six and seven hundred is said to be practicable for sea vessels.

The principal branch of the Paraguay is the Parana; and, on entering it, you ascend in an east direction about two hundred and thirty miles to La Candelaria; thence, ascending northeast one hundred and fifty miles, to the point at which it receives the Rio Ipane from the east, which is the boundary of Brazil; thence, with those dominions to the east, pursuing the same course one hundred and thirty miles farther up, and you arrive at the Salta Grande, or great waterfall, which interrupts the further navigation of this stream at the lower end of the Ilha Grande, and near the end of the Cordillera Alto de Maracayu, which is the Brazilian boundary on the right bank of the river. From this, the Parana ascends, in a northeast direction, into the Portuguese dominions, about four hundred miles, where it is divided into two branches, one the Rio Grande, which, turning to the eastward, and extending about four hundred miles farther, is lost in the great mountains, about one hundred and fifty miles to the north of Rio Janeiro; the other branch, called the Parana-iva, after stretching due north about three hundred and fifty miles, reaches its source in the lofty ridges of the Sierra de Marcella.

Of those rivers which enter the Paraguay from the west, there are only three which, as far as I can learn, merit particular attention. The Rio del Pasage, after collecting the waters from the valley of Calchioqui, and traversing the greater portion of the province of Salta, unites with the Rio Tala, and forms the Rio Salado; which, after winding its way, in a southeast direction, through the plains of Tucuman, Santiago, and Cordova, and travelling a distance of about four hundred miles, throughout the whole of which it is said to afford boat navigation, slants into the Paraguay at Santa Fé. The river Vermejo, after receiving the waters of the valleys of Tarija and Rosario, descends to the western margin of the Llanos de Manso, along which it moves past the territories of Jujuy and Salta; then, turning to the eastward, it crosses those great plains, and enters the Paraguay about fifty miles above the mouth of the Parana, travelling a distance from the town of Tarija of more than seven hundred miles; and, about midway of its course, receives the Rio Jujuy, after it has pursued a route of about two hundred miles in length from the city of Jujuy. In the year 1790, Colonel Cornejo, in a boat of several tons burden, did actually ascend the Rio Vermejo as far as the town of Tarija, without meeting any material obstructions from cataracts or ripples. The river Suipacha, after receiving the waters of the St. Juan from the salt pampas at the foot of the principal Cordillera of the Andes to the north, and those of the Rio del Oro, which are precipitated from the same lofty eminences, to the south, in the province of Chicas, and passing the crags, and wilds, and fertile valleys which it meets in a course of three hundred miles, finds itself associated with the branch called the Pilcomayo or Paspayo, which has traversed a similar country for a distance of three hundred miles from the foot of the mountain of the famed silver mine of Potosi; thence, moving on their joint waters, they meet with the Rio Chachimayo, after it has descended from the mountains of Charcas, and passed the city of La Plata or Chuquisaca, at one hundred and fifty miles above; with which river they unite to form the Pilcomayo, properly so called, near the eastern end of the fertile valley of Ingre, in which the warlike Chiriguanes Indians have twenty-six villages; from which the Pilcomayo, entering directly into the Llanos de Manso, and crossing them in a southeasterly direction, passing great numbers of the habitations of the savages who dwell in those plains, pours its waters into the Paraguay by two mouths forty miles below the city of Assumpcion. How far this river is practicable for boats of any size, I have not been able to learn; but I am induced to believe, from the description of the plains through which it passes, that it must be navigable a great part of the way.

These are the principal paths and channels by land and water; and this is the manner in which the greater part of the productions of this extensive Union are transported from one province to another, or by which those suited for a foreign market find their way to the city of Buenos Ayres; for the new Government allows of no other port, either for exportation or importation. One of the consequences of independence and union to our country was, that its commerce, as well internal as external, almost immediately left many of its former colonial courses, and sought others; directing itself to points and along ways adapted to the natural advantages of the country and the best interests of the people. Hence, the decline of some of our colonial towns, and the very rapid growth of some of our cities. A similar consequence, to a much greater extent, might have been expected to have arisen from the revolution of the Spanish colonies on the river Plate; but none such has yet taken place. On the contrary, those noble rivers which nature seems to have poured through their country as immense conveniences, advantages, and benefits, have been to them the waters of bitterness and discord. An attempt was made to export and import from and to Santa Fé, which was so great an advantage to all the country west and north of it that much traffic began to flow that way. Buenos Ayres forbade it; and this is one of the grounds of the controversy between Santa Fé and Buenos Ayres. The people of the Union are contending for independence, that they may, among their other rights and liberties, establish the freedom of commerce, so that its courses may be directed solely and

exclusively by convenience, profit, and advantage. If commerce be dragged away from courses so chosen, it is a monopoly; and, although it may not, in some respects, be as pernicious as that of Cadiz, it is a monopoly. One of the consequences of the present strife to Buenos Ayres is, that it can procure not a single stick of that necessary article, timber, with which the banks of the rivers beyond the La Plata abound; but is supplied from Cordova by its carts, or timber is brought from Brazil, or the United States; in which cases, it is admitted free of duty, and is said to yield a good profit, such are the present high prices of timber in this new country.

The aggregate amount of the imports of Buenos Ayres, within the last two or three years, has been estimated at about eight millions per annum; of this amount, about one-half consists of British manufactures, and productions of one kind or other; and the rest is made up principally of French, German, and India goods of various descriptions, and a small proportion of the manufactures and productions of the United States. The principal of our commodities which have found their way to advantage to Buenos Ayres, seem to be cordage, pitch, tar, salt fish, furniture, Windsor and rush-bottom chairs, rice, butter, spermaceti candles, porter, ale, cider, gin, peach brandy, writing paper, plank, and some other articles that I may have omitted. But latterly our trade thither has been very limited, and has constituted rather in carrying the goods of European and Indian continents for the purpose of procuring the few articles we want from them, than its being a market for our own productions of any sort.

The exports of Buenos Ayres for some years past have been, it is said, on the decline. During the last year, they have been thus estimated; it has exported one million of hides of all descriptions, which, valued on an average at three dollars each, makes three millions of dollars; it is computed to have made up three millions more, of the following articles: tallow, horns, horse hair, jerked beef, copper, tin, lead, chinchilla skins, nutria, lion, tiger, wild dog, seal, swan, viscacha, and sheep skins; sheep, vecuna, and guanaca wool, and feathers, with some few others of less value, or that are produced in smaller quantities. And the balance, consisting of two millions, it is said, has been made up by specie derived from the mines of the high provinces, and from Chili, in return for the foreign manufactures sent thither by the way of Mendoza, and in payment for its matte, and by various other ways and means.

The Spanish settlers in America have everywhere discovered a disposition to group themselves together in towns and cities. It is rare to meet a country gentleman resident on his estate, or to find a wealthy land owner, who has not a house in the city, which is his usual place of abode; from which his chacaras and estancias, that is, his grain and grazing farms, committed to the care of peasants or slaves, are occasionally visited. The reason of this mode of life, it is said, arises from the inertia of the Spanish habits. The owner commits the care of his estates to his slaves, or makes them grazing farms, which require little attention, that he may lounge away his time in a city, with every convenience about him, and enjoy those long intervals of repose of which a Spaniard is so fond. But the modern Egyptian and the modern Greek, whose countries were once the busy hives of industry, and the lands of enterprise and science, are as inert and as fond of repose as the modern Spaniard; may we not, then, suppose the causes of this love of repose to have been the same in all?—the hebetating political and ecclesiastical institutions, whose impressions have been with fire and sword, and faggot, cut and branded upon them all? But, whatever may have been the cause, such is the fact, that the more wealthy, intelligent and better sort of people are universally found in the cities and the towns. The best and fairest sample of the population of the Union, it is said, is to be found in the city of Buenos Ayres; and there are some circumstances which render the assertion not improbable. That city, almost ever since its foundation, has been a seat of Government, and the emporium of all the foreign commerce of the country; the people have had much intercourse with foreign nations; and, of late years particularly, they have had the means of information poured in upon them; and they have, from every account, profited by it very much. They are, in general, very intelligent, and very unanimous in their determination to support their independence, and to establish their freedom. The lower classes have been materially benefited by the change, and they are perfectly sensible of the happy results. With very few shades of difference, however, the population of the great cities and principal towns of Buenos Ayres, Montevideo, Mendoza, Santa Fé, Cordova, Salta, Tucuman, Jujuy, Corrientes, Assumpcion, Potosi, Chuquisaca, &c. are all alike as to intelligence and general information. In the cities are found the great body of the leading and influential citizens of the Union, and their numbers are by no means inconsiderable, who have given an impulse to public opinion, and have kept, and will keep, the ball of the revolution in motion until the great end be accomplished of independence and substantial freedom.

The herdsmen or peasantry of the pampas plains form a very considerable proportion of the population of the country. Thinly strewed over the great pastures, those residing at a distance from the cities have, most commonly, each one the charge of an estancia, many leagues in extent. They have little society, are totally illiterate, lead an indolent life, and dwell on an immense waste, in continual solitude. Their habitations are constructed in the simplest form; in general, they consist of low mud walls, thatched with the long grass of the plains, tied on a layer of reeds, with raw hide thongs, or stuck on with mud. In the pampas a few peach trees stand round about; but the embudo, one single one, and no more, seems to be the herdsman's favorite shade, and designation of his dwelling. The bedding and clothing of the family, and the whole household furniture, exhibit a scene of laziness and dirt, yet mingled with apparent cheerfulness, great kindness, much natural intelligence, and an evident independence of character.

From infancy the herdsman is taught to ride, and there are, perhaps, no more expert horsemen in the world; much riding is required by his situation and mode of life; and to ride well is his pleasure and his pride. Either from the custom of his Spanish ancestors, or from its real and constant utility, the herdsman is never without a long butcher's knife, worn about his waist. His cloak is that gay, party-colored covering, formerly used by the natives, which seems to have been universally adapted to his taste and convenience. The Indians and the herdsman's cloak, or poncho, as it is called, is a square piece of cloth, something larger than a Dutch blanket, with a slit in the middle, through which the head is put, leaving it to hang down all around. This poncho is his bed at night, and by day his cloak, a belt, a saddle cover, or a bag, as fancy or necessity may require. It would seem as if similar circumstances everywhere made similar suggestions. Within that region of the globe designated as Central Asia, there are immense steps or plains not materially different from those traversed by the La Plata and its rivers. And it is said the Asiatic herdsman of those plains, like him of America, has, from the most remote ages, always used as a utensil, or weapon, the lazo, or running noose, either to manage his herd, or to attack his foe. The lazo is a cord or thong, made of strong, well-prepared hide, about thirty yards long, with an iron ring, or a loop at one end, through which a running noose or lazo may be made in an instant; the other end is fastened to the cincho or broad surcingle, which secures the saddle. The lazo, hung in a coil to the hinder part of the saddle, is thus ready for use. So soon as it is thrown and takes effect, the horse, as he has been taught, stands firm or moves off with what has been caught. The lazo is thrown by a herdsman with unerring aim, either on foot, or on horseback, or at full speed, at a fleeing animal or retreating foe. The herdsman of the plains is usually provided with another instrument similar in its use to the lazo. The bola is an instrument made with three cords of about three feet each from the knot which unites them in the middle; to the end of each of which is fastened a ball of about two pounds weight.

The bola, with a few twirls over the head, is thrown like a stone from a sling; and, entangling about the legs of the animal at which it is directed, instantly prostrates it at the mercy of the pursuer. And, whether thrown standing or at full speed, the herdsman's bola seldom flies in vain. This instrument, like the lazo, is usually slung to the hinder part of the saddle. Mounted, and thus equipped, the herdsman is ready for a journey of a thousand miles, the protection or the seizing of his herd, or for the defence of his country.

The European armies that have been landed on the shores of the river Plate have found the lazo and the bola to be weapons of war of a new, surprising, and singular cast. Their outposts often silently disappeared they knew not how; a dragoon, when at a sufficient distance, apparently, to be out of danger from his enemy, would have his horse suddenly thrown from under him, or in an instant he himself would be snatched from his seat and dragged to death. The European forces saw the plains covered with cattle; but none of the wild herd could be taken; their chase and fire frightened them beyond their reach. The nakedness of the country was thus perceived to be its chief fastness, and security to its inhabitants and their herds against foreign invaders. The wars that have been waged in that country, particularly on the Banda Oriental, have made the herdsmen of those plains as expert in the use of a gun on horseback, as of a lazo or the bola, all of which they now carry in their warlike excursions; and they may be considered as the most formidable guerrilla or partisan soldiery that ever existed. In courage they are inferior to none; and the exploits that are related of their adroit and rapid horsemanship exceed what has been told of the Parthian, the Scythian, or the Cossack of the Don. Such are the herdsmen of the pampas and plains, who are usually called gauchos; an epithet, like that of yankee, originally cast on them in derision, but one which has now ripened into a distinctive and common appellation that is no longer offensive. The most active and efficient portion of the Buenos Ayrean army of Peru, under Belgrano, is the guerrilla party of gauchos commanded by Colonel Guemes.

The peasantry of the high provinces are, a great majority of them, agriculturists, with the addition of the laborers in the mines. This class of the population of the Union is not materially dissimilar from the like class as it is described to exist under all arbitrary Governments. They are wholly illiterate, are superstitious and indolent; but, from the thinness of the population, and abundance of the necessaries of life, this class has not been so pressed upon, and is, therefore, not so sordid and boorish as in some other countries; they are cheerful, docile, active, and extremely susceptible, and desirous of improvement.

Of those three classes of population it must be observed that each has evidently been mingled and discolored with Indian blood. The city class least of any; but the gauchos are a third or a half of Indian descent; and the husbandmen of some of the cultivated valleys of the high provinces have the appearance of being little else than the civilized descendants of the aborigines.

There were at the commencement of the revolution a considerable number of slaves in the Union, of the Indian or African race. But slavery has been abolished. The negroes have, generally, been transferred from domestic slavery to the ranks of the army, into which about four thousand have been enlisted; the half of which were sent to Chili, where their numbers have been reduced nearly half. Some were sent to carry on the war against Artigas, and have been much cut up; and the residue are quartered in the city of Buenos Ayres, where they are believed to make good soldiers. They are used as guards about the directorial palace, the hall of Congress, and the city.

The people of Paraguay have traits of character differing alike from the citizen, the gaucho, and the husbandman of the high provinces. The district of Paraguay was taken into the possession of the Spaniards from the natives, at as early period, almost, as any portion of the viceroyalty; it has a greater population, in proportion to its extent of territory, than most of the other provinces. Paraguay long had the peculiar care of the Jesuits, and has had all the benefits of their spiritual instructions. It is at once a fair sample of their skill at civilization, and of the effects of their system, the fundamental maxim of which was to exclude all strangers. The present race of Paraguays are said to be a mixture of the European Spaniards and natives with perhaps more than half Indian. They are remarkably peaceful, and taciturn in their temper and deportment. They are more industrious than the people of the other provinces, prodigiously attached to their country, or rather the place of their nativity, yield a passive obedience to the powers that be, and are much averse to strangers, to changes and new modes of every sort. They are excessively clannish; when they have heretofore visited Buenos Ayres, for the purpose of trade, it has been always remarked, that wherever the leader of the squad dealt, there all would deal, and nowhere else. It is rare to meet a Paraguay who cannot read and write, and who does not understand the rudiments of arithmetic. Yet they make no other use of this precious acquisition than to read some few homilies, and to make notes and keep accounts of their little dealings. They never apply it to the acquisition of any useful knowledge whatever. Their literature is merely elementary, and made less use of than the hieroglyphics of their progenitors of Peru. Their stern religion or more rigid habits seem to forbid them to stray from the precepts inculcated in their youth, with so alluring, so wanton, and so erratic a guide as modern philosophy; lest a perverse doubt, like an artful and suspected stranger, should seduce them from the good old ways of their ancestors. The Paraguays are generally healthy, robust men, very abstemious and sober; the great body of them are agriculturists; and their delightful country, alike suited to the growth of the productions of the temperate and torrid zones, supplies them with every necessary, and a variety of the luxuries of life. They manufacture much within themselves, get scarcely any thing from abroad, and have little intercourse with the rest of the world. It is a question which future experience must solve, whether the gay and docile, but illiterate husbandman of the Andes, or the Paraguay agriculturist, with his smattering of letters and his Jesuit habits, shall rise most rapidly from the obscurity of his colonial condition, and profit most by the revolutionary changes now in progress.

This country and these people, whose extent, situation, and character I have endeavored clearly, concisely, and fairly to delineate, were governed by the Spanish power with the coarse machine of monarchy, and according to its few and simple principles. The first magistrate of Buenos Ayres was the viceroy, who was appointed by the King of Spain; and this viceroy governed all, overruled all, and commanded all, civil and military, but the King his master. The members of the supreme tribunal of justice, called the royal audience, were also appointed by the King. And all the other officers of the Government were appointed by the viceroy or the King, or sold by him, responsible to him alone, and removable only at his pleasure.

Whenever the population of a district of country increased to such a number as to require it, or it was otherwise thought worthy of the honor, it was laid off into what was called a province, or jurisdiction, and a governor appointed over it; and if the population was increased and condensed into a town, or its inhabitants had influence with the viceroy, or the viceroy thought a spot suitable for a town, it was laid out as such, and declared to be a city; and a tribunal called a Cabildo was organized for the regulation of its police, and the administration of justice within it, and a certain district round. This ayuntamiento, Cabildo, or corporation, was composed of from six to twelve members, called regidors, according to the size of the city. The governor of the province was, ex officio, president of the Cabildo, with power to control or overrule its ordinances or decisions, in like manner as the viceroy could those of the royal audience, whenever he chose to take his seat, and act as president. The office of

regidor, like most others in the Spanish Government, was venal; the price paid for it in Chili was about five hundred dollars; and I have reason to believe that in Buenos Ayres it was valued at about the same; it was held for life. Besides those to be had in the market, there were generally four other regidors, residents of the city, who were appointed by the viceroy. The alguacils, or sheriffs, and baliffs of this tribunal were venal, bought and sold at a given price, like any other merchantable commodity of the Spanish dominions. It is of these jurisdictions the present provinces of the Union have been constituted; and the Cabildos, thus organized, and which were continued by traffic, and the Chief Magistrate of the Union, for the time being, until the present form of government was adopted, are the sources, with little variation, whence sprang the existing Congress.

Besides these, there were appointed in districts too extensive for justice to be conveniently administered by the governor or the Cabildo, village or country alcaldes, or territorial justices. The jurisdiction of these officers, however, extended only to petty matters, or the apprehension of offenders; they were a sort of justices of the peace. In addition to these, there was, in the cities of Buenos Ayres and Montevideo, a tribunal called the consulado, invested with jurisdiction in commercial affairs only, from which there might be an appeal to the viceroy. These were the civil tribunals, into which the colonist entered, with his purse in one hand and his documents in the other, to seek protection and right, to ask for justice, and to obtain redress against the wrongdoer.

The right of patronage to all ecclesiastical benefices belonged exclusively to the King; but it is said there are a few unimportant livings in Buenos Ayres in the gift of individuals. All ecclesiastical affairs were cognizable only before the spiritual courts, of which each bishop had one, composed of the bishop himself, the fiscal, proctor or lawyer, and the provisor. These tribunals also were subject to the control of the viceroy.

But there was one tribunal which bore sway over all, and that was the tribunal of the holy inquisition, which had the power to fine, confiscate, imprison, hang, or burn for the offence of which the accused was convicted by it. The two viceroyalties of Buenos Ayres and Chili were subject to the jurisdiction of the holy inquisition of Lima, which tribunal appointed its commissioners in those two viceroyalties, who furnished it with information, had its process executed, and the accused sent forward for examination, trial, and suffering.

There was no tribunal, or any officer of any description whatever, emanating from the people, or appointed by them, or responsible to them, either directly or indirectly, in any manner. There was not, in the whole country, one single popular meeting allowed of, except at church for worship; or any such thing known as a legal and standing congregation of men, gathered from the people for any purpose whatever. Of all the various formal and informal means of which the people of our country have, at different times, availed themselves, to make an expression of their collected and united voices, not one of them, or any thing of the sort, ever appears to have been known in Buenos Ayres before the revolution. The people of that country appeared to have been governed with so total a disregard to their will, or with so watchful a determination that their voice should not be heard in any way, that they seemed to be strangers to the methods by which it may be collected and expressed to advantage, or not to have estimated them as they ought. The viceroy, with a suitable number of military coadjutors and underlings, took charge of the person and property, and the holy inquisition, by its commissaries, had the curacy of the mind of the humble colonist; which independent, irresponsible, and holy officers of the royal power could only be rendered merciful, or flexible, or just, by the secret but potent operations of tangible gold. The sword of the military and the faggot of the church thus executed the will of the monarch; no one dared resist; complaint was never heard; the colonist submitted in silence, suffered, and groaned inwardly.

The Spanish colonial Government of Buenos Ayres was of a character calculated to blight every hope of freedom, and make men passive and calm. Hence the people of those provinces did not begin their revolution in opposition to the oppressions of the mother country. They were not excited, like those of the United States, first to make head against the arbitrary attempts of the parent state, to claim their privileges, to declare their independence, and to resume a Government which had been abused by their transatlantic rulers. It was not until, by the great agitations of Europe, the gripe of the colonial power was loosened; until after the hand of the monarch had been by those struggles, for a time, taken off, that the colonists began to think and feel as men; not until after the people on the shores of the La Plata had been visited by a portion of the wars, and the blaze of those political conflicts of Europe, that they were aroused, and excited to seek, and to endeavor to obtain and defend their own long lost rights.

The British Government, for a long time past, appear to have had a very strong disposition to obtain a station or plant a colony on the shores of the La Plata. So early as the year 1740, the project was proposed, and the subject discussed. At the peace of Paris, in 1763, the subject was renewed, and the value of such an acquisition much urged. In the latter end of the year 1805, the expedition under Sir Home Popham made a formal attack, with a view to obtain possession of Buenos Ayres, but was driven back. And the disgraceful and unfortunate expedition under General Whitlocke, in the year 1807, appears to have quieted British notions of adding to their transmarine possessions in that quarter. At present, the British are pursuing with avidity a free, peaceful, and lucrative commerce, where, by their repeated wishes and attacks, they have failed in establishing conquest and monopoly. These attacks of the English gave the first shock to the colonial establishments of Buenos Ayres.

In the month of July, in the year 1807, a French Government vessel arrived in the river Plate with the intelligence that the old dynasty of the mother country had been pushed from the throne, and Joseph Bonaparte declared King in the place of a Bourbon. Liniers, the then viceroy of Buenos Ayres, wished to recognise the new King, and induce the people to acquiesce in the change. This, notwithstanding all their sufferings under the Bourbon line, they refused to do, drove Liniers from power, and declared their adhesion to the old dynasty, and to what they conceived to be the cause of their country. In this state of things, Cisneros came out from Spain, commissioned by the Junta of Cadiz as viceroy, and assumed the reins of government. Thus the old order of things, after having received a rude shock from the English, was thrown entirely into confusion. The British and other foreign traders, finding the old opposition removed or paralyzed, poured into the country; and the people, during these agitations and changes, began to perceive and to feel that a free commerce brought with it considerable advantages; that there were many abuses to reform; and that there was, in fact, no power in Spain which could be said to represent the Bourbon King, to whom they still were determined to adhere, notwithstanding all they had experienced and suffered.

In consequence of these agitations, to advise for the best, and restore harmony, a Junta was convened in Buenos Ayres, composed of some of the principal persons of that city, and their Cabildo. And on the 25th May, 1810, this Junta determined to take the government into their own hands until a Junta could be called and convened composed of representatives from the other provinces, into whose hands it should then be committed, until Spain should so far recover from its misfortunes as to be able to do justice to itself, and to redress the evils in the administrations of its colonies. Accordingly, Cisneros was stripped of all power, and permitted to depart in peace for Europe. This day is called the commencement of the revolution, and it is now noted among the *fiestas civicas* of the country as the day on which "the people of the United Provinces of the Rio de la Plata were, by a singular providence, delivered from the slavery which the Americans had suffered for three hundred years;" as the day of "the

political regeneration of those provinces, by the free use of the rights of man, of which they had been despotically deprived by the Spaniards since the conquest of both Americas." There was still a hope or an expectation, however, that harmony and a union of some sort might some day be restored between them and the mother country, compatible with their freedom and self-government; which freedom from that day it became the ardent wish and determination of all good men to endeavor to obtain.

With this resolution to establish a free Government of their own, if possible, constantly present, and operating on the minds of a great and increasing majority of the people, the cause has been pushed forward with improving experience and brightening lights, amidst intrigues, and factions, and superstition, and angry passions, from a beginning where even rudiments were to be collected along a curious, crooked, and wavering line, to the present point, at which the people have finally resolved on independence, and totally renounced all prospect of returning to their allegiance to Spain. This declaration of independence was made by the Congress at Tucuman, on the 9th day of July, in the year 1816; and in the *fiestas civicas* of the country it stands noted as the declaration of their *absolute* independence, "*De la declaracion de nuestra absoluta independencia.*" At this point the people now are where they seem to be much more disposed calmly to investigate, to learn, and impartially to decide, than their present rulers are willing to indulge the freedom of their speculations. I shall barely sketch out the path of this revolution from point to point so far, leaving the causes by which it has been impelled, and the obstacles by which it has been checked, to be more fully collected and understood from the history of the times, except so much as may be immediately necessary for the elucidation of the present state of things.

After Cisneros was displaced from the viceroyalty, in the year 1810, and compelled, with some of his adherents, natives of Spain, to embark for Europe, a Junta of seven was formed, and a General Congress was called. The Cabildos of the provinces, favorable to the cause of self-government, appointed deputies, who assembled in Buenos Ayres in the month of March of the following year; and, after a deal of altercation, were admitted as members of the Junta Provisional, of whom the historian Dean Funes, from Cordova, was one. A person named Saavedra, by intriguing with the sturdy and free-spirited gauchos of the pampas of Buenos Ayres, obtained their countenance and aid, by which means, on the 6th of April of the same year, he effected a change in the organization of the ruling power, and another set of men were placed at the helm: which change is distinguished by the name of Saavedra's revolution. On the 9th of October following, this ruling party was suppressed, many of its members imprisoned or banished, and a new one formed and placed at the head of affairs, called the triumvirate. The first triumvirs were Chicklana, Dr. Pasos, and Saratea, with Rividavia as secretary, all of Buenos Ayres. This triumvirate gave a new impulse to political movements, and caused great changes in the opinions of the people: "instead of following the public opinion for the independence and liberty of the people, it took the opinion of parties who sought to govern according to the interest of each faction." Hence jealousies, suspicions, fears, and rivalships were then sown, which have continued to rankle and grow from that to this time, and are not likely soon to be eradicated. One of them, Saratea, was sent to take the command of the patriot army at Montevideo, in the Banda Oriental, and had not been there long before he and José Artigas, who now commands that portion of the gaucho population, quarrelled. Artigas, being apprized in time of an attempt that was to be made on his person, fled to the plains, was soon followed by all the Orientals, and has been at war with Buenos Ayres, except at short intervals, ever since. Rividavia filled the seat of Saratea from the 10th of March, 1812, or thereabouts, until the 25th of May, when Pueyrredon, the present Director, arrived from the army in the high provinces as his successor, and Rividavia resumed his station as secretary until the month of July following, when, owing to some misunderstanding among the rival chiefs, Chicklana was expelled with disgrace, and Rividavia reinstated as a triumvir. This Rividavia is said to be a man of talents. He is now in France; and his object in visiting Europe is said to have been to ascertain the feelings of the monarchs of the old world toward the provinces of the new, which were struggling for independence; to see if the combined potentates could be propitiated, by concessions or otherwise, to mercy and forbearance; whether the angry principles by which they had been united would induce them to make an effort of their strength on this side of the Atlantic against the rising principles of reform; or whether they would be governed and divided by a rational view of their interests as regards the regions of the new world.

On the 9th of October of the same year, 1812, the Moreno faction overturned the triumvirate, and seized on the reins of Government. The Doctor Moreno who headed this faction was a man of a very fine and highly cultivated understanding; he died soon after, on his passage to England. The chiefs of this party were Larea, Lastelle, Pena, Asquinaga, Vieytes, and Posados, who effected the revolution by the assistance of José San Martin, now the commander-in-chief of the united army of the Andes in Chili, and Charles Alvear, who was then the colonel, and lieutenant colonel of a regiment of cavalry stationed in Buenos Ayres. Major Zapiola and Captain Igarasabel, of this regiment, being ordered by its commander to seize or destroy Pueyrredon, then a triumvir, now the Director, repaired to his house, and searched for him with naked weapons; and it is said he narrowly avoided assassination, and effected his escape in disguise, and was finally saved by remaining some time concealed. Of this party, Pena, Paso, and Jonte, were declared to be the ruling Junta, of which Pena was president. He was, after some time, displaced, and succeeded by Rondeau, who continued in office until the month of ——, when he went to take command of the army in the Banda Oriental. On representing the inconveniences attending an executive Junta, composed of three members, to the Congress, that body formed a single executive, and Posados was elected by it as Director, in December, 1813, and continued one year in office; when Lieutenant Colonel Charles Alvear was elected by the Congress to succeed him. This Alvear was a man of a bold, unbridled temper and disposition; he had been appointed by the Congress to the army of Peru; but, being rejected by the inferior officers, was obliged to relinquish that command, and return. In Buenos Ayres he quietly entered upon the duties to which he was elected. The people, however, were, from time to time, much provoked, by his highly offensive and arbitrary conduct; until, at length, roused past all forbearance, by the barbarous murder of Uvieda, a worthy citizen, on Easter Sunday night, in prison, they flew to arms, and put the city in a state of defence. The Director threatened to force his way in at the point of the bayonet, but was given to understand that his army would not obey him; and he then surrendered, under a guaranty of being permitted to embark on board a British ship then lying in the roads; and with the greatest difficulty made his way, alone and unattended, past an exasperated people, who pursued him to the boat on the shore, which the British commander sent to receive him. This man is now in Rio Janeiro, where he has taken refuge.

A Junta of the people of the city of Buenos Ayres was then summoned by sound of the Cabildo bell; which town meeting, or junta, after some warm debates, elected as Director, Colonel Ignacio Alvares, acting commander-in-chief of the troops, who had been faithful to the people, in opposition to Alvear; and, about the same time, the Congress passed an act, called the Statute Provincial, by which various restrictions were laid down to prevent abuses in the exercise of the directorial authority. The clamors of the people against Alvares, charging him with arbitrary proceedings, mismanagement, and peculation in office, caused him to resign his power on the day of the expiration of the term for which he was elected; and in April, 1815, Antonio Balcarce, now brigadier general in the united army of the Andes in Chili, was elected; and, after continuing in office about three months, was forced from his

post by intrigue and faction. An executive, or government of three, was then again formed, composed of Francisco Escalada, Irregogen, and ———.

During all these various changes and revolutions there has existed a body called the representatives or deputies from the several provinces. The members of this assemblage were chosen or appointed by the Cabildos of the principal cities which had joined in the revolution; and it is said that there were instances and times when they were chosen by something like a popular election; the traces of such elections are, however, very faint and obscure, such as perhaps would not be deemed popular by the people of the United States, where the substance and outline of such elections are distinctly recollected by the very boys of the country. It does not appear that the members of this representative body were elected for any given time, or that the Cabildos, by whom they were chosen, were at all jealous of their length of service. Some of them have been members several years, some are newly elected, and others represent provinces in the possession of the enemy, who, therefore, can neither be rejected, recalled, nor re-elected by the provinces they represent. Nor does it appear that they were tenacious of the numbers sent from each province, or that they have been always the same. Buenos Ayres had only four, Mendoza two, and San Juan had two members in the Congress which met at Tucuman in 1816. Now, Buenos Ayres has seven members, and Mendoza and St. Juan only one member each; and yet the members vote in Congress numerically, and not by provinces. Nor does it appear that any stipulated, personal, or local qualification has been required. About half the body are priests; and the citizens of Buenos Ayres seem to be deemed eligible and suitable to represent any province; in consequence of which, the church and that city have always had their full influence. The body, it would seem, had changed its name almost as often as its component numbers and individuals; at first, it was called the Junta; then the Junta Provisional; then the National Constituent Assembly; and now it is styled the Sovereign Congress. Its deliberations appear to be conducted with religious solemnity and much debate; the yeas and nays are most generally recorded; yet the body is guarded by soldiery, usually negroes, deemed perfectly trustworthy; and there is neither frequent elections, nor a free press to call them to an account. Of all the passions and gales of the revolution, whose violence has broken in so many directions, this body has been struck by none. It seems to have glided on, preserving the even tenor of its way, and to have happily retained the buoyancy of its nature amidst every angry burst and threatening squall. Fortunately for itself, this august body has never undertaken to call any state delinquent to account, nor in any instance run counter to the will of the Chief Magistrate for the time being. If the Congresses of Venezuela, Mexico, and Chili, by a factious, headstrong disposition, (as has been solemnly said,) have repeatedly lost those countries to the patriot cause, no such restiveness of temper can be imputed to the Congress of Buenos Ayres; on the contrary, it has, at times, so highly respected the opinions of the people as to yield a little to a gaucho intrigue, or a town meeting, convened by the sound of a Cabildo bell.

Some of the acts of Congress have, however, been of vital importance to the best interests of the cause, and the Union. On the 9th of July, 1816, it made and promulgated a declaration of *absolute* independence. And thus it cast the die. The minds of the people were thus brought solemnly up, and finally fixed at that great point about which there had previously been some wavering. And in December 1817, its ordinance, called the reglamento provisorio, was ratified, establishing a temporary Government for the Union, in which is defined the forms of two popular elections; one of which, that of electing Cabildos, has since, with great ease and success, been reduced to actual practice. The form of electing members of Congress is also prescribed; but no time of election or term of service being specified, there has been no use made of the terms laid down. There have been two popular elections of Cabildos in Buenos Ayres; the first was made in 1816, when only about five hundred votes were taken; but when the same election came round, and was made, according to the provisions of the reglamento provisorio, in the year following, there were as many as three thousand five hundred votes given for the same officers. This is the first form of a popular election ever offered to the people of Spanish America; and although confined to mere police, or corporation offices, it is of great importance in its direct and indirect consequences. It is a beginning which must draw after it more valuable and efficient elections, and the whole representative system. And the great increase of votes is a proof of the readiness with which the nature and uses of the rights of franchise can be understood and adopted by any people.

The Congress which, on the 24th of March, 1816, had assembled in the city of Tucuman, elected Juan Martin Pueyrredon Supreme Director of the State; after which, it made the solemn declaration of absolute independence, and then founded the present temporary Government called the reglamento provisorio, (annexed and marked as exhibit G,*) and Pueyrredon has continued in office as Supreme Director from that time to this. By the sixth article of the first chapter of the third section of this provisional Government, it is declared that the person filling the station of Supreme Director shall continue in office until a constitution is formed, unless sooner displaced by Congress. The only check upon this loose and indefinite grant of executive power and influence, to control Congress, and postpone the formation of a constitution, is that of a *residencia*, designated in the ninth article of the last chapter. As this mode of responsibility by a *residencia* is an adoption of that by which it was intended under the colonial system, a governor or viceroy might be called to an account; and as it is wholly unlike any of the forms by which the responsibility of a public agent is secured by any of our political institutions, it may be well concisely to describe it. According to the Spanish laws of the Indies, when a viceroy or governor was removed from office, the King appointed an agent or commissioner, most commonly a lawyer of the country, to receive the *residencia* of the displaced officer; such commissioner accordingly repaired to the capital, and announced, in the most public manner, the time and place when and where he would be prepared to hear and determine on any complaint that might be made against the late officer, by any person, of whatever order or class, as well Indians as others. This scrutiny could only continue in the case of a governor for sixty days, and of a viceroy only six months after the date of the proclamation of its commencement; and no cause of complaint, however grievous, could be heard or inquired into, which was not made known by the commissioner of the *residencia* within the appointed time. This sort of impeachment of an officer, after the extinction of his functions, is not unlike the sage old Egyptian process of bringing the dead to justice. It may accord with Spanish colonial notions of calling a public functionary to account, but I should suppose it would be deemed widely different from what we should call republican responsibility.

Before the revolution there was a printing press in Buenos Ayres, whence issued a weekly newspaper, merely for the purpose of printing and publishing sundry papers and documents for the convenience of the viceroy, and under his sanction entirely. The profits of this press, for it yielded some, were given to an institution in the city of Buenos Ayres, called the Ninos Expositos, or Foundling Hospital; hence the press obtained that name. This press is still continued, and the ministerial paper, called the Buenos Ayres Gazette, issues from it weekly. There are, in all, three printing presses in Buenos Ayres, and from one or the other of them there are published four newspapers weekly. Besides these, there is a small weekly newspaper printed in Tucuman. From the second chapter of the seventh section of the reglamento provisorio, one would be induced to infer that there existed something like a freedom of the press; but nothing would be more fallacious than such an inference. The press has

*This exhibit has been communicated among the papers annexed to the reports of Messrs. Rodney and Graham.

never been tolerated with a single day of genuine and manly freedom in Buenos Ayres. Nothing is published but what is flattering to the powers that be; nor is any thing inserted in the papers from abroad, without being curtailed or remoddelled to suit the taste of the ruling party. A few attempts have been made to discuss political subjects with severity, and to censure the political conduct of some men; the consequence of which has been, that, without ceremony, the parties have been instantly banished or imprisoned. The press of Buenos Ayres is a servile instrument, which neither has, nor merits, any respect or influence whatever. Public opinion receives its direction, and gives its impulse, not through that prostituted instrument of much good, but from books and papers read in the closet, and from verbal conversation and private discussions. And, in that manner, it has acted so efficiently as to turn a chief magistrate from his fort, or to chase a wicked Director into exile, at the very moment when this cowardly or crippled sentinel was going the rounds, and crying out all was well.

Laying aside the abstract principles contained in the reglamento provisorio, which speak for themselves, and the value of which depends on the accuracy with which they are expressed, the currency with which they are received, and the facility with which they can be applied and enforced, it appears that the Spanish code of laws, so far as it is compatible with the changes that have been made, has been adopted. This code, I take it for granted, like that of all others of the civilized nations of Europe, which has been gradually formed from that of ancient Rome, is, in the main, and in a moral point of view, a rational and excellent system. But, as to all the modes and forms of administration which give to a code the pure practical operation which its principles breathe, and which are generally understood to constitute the leading, if not sole distinctions between free and arbitrary institutions, the reglamento provisorio presents us with a beggarly account of provisions, with large exceptions, which do so allay the good precedent, and articles so pared away that there is left no bold promontory in all its coasts, behind which the storm-chased innocent skiff can take shelter from any of the gales of power. Except the case of the elections of the Cabildos, the whole is, substantially, a mere reorganization of the colonial viceroyalty. It is regarded as such in practice, and, therefore, has obtained little or none of the real respect and confidence of the people.

But the sentiments and wishes of the people, as in all similar circumstances, have had considerable sway over this newly-created Government. There is a point beyond which it dares not go; and a limit, as the numerous changes that have taken place clearly show, beyond which the forbearance of the people cannot be stretched. As the revolution has progressed, more information has been obtained; the people begin to have a correct knowledge of their rights; they are becoming more watchful, and their rulers more respectful. And, as the bounds of information are extended, the field of discussion enlarges, and the political horizon gradually clears and expands in all directions. The past changes and struggles would seem, at first view, to have been a fruitless waste of time and labor: it has not been so; the people have been instructed and improved by them. Public opinion, the pioneer and precursor of all revolutions and beneficial institutions, has been ripening, and the crisis is rapidly approaching when another and a firmer step will be taken, assisted by the newly-acquired lights and helps. More of the old system will be removed, and such institutions will be introduced as will furnish some practical evidence at home of the benefits of civil and political freedom, and the work of the revolution will approach its consummation. This crisis will be considerably accelerated by the present state of the provinces, their murmurings and civil wars; to pacify which, and for their own welfare and safety, it has obviously become necessary to make an entire change, and to introduce a new order of things. The voice of the people must and will be heard.

On inquiring for the causes of these unfortunate differences and hostilities among the several patriot causes, and after removing from about them all that mere vituperation and angry invective with which they have been too much mingled and confused, they will be found to be of vital importance; to have for their object principles materially affecting the good of the people, and to have originated in very rational views as to a frame of government best suited to their country, and which was most likely to promote and secure its general as well as its particular interests. The people of this part of Spanish America have, from the commencement of their struggles, looked towards the example and the precepts of the United States in the management of their revolution and the organization of their political institutions.

Without, in general, entering into any profound arguments or deep speculations, for which, from their previous education and habits, they were utterly unprepared, they took a view of their own situation *en masse;* they saw themselves, by the removal of the colonial institutions, almost at a single blow divested of every implement of civil government. They looked over the immense extent of their country, and saw that it had been cut up into provinces and jurisdictions, and in that manner governed. They then turned their eyes towards the United States, and saw, or thought they saw, many analogies, and a prosperity which evinced that all they beheld was worth copying. But whether these suggestions were made from such a comparative view, or from the nature of things, or from whatever other cause, the idea and utility of separate state Governments in each province, like those of the United States, with magistrates selected by its own people from among themselves, became very general, and was warmly embraced by a great portion of the patriots. This party, however, in favor of the system of confederation and representation, whatever might be its numerical strength, or the force of its reasonings, were, as they now are, by much the weakest in point of actual power and operation; because they had not the means, nor have ever been allowed to exhibit any examples of their principles; and, besides, they were obliged to address themselves to a people to whom the entire field of politics was a novelty; and they had no press to give stability and currency to their arguments. In opposition to those principles and this party, there arose a faction in Buenos Ayres, who, looking attentively to the interests and the aggrandizement of that city, wished to establish a consolidated Government under a Chief Magistrate invested with powers analogous to those of the late viceroy; but somewhat bridled and controlled with a revival of the political and civil institutions of the colony, so modified as to suit the existing state of things. And the general impression of the necessity of being constantly armed and prepared to meet the hostilities of the metropolis induced the people to yield a ready obedience to their military leaders for the time being. Hence, to get the command of the army, and take possession of the fort in Buenos Ayres, has hitherto been the same thing as a complete revolution. It has at once placed in the hands of such a chief the revenues; because Buenos Ayres has been the sole point of collecting all the customs, all the forces, and the entire command of the state, the affairs of which could be wielded and managed at pleasure by such a Chief Magistrate, according to the forms of the colonial institutions. While, on the other hand, the opposing popular party which advocated state Governments, and the representative system, never have, as yet, had any forms or means by which they could gather together and express their wishes, or even make a show of their numbers and power.

In October, 1812, while Saratea commanded in chief at Montevideo, and Artigas, before the same place, commanded the forces of the Banda Oriental, this great principle of separate state or provincial Governments, interwoven, as it very probably was, with personal and local considerations, gave rise to a heated controversy between them. Saratea, finding Artigas to be refractory, and unmanageable by temptations, threats, or persuasions, determined to have him arrested. Artigas, being apprized of this design, fled to the plains, and in a short time all the Orientals followed; in consequence of which, the further prosecution of the siege of Montevideo, at that time, was abandoned. The ruling party of Buenos Ayres, perceiving the popularity of the cause of Artigas, and his power, became

extremely anxious to win him over, or at least to conciliate him. At the request of Artigas, therefore, who then thought, or affected to believe, that his controversy with Saratea was merely personal, Saratea and some others were removed from the command of the army, and his place was filled by Rondeau, and other officers put in command, whose principles, being unknown, were, therefore, not so obnoxious to the Oriental chief. But at the same time, Artigas followed up the controversy, and tested the designs of the Government of Buenos Ayres, by demanding, in form, that the Banda Oriental should be considered and treated as a state under its own government, and, as such, should be left to regulate its own concerns for itself, and be represented in due form and proportion in a General Congress. This was treated by Buenos Ayres as an open dereliction of the standard of the country; and a most unreasonable, criminal, and declared rebellion against the only legitimate Government of the union of all the provinces, which, as it contended, extended over the whole territory that had been subject to the late viceroyalty; of which the city of Buenos Ayres always had been, of right was then, and always ought to be, the capital, whence alone all authority should emanate. This Artigas opposed, and denounced as the assertion of a spirit of unjust and unreasonable domination on the part of Buenos Ayres, to which he could not, and would not submit. The parties were heated, reason was silenced, liberality banished, and they repaired from the field of argument to the field of battle. Artigas, either from an indisposition to push matters to the greatest extremity, from policy, or from a sense of his own inferiority in point of strength, has hitherto acted on the defensive, and confined himself within the territory of the Banda Oriental, or of the Entre Rios, since it has taken sides with his cause. It is said that, in this controversy, there have already been fought fifteen or sixteen sharp battles, in each of which conflicts Buenos Ayres has been defeated, and suffered severely. In the last, which was fought about the 1st of April last, near Santa Fé, on the northeastern side of the Paraguay, there were of the Buenos Ayres army, which was about nineteen hundred strong, eight hundred left dead on the field of battle, and the rest dispersed, so that the whole army may be said to have been extinguished at a blow. This fatal catastrophe was heard in silent gloom at Buenos Ayres; not a syllable about it was uttered from the press, yet all seemed to lament the policy by which it had been brought about, or rendered unavoidable.

Until the year 1814 the province of Santa Fé, or the district of country called Entre Rios, had a representative in the Congress of Buenos Ayres. Since that time it has withdrawn itself from the Union, and sided with Artigas and the people of the Banda Oriental. This change and desertion of the standard of the country are charged by the Government of Buenos Ayres to the intrigues and seductive principles of Artigas; but, if Artigas has been practising his arts with the people of Santa Fé, the acts of Buenos Ayres have most powerfully seconded his designs. By adverting to the situation of the population of the Union, and the various paths of internal commerce through it, by land and by water, it will be seen how very advantageously Santa Fé is situated as a port of entry and great depot for all the country to the west and north of it. As such it had opened itself; and commerce began to flow into it, when Buenos Ayres interposed, and declared that no trade should go to Santa Fé but what passed through the city of Buenos Ayres itself. This odious and unjust monopoly was at once revolting to the minds of the people of Entre Rios, and a proof of the correctness of the principles contended for by Artigas. They therefore abandoned Buenos Ayres, and are now the allies of Artigas.

In the year 1810 the Government of Buenos Ayres sent a force of five hundred men, under the command of General Belgrano, up to the province of Paraguay, to expel the royal authorities, and to introduce that province under the Government of the Union. But the people of Paraguay rejected the proffered Buenos Ayres auxiliaries. After some time, however, they of themselves expelled the Spanish authorities; and, refusing to submit either to a Spanish or a patriot viceroy, or chief planted in any way at Buenos Ayres, they attempted to establish a government of their own; and, from thenceforward until the present time, they have absolutely renounced and forbidden all intercourse or trade with Buenos Ayres. No active hostilities appear, however, to have been carried on as yet between these two provinces.

The Government of the people of the Banda Oriental and Entre Rios, since their alliance, has been altogether in the hands of Artigas, who rules by his will alone, like an absolute monarch, without attendant guards, or an Indian cusique. No frame of constitution is exhibited; none is pretended to exist. Justice is rendered voluntarily, or is administered according to the mandate of the chief.

In Paraguay the reins of government are held by Francias, who, it is said, makes a show of administering all political and civil affairs in the manner, and according to the forms, of the consular Government of ancient Rome.

The two powerful provinces of Cordova and Santiago del Estero have both been in rebellion against the ruling power of Buenos Ayres, which has charged Cordova with being a very godo, or tory province, and both of them with being seduced into an unnatural desertion of the cause of liberty by the arts and intrigues of Artigas. But Cordova has lost by the revolution its very profitable mule trade, the nature of which I have described, and both have suffered heavy contributions; and all their resources have been made tributary to the Buenos Ayres monopoly, and to sustain its pre-eminence. They have both been brought back by force of arms under the Union, and are now silent and passive. In short, it cannot nor ought it to be concealed that the ruling party of Buenos Ayres has managed the affairs of the Union in such a strain of domineering monopoly as to retard reform, delay the progress of the revolution, and to render the most patriotic provinces extremely dissatisfied. Mendoza occasionally murmurs, and San Juan is very much discontented with the present state of affairs; and the people of those two provinces heretofore most attached to the Union, begin to speak openly, and in sharp terms, of the domineering, monopolizing temper and conduct of Buenos Ayres.

Of the one million and eighty thousand souls which the late viceroyalty of Buenos Ayres has been estimated to contain, it will be seen, by the details I have furnished, that four hundred and eighty-three thousand, including Jujuy, are all that acknowledge themselves subject to the present Government of Buenos Ayres; that the patriot provinces at war with Buenos Ayres contain a population (exclusive of Indians) of one hundred and eighty thousand souls; and that so many of the high provinces in which there have been any revolutionary movements as contain four hundred and seventeen thousand souls, are at this time and have some of them been continually under the colonial yoke. The patriot provinces of Salta and Jujuy have been the chief seat of war from the commencement of the revolution. The royal army was once in possession of Salta, which is now the head-quarters of the patriot forces under Belgrano. And the patriot army was once so successful as to penetrate as far towards Lima as the city of Chayanta, in the province of Charcas; but they gave back from thence, and the Spanish army is now, it is said, in the possession of the city of Jujuy.

Such is the extent, nature, and circumstances of this new and revolutionary Union. The present bonds which hold it together are temporary in name, and more so in their nature. A final declaration of independence has been made; the people have renounced all expectation of a compromise with Spain; and the separation has been resolved on amidst such imbittering severities and cruelties, that any kind of return to their former allegiance is utterly impossible and impracticable. The expectation of reconquest is no less vain; and, to be convinced of it, it is only necessary to view the country, and reflect a few moments on its nature, and the situation and character of its inhabitants.

But what is to be the future course of this revolution, is a question more difficult to determine. One thing, however, appears clear, that unless the present civil dissensions are healed, and the warring provinces are pacified and reconciled with each other, a very great proportion, if not all, the benefits and advantages of the revolution which would accrue immediately as well to themselves as to foreign nations, will be totally destroyed, or, at least, very much diminished and delayed. The great benefit which they are continually promising themselves from it is, the introduction of the representative system of government, with all its kindly and fostering institutions. But their military chiefs will not suffer the system to have a commencement, to be planted at all, or to have a single undisturbed day to take root. For the petty Cabildo elections are proofs of the wishes of the people and their disappointments. The chiefs (one and all) allege that, during the effervescence of a revolution, popular elections are dangerous; that submission to a strong and energetic power is necessary in such times; and under this plea of the distractions and necessities of the times, they all alike refuse to permit the people to make a single experiment of a general, genuine popular election. Artigas, situated as he is, driven first in one direction and then in another, on one side attacked by the Portuguese, on another by the patriots of Buenos Ayres, and watching lest in another direction an unexpected blow might reach him from Spain, has all the population of the Banda Oriental thus pressed under an unqualified submission to his will; and he is thus furnished with a plausible pretext for ruling over all as arbitrarily as an Indian casique. The rulers of Buenos Ayres talk to the people under them of the infinite dangers to be apprehended from Spain on all hands; and of the indispensable necessity of keeping up a strong army next Peru; of raising forces to invade, reconquer, and now to hold Chili; of the threats and wrongs of Portugal; of the indispensable necessity of having Artigas, and the rest of their wicked subjects, and the rebellious provinces, completely subdued; and of the great importance of preserving the capital, the city of Buenos Ayres itself, in perfect security, by the presence of a strong military force. The military chief of Paraguay finds or frames similar arguments in favor of an energetic Government; and the people have been so far baffled, and not trusted with the means of expressing their will or of exercising their power. Nothing is easier than to make a fine partisan soldier of a gaucho: those of the plains of the Banda Oriental, under Artigas, and those of Salta, under Guemes, are proofs how readily those peaceful hersdmen can be made terrible in war; they are a class of people who have a predisposition to an unrestrained, roving life. To lead them to independence, therefore, an enterprising, spirited leader was all that was necessary. And if the gauchos of the pampas shall, like those of the Banda Oriental, find a bold leader who shall inspire them with a resolution to insist on having their voice heard through their lawful representatives, the city of Buenos Ayres itself may then soon be what Montevideo now is—a place where commerce once was. The peace and commerce of Buenos Ayres have a happy and continually improving effect upon the neighboring inhabitants of the pampas. With such an example, how misguided, how cruel was the policy which converted the city of Santa Fé from a new and flourishing seat of commerce, exciting industry, diffusing information, the arts of peace, and innumerable benefits all around, into the stronghold of bands of hardy and warlike gauchos. The evils of these distractions and civil wars, as regards the fruits, productions, and resources of the country, are obvious. It is acknowledged that they have not merely prevented the increase of husbandry, but have diminished its amount; many fine chacaras or grain farms have been totally neglected or destroyed; and the stocks of cattle, which furnish the great staple commodities of all the plains, have been everywhere very much diminished.

These are some of the effects of these pernicious conflicts—criminations and recriminations of leaders—and are fruitless, or only serve to irritate and make matters more incurable. As regards the rights of self-government, certainly that which is sound justice and solid argument in Buenos Ayres against Spain, is equally sound and solid in the Banda Oriental and in Paraguay; if any one has the right to throw off the yoke, and to assume to itself its own government, all have the same right. The rights of all of them are, then, perfectly equal; and no one province can, in justice, have the privilege of ruling over any other of them without its consent. To restore peace and harmony to these contending provinces, would be to bestow on them the greatest imaginable benefit; by removing the most imposing and plausible pretext for all internal guards and military forces, the soldiery must be sent, where they ought to be, to meet the foreign enemy on the frontier, which is the only foe in arms the people ought to have to contend with. The chiefs being thus deprived of the source of their arbitrary power, the effect would be, at once, to give the people their liberties, and to restore to their country all its abundance, its resources, and its blessings. But, without this, to attempt to give to any one of the provinces a preponderancy over the rest, would be to confirm or to drive the people of every province into an unqualified submission to the military chief of each division of the country; and it would be to lend a helping hand to settle the country down under the government of a number of petty kings or princes, instead of a confederated republic. The British Government and its authorities, with a continually wakeful regard to their commercial interests, have endeavored to pursue the incongruous and difficult policy of thwarting and confounding the republican principles of the people; and, at the same time, of discountenancing the inveterate hostility of the chiefs of the provinces, so wasteful of the commercial productions of the country. The English admiral, Bowles, concluded a treaty of agreement with General Artigas, regulating the British commercial intercourse with the people whom he controls; and an English consul, resident in Buenos Ayres, with a ship of war always near, without promoting the establishment of free institutions anywhere, insures an unrestrained trade with all the warring provinces.

Although, by the treaty of St. Ildefonso, of 1777, between Spain and Portugal, the limits which separate Brazil from the Spanish dominions were finally settled; and, therefore, as it would seem, on the score of right, the King of Portugal cannot have the least pretension whatever to the Banda Oriental, or indeed to any portion of the territory of the late viceroyalty of Buenos Ayres; yet that monarch has invaded the Banda Oriental, claiming to hold it by right of conquest, or on some other ground, (I know not what,) as a part of Brazil; and a Portuguese army, under the command of General Lecor, is now in the actual occupation of the city of Montevideo, and about three or four miles around it. The Government of Buenos Ayres and the King of Portugal are now at peace, and apparently a perfectly friendly intercourse is carried on between Buenos Ayres and Montevideo; while, on the other hand, there exists at this time, and has always been waged, the most inveterate hostility between Artigas and the Portuguese. It would appear that Artigas and his gauchos are bravely defending their homes, their rights, and their country; that the King of Portugal, availing himself of the weakness and distractions of the affairs of his kinsman Ferdinand VII., intended to aggrandize himself by annexing a portion of his provinces to Brazil; and that Buenos Ayres, desirous of preserving the lucrative commerce of the river unembarrassed, had either actually compromised with Portugal, or was willing to look with solemn dignity upon that which it felt too feeble to resist or resent; or that it was at present so much exasperated at the enemy against whose edifice the blow of Portugal is aimed, as to refuse to ward it off, even although it may, by its striking effectually, itself be seriously wounded by the scattering fragments.

The revenue of the Government of Buenos Ayres has been extremely fluctuating, owing to the very unsettled state of its political affairs. During the early period of the revolution, it was said to have amounted to between three and four millions of dollars per annum; at present, it does not amount to fully two millions. In the first years of the revolution, confiscation of the property of godos, and imprestitos, or forced loans, levied off the disaf-

fected, poured considerable sums into the treasury. These sources of revenue are now exhausted, or have ceased. A great source of revenue is the tithes, which are all paid into the treasury, except the salaries of the canons, two thousand dollars per annum each, and a small deduction, which goes to the support of the clergy generally; who, with that allowance from the tithes, their first-fruits, alms, &c., and the proceeds of their own property, are very well supported. It may be estimated that the clergy of the several provinces amount to one-seventeenth part of the whole population. But monkish institutions are rapidly falling into disrepute, and the people have every prospect of being soon relieved from their influence and their burden. The product of the tithes depends very much upon the state of husbandry; and agriculture having declined, this source of revenue has also been diminished. The other branches of revenue, derived from internal taxation, are the alcavala, licenses to retailers, and such like indirect taxes. But the principal source of revenue to the Government of Buenos Ayres is that derived from the customs, or its duties on imports and exports. The changes that have already begun, and are likely to continue and increase, will account for the diminution of its revenue in this principal branch also. Under the viceroyalty, Buenos Ayres and Montevideo were the only ports of entry and collection of the customs for the whole country; but, in consequence of the wars and devastations about Montevideo, commerce was driven entirely up the river, and passed exclusively through Buenos Ayres; since then, the Banda Oriental and Entre Rios have declared themselves independent and unconnected, and, having made a commercial regulation with the British admiral, much of the trade which used formerly to fill the coffers of Buenos Ayres is now beginning to find its way direct to the opposite side of the river; and the trade of Paraguay, having been for some time closed against Buenos Ayres, is also taking that direction. A considerable part of the foreign goods, particularly British, which paid a duty at Buenos Ayres, was sent into many places and provinces beyond its immediate jurisdiction. A large amount was sent over the Andes from Mendoza into Chili, or into the high provinces to the northwestward. Since the opening of the ports of Chili, this route of transportation must be too expensive to continue; and, consequently, the revenue thus derived to Buenos Ayres must cease. Some of these causes are permanent, and others will continue to operate until harmony among the provinces shall be restored, and the establishment of peace, order, and freedom shall give that security to person and property which is the only true mode of encouraging all profitable pursuits, of husbandry and pasturage, as well as all others.

The Government of Buenos Ayres has an outstanding public debt of about one million of dollars. This debt has been chiefly created by an issue of what are called boletas, or due bills, given in discharge of salaries due from the state to its military and civil officers. The Government, finding the revenue fall short, ordered one-half only of all salaries to be paid in cash, and the other half to be paid in this scrip called boletas, which is redeemable indefinitely and at pleasure. In April last, boletas were as much as fifty and sixty per cent. below par. Notwithstanding this economical measure of issuing boletas, the Government, not still being able to meet the various demands on it as they were made, has, therefore, from time to time, issued its notes or bills payable on demand, as funds should accrue in the treasury. These notes are called Government cash paper; there is no great amount of it afloat, and it is said to be equal to what we should call good mercantile paper at ninety days.

The military force of Buenos Ayres, as estimated by intelligent persons of that city, according to the representations current there, amount, in the whole, to thirteen thousand infantry, fourteen hundred cavalry, and fifteen hundred artillery, which was thus distributed. From the sum total, the army of Santa Fé, estimated at nineteen hundred, which was extinguished about the 1st of April last, is to be deducted. And of the residue of this military force, there are quartered in and about the city of Buenos Ayres twenty-five hundred; there are, in the army of Peru, at Salta, commanded by General Belgrano, three thousand; and in the army of Chili, under General San Martin, which, in Buenos Ayres, is called and estimated as a part of the military establishment of the United Provinces of the Rio de la Plata, and in Chili is called the united army of the Andes, there were said to be nine thousand five hundred. Of this latter army, about two thousand freed negro troops were sent from Buenos Ayres, with an intention of finally getting rid of them by wasting them in the wars of that country, or of leaving them to be disbanded there. The rest of the army of the Andes was originally composed of fugitive Chilinos. The army of Peru has been almost wholly recruited in the high provinces, and has, in many respects, imposed upon them peculiar hardships; all its provisions, cavalry, and stores have been furnished from that country, and its ranks have been entirely filled from it. And the numerous desertions, and continual recruiting, has had the effect not so much of wasting and diminishing the aggregate amount of population, as it has of throwing it loose from the ties of its habits and domicil, and of shifting and changing its individual location.

The naval armament of the Government of Buenos Ayres consists of ten small vessels, brigs and schooners, of from two to twelve guns each, among which there is distributed a marine corps of about two hundred and fifty men.

I have made every effort to methodize and arrange all I had to present to you, relative to the viceroyalty or provinces of Buenos Ayres, in such form and manner as to cause the subject to be seen in a clear light, and to be fully understood. I trust my efforts have not been altogether fruitless. And, as likely to aid the obtaining a correct view of what I have related, and to facilitate the use and application of some important facts, I have made out and annexed the following statistical table:

A statistical table of the late viceroyalty of Buenos Ayres.

Number.	Names of the provinces.	Population of			Territorial extent in square miles of			Repre-sent'ives.		Productions.
		Those in the Union.	Opposed to Union.	As yet colonies.	Those in the Union.	Opposed to Union.	As yet colonies.	Now sent.	Enti-tled.	
1	Buenos Ayres,	105,000	-	-	50,000	-	-	7	7	Cattle, skins, salt.
2	Banda Oriental,	-	45,000	-	-	86,000*	-	-	3	Cattle, skins, fruit, wood.
3	Entre Rios, -	-	25,000	-	-	104,500*	-	-	2	Cattle, wood, skins, fruit, wine, matte.
4	Cordova, -	75,000	-	-	105,000	-	-	3	5	Cattle, wood, skins, fruit, wine, tobacco, lime.
5	Punta San Luis,	10,000	-	-	40,000	-	-	1	1	Cattle, fruit, wood.
6	Mendoza, -	38,000	-	-	38,000	-	-	1	2	Fruit, wine, brandy, peltry, precious metals.
7	San Juan, -	34,000	-	-	36,000	-	-	1	2	Same.
8	Rioja, -	20,000	-	-	22,400	-	-	1	1	Same.
9	Catamarca, -	36,000	-	-	11,200	-	-	1	2	Cotton, grain, fruit, wine, brandy.
10	Santiago del Estero,	45,000	-	-	40,000	-	-	1	3	Cattle, wood, tobacco.
11	Tucuman, -	45,000	-	-	50,000	-	-	2	3	Same.
12	Salta, -	50,000	-	-	41,000	-	-	1	3	Same.
13	Jujuy, -	25,000	-	-	30,000	-	-	1	1	Same. Peltry.
14	Chicas, -	-	-	10,000	-	-	26,400	1	1	Grain, fruit, wine, brandy, precious metals.
15	Potosi, -	-	-	112,000	-	-	12,000	-	7	Same.
16	Misque, -	-	-	15,000	-	-	9,000	1	1	Same.
17	Charcas, -	-	-	120,000	-	-	5,000	3	10	Same.
18	Cochabamba, -	-	-	100,000	-	-	3,400	1	7	Same.
19	La Paz, -	-	-	60,000	-	-	10,000	-	3	Same.
20	Paraguay, -	-	110,000	-	-	43,200	-	-	7	Grain, sugar, matte, fruit, wine, brandy, timber.
	Total, -	483,000	180,000	417,000	643,600	233,700	65,800	26	71	
	Aggregate of population and territory,	-	-	1,080,000	-	-	763,100			

* The estimate of the extent of these provinces includes their Indian territory.

CHILI.

On the 15th of April, 1818, I left Buenos Ayres, and on the 26th arrived in Mendoza. The distance, by the way of the post road which I travelled, is estimated at nine hundred miles. After making the necessary preparations in Mendoza for crossing the Andes, I set out on the 29th April, and arrived in Santiago de Chili on the 5th May following. On the 7th of May I called on Don Antonio José de Irisarri, and told him I wished to present my respects to the Supreme Director of the state, and to make some communications to him, with which I was charged by the President of the United States. Mr. Irisarri, after seeing the Director, replied that it would be agreeable to him to receive my visit on the next day at ten o'clock, when he would do himself the pleasure of introducing me.

On the next day, accordingly, at the hour appointed, I waited on the Director, and found him in the common hall of audience and business. He received me respectfully, and I congratulated him on the late splendid victory of Maipu, which had freed his country from its foreign foes, secured its independence, and would, I was sure, be attended with the happiest consequences. He expressed his pleasure at my congratulations and good wishes.

I told him I was one of those who had been sent by the President of the United States in a public ship to that country, for the purpose of obtaining correct information of its situation, and of making some communications as to the course pursued by the United States, as well in a general as a particular point of view; that the President and people of the United States felt a lively interest in the fate of that country, whose people were not looked on as insurgents in rebellion, but as waging a civil contest, in which each of the contending parties were entitled to equal rights and respect; that the United States had, and would, observe the most strict and perfect neutrality; and that nothing should be yielded, or in any manner conceded to the one, which would not, in like manner, be granted to the other, according to the law of nations. He said he had already been assured of the friendly and neutral disposition of the United States, and that it was expected the independence of Chili would be first recognised by the first independent Government of their own continent. I assured him that the United States wished no advantages of any kind whatever of this infant republic; that he would see, by the late message of the President to Congress, the United States neither wished, nor would ask, any commercial advantages of that country, in any treaty which might hereafter be formed between them; that the interests of my country were altogether and perfectly compatible with the best interests of that; that the United States not only wished that country independent, but also earnestly hoped it might be free; so that each might thus form a security to free institutions, and contribute to the prosperity of the other; and that the late splendid victory having swept from Chili every thing like a foreign foe, I presumed it would now set about forming a constitution and form of government for itself. He said he felt assured of the mutual interests and goodwill which subsisted between our countries, and that he should be glad to see the President's message to Congress; that the state of that country, hitherto, had been such, that no constitution could be formed; but that in a short time a provisional regulation would be promulgated for its temporary government. He added that, under existing circumstances, it was deemed impracticable to form a constitution,

and dangerous to convene a congress. I expressed a hope that there could not now be the least apprehension of a foreign foe. He said there was not; but that congresses had been found to be very dangerous; that they brought with them and excited feuds, and jealousies, and party spirit, and intrigue; that that country had once already been lost by a congress; that Venezuela and other provinces had been lost by a congress; therefore, no representation would be convened there until affairs were more suitable. I told him I had been charged by the President to seek and to ask for information concerning that country from the most correct sources and the highest authorities; that the Government of the United States, owing to that country's having been so entirely closed against all foreign intercourse under its late system, was, comparatively, very uninformed as to its situation, strength, and resources: I was, therefore, directed to ask for a statement of its population, its military and naval forces, its revenue, and resources of every description, and its relations with other Powers; that the communications might be made confidentially; or, in whatever way it should be made, I could assure him that the Government of the United States was actuated only by the most frank and friendly motives, by no other views than those of regulating its conduct hereafter with a correct knowledge of the state of affairs, and that no use whatever should be made of the information thus communicated, other than to promote the amicable relations and the best interests of both countries; that it was important, as well to that country as to the United States, that any measures hereafter to be taken should be adopted advisedly, and with a perfect knowledge of the state of things. He expressed his assent to what I stated respecting the propriety of acting with information of circumstances; and added, that he should take pleasure in ordering the communication to be made out as requested. I then told him I should take the liberty of again troubling him, when he was at leisure, with some other communications, which I was directed to present to his view. He replied that he should feel great pleasure in having an interview with me upon matters relative to our countries, whenever it might be convenient, and I took my leave.

On the 9th May I called on the Director, and delivered to him a printed copy of the President's message of the 2d December last, which he had expressed a wish to see. I said to him that he would perceive by it that the United States were desirous of cultivating the most friendly intercourse with that country. He replied that they felt sensibly the value of our amicable dispositions, and should not be wanting, on their part, in promoting amicable relations on the most liberal terms. I expressed a hope that the information I had asked for would be made out as soon as the convenience of the public offices would allow, as I was anxious to return by the first safe opportunity. He replied that it should be made out without delay. I told him there were some other points which I should, at another time, bring into view, but with which I would not then engage his attention. In answer to which, he expressed a readiness to hear me with pleasure when convenient. I asked him if there was any news or any occurrence of importance of late. He said there was nothing but the singular and unlucky affair of their ship, the Lautaro, which, after having vanquished two frigates of the enemy, the Esmeralda and Pezuela, had, in the most unaccountable manner, suffered them to escape. I observed that I had heard it spoken of as an extraordinary event. He said he could only attribute it to the misconduct of the Chilinos on board the Lautaro, who were wholly unacquainted with maritime affairs. I observed that I presumed there were but few sailors among the people of the country. He replied it was true; for, indeed, *there was not a sailor to be found among all the people of Chili;* and he added, that such was their information of the then circumstances of Peru, and the feebleness of the royal forces there, that, if Chili now had but a few ships of war to clear the coast, and to transport its forces to Lima, that city, with the whole province, would at once be relieved from under the colonial yoke; but that the difficulties of procuring a naval armament were very great. I expressed my regret that an achievement so splendid, one so important in its consequences, and on every account so much to be desired by them, should be obstructed by a difficulty so serious and insurmountable, and bade him adieu.

On the 14th May I called again on the Director. I told him that there were some other points which I had been directed by the President to bring into the view of the public authorities of the Patriot Powers I should visit. The first of these related to Amelia island and Galveston, which had lately been taken possession of by the United States. The Director said he had never before heard of these places, and asked for an explanation of their situation and nature. I described to him the geographical position of these two places; and then added, with regard to Amelia island, that the United States had not taken possession of it as being a part of its own territory, but to prevent its being used as a means of violating its municipal regulations, by smuggling merchandise into the United States in fraud of its revenue, and by introducing negro slaves into the States immediately adjoining, contrary to its positive law, and thus increasing a species of population which was considered as an evil, and the addition to which it was determined to prevent by all possible means. That Amelia island had been a rendezvous for a set of pirates and freebooters, who had, for some time past, infested those seas, interrupting and annoying as well the commerce of the United States as the fair traders of other nations; that, for those reasons, the United States had thought proper to take possession of that island, and expel those cruisers who pretended to sail under commissions from the patriot authorities of Mexico, of Venezuela, or such of them as seemed best to answer their purpose; that Amelia island was taken possession of by the United States under a law, or act of Congress, which authorized the President to occupy Florida, so as to prevent its falling into the hands of any other nation until the claims of the United States against Spain were adjusted; and that it would be held accordingly, subject to explanations to be given to Spain.

With regard to Galveston, the same reasons had induced the United States to take possession of it, so far as regarded the violation of its municipal and commercial regulations; and, in addition to these, the United States claimed, and would continue to hold that position as a portion of its own territory, included, as it contended, within the true and rightful boundary of Louisiana; that, in occupying those two places, and driving off those cruisers who prowled along and infested those seas, in the name of the patriots of South America, the United States conceived that they were, so far from injuring, rendering an essential service to the patriot cause, by preventing its name and honor from being tarnished and disgraced by a set of sea robbers and freebooters, committing the greatest outrages under its name and flag. The Director said he saw it clearly, and was very glad the United States had adopted so correct and decisive a measure; and, so far from seeing any thing unfriendly, he anticipated from it the happiest consequences to the patriot cause, by thus preventing an odium from being unjustly brought upon its name. I then told him that the Government of the United States had been informed that some of the cruisers, under the real flag of the patriot authorities, had committed considerable violations on our commerce; that, if any such wrongs were to be committed by armed vessels sailing under the Chilino flag, he could not but perceive how inevitably such acts would tend to disturb all harmony between the two countries, and to crush, in the very formation, every friendly relation that might be begun, and desired to be matured between the two nations, since my Government would feel itself bound to protect the rights of its citizens against the insults or injuries of any other people, however deeply it might regret the repulsive measures it was thus driven to adopt; and that the President would wish to be informed if there were any prize courts yet established in the country; and, if any, what regulations had been adopted for the government of the public and private armed vessels of Chili. The Director said that whatever cause of complaint the United States might have against the people of any other of the Patriot Powers,

none, he felt satisfied, could be made against Chilinos, or those under the flag of Chili; because, until very lately, there were no shipping or vessels of any kind belonging to it, excepting, indeed, some fishing boats, and that, within a few months past only, some few vessels had been commissioned; that he had heard of complaints of abuses committed under the flag of other Patriot Powers; and, to prevent the like, as far as practicable, from being perpetrated by those of Chili, it had been determined to put on board each an officer, and such a number of marines as would be able to control and prevent the mischievous propensities of seamen; that, with regard to matters of prize, they were brought before the ordinary and temporary tribunals of the country, until more formal and systematic institutions could be established; and that, for the regulation and government of armed vessels, a set of rules and orders had been adopted, a copy of which should be furnished me, which was accordingly handed me, and accompanies this as document marked A. I expressed much pleasure at hearing that measures would be taken to prevent an injurious and wrongful course of conduct in the only subject which seemed likely at all to disturb the harmony which it was so desirable should be cultivated and improved between the two republics; that the people of the United States not only felt a wish to cherish the amicable relations between the two countries, with an eye to the extension of the channels of commerce with countries which had what they wanted, and were purchasers of that which they had to spare, but they also felt a very lively interest in the patriot cause, arising from moral and political causes. They had once been colonies, and recollected the colonial Government from which they had disengaged themselves by a sharp and trying struggle; and, having since experienced the blessings, and ascertained the prosperity flowing from an independent state, with liberal, political, and civil institutions, they could not but feel a very strong sympathy in favor of the people of South America, who, they were induced to believe, were not only struggling to throw off an odious colonial system, but also to establish for themselves republican institutions substantially similar to those they enjoyed. These were powerful causes for sympathy, and the people of the United States felt them with all their influence.

That, with regard to the present condition of Europe, it seemed to be admitted by all that it was in the most unsettled and unhappy state; that it could not, and would not, long remain pacific; and whenever its peace should again be entirely broken up, then that country must look to its neutral friend, the United States, as its only carrier; that former experience has evinced, under similar circumstances, that, while the contending nations and warring monarchs of Europe, pursuing a policy peculiarly their own, and with which the United States is fortunately not entangled, had closed every channel of commerce against each other, the peaceful republic became the same carrier to them all; so, when a similar state of things shall again arise, as seemed by no means improbable, Chili, being without a single seaman, must see that the only neutral willing and able to conduct its commerce in such an event would be the United States. Indeed, in whatever light the subject was viewed, that country must see that the United States was its natural, permanent, and fast friend, who had no interest incompatible with its most rapid prosperity, its greatest welfare, and most perfect freedom; that, although Chili formed a portion of this vast continent, yet such were the natural barriers which divided it from the rest, passable only at certain seasons of the year, along mere mule paths, it should be regarded, in many respects, as an island separated from the world, perfectly secure, and capable of being defended by its own citizens, unaided, against any foreign force whatever; that Chili was now truly independent; nor was it by nature tied by any ligatures, other than those of free and mutual benefit, to any other country on earth, and, therefore, should henceforth regard itself as holding its destinies in its own hands. The people of the United States wish you independent, not to bargain with you, by treaty, for commercial advantages, (for, as you have seen by the President's message, they stand pledged before the world to ask no such stipulations from the new-born nations of our continent,) but to trade freely, upon terms of equality and mutual benefit. They ask justice and equality—no more; and, for the rest, rely on their own skill and enterprise. You are reproached with the epithet *rebel*. The people of the United States recollect when the term, with as little liberality, was cast upon them; and they sympathize with you. They are free; and their freedom has caused them to prosper above all other nations: they wish you, in like manner, to be free; that, by freedom, you too may prosper; and because free institutions are better calculated than any other to preserve the peace of nations; and the more you flourish, the greater will be the scope of our commercial and beneficial intercourse with you. It is with these views that I have been directed to visit and seek correct information of you, to the end that the relations between our countries may be better understood, and, in due season and manner, matured into strong and lasting friendship. The Director expressed himself much gratified at my view of things; declared that, on his part, nothing should be wanting to promote the most perfect amity, and that he did most cordially reciprocate the friendly dispositions of the United States; but, said he, in times of revolution, we have seen that it is difficult at once to bring about any important, material change, however desirable and reasonable, without endangering every thing. We have seen that our people are not like yours; they are not used to congresses; and, therefore, congresses have often lost the country. The Mexican Congress lost that country; the Congress of Venezuela had once lost that country; and the Congress of Buenos Ayres had endangered that country, until now of late it had learned to act more in concert and with greater propriety. I observed that, no doubt, in the beginning, errors would be committed; but that every thing good must have a beginning, notwithstanding some minor evils might arise; that I hoped soon to see the representative system introduced into that country; and that, if it could not be effected at once upon a large and comprehensive scale, by filling some of the leading offices by election the whole system would soon begin to flourish; and, if cherished and sustained by a perfectly free press, I felt no doubt that the happiest effects would soon arise, and that the principles of free government would be as well understood there as in the United States. He said it was his determination to adopt, as soon as practicable, the representative system of government; and that, in a few days, his manifesto would be published, in which all his views and intentions would be disclosed. A copy of this manifesto is annexed, and marked as exhibit B. After these observations, I bade the Director adieu.

On the 21st May, being in company with the Supreme Director, in the course of some trivial conversation with him on the affairs and situation of Chili, he said to me that there always had been a good understanding between the Government of Buenos Ayres and that of Chili since the revolution, but now the tie between them was very intimate and strong; in short, said he, whatever the Government of Buenos Ayres was to ask of this Government, no matter what, it would be done; and, on the other hand, whatever should be asked by Chili of Buenos Ayres would in like manner be granted; so that, in fact, the bonds of union are as strict as they can be, for they are as two bodies animated by one soul. Previous to the late battle of Maipu, said he, we were obliged to manage and get on as well as we could; but now the two Governments are united, never more to be separated; they cannot be separated. You may hear some dissatisfied people talk, and say many things; but the truth is, that Chili and Buenos Ayres can never hereafter be separated. The conversation then turned on other subjects.

On the 25th May, again meeting with the Director, after the usual civilities and some other conversation, I asked him if he had heard of the news or the rumor that was said to have been brought by the last Buenos Ayres mail. He asked what it was. I told him I understood it was of no less importance than that an agent or commissioner had arrived at Buenos Ayres, bringing authority from England and the Allied Powers to mediate between the Patriot authorities and the King of Spain. He said he had not heard any such news, and he did not think it

could be true, or even probable. I told him I viewed the matter in a light rather more serious than he seemed to do, and would give him my reasons. I then told him that on my way thither from home I had stopped at Rio Janeiro, and there had heard, through our minister resident there, from the Spanish minister resident at the same place, that Spain had prevailed on England to use her influence with the Allied Powers to prevail on them to undertake a mediation between Spain and her colonies, to induce the colonies to return to their allegiance, on the conditions of granting them free trade and some other privileges, and modifications of the colonial system, the basis and principles of which were formerly proposed, and rejected by the Cortes or revolutionary Government of Spain, prior to the restoration of Ferdinand VII., and which rejected articles of pacification were to be found inserted in a book lately published in England, entitled "An Outline of the Revolution in Spanish America," which book I understood Mr. Irisarri, his secretary, late from England, as well as Mr. Monteagudo, an officer of the Government, and who had also lately been in England, were well acquainted with; and, further, that I had understood England had actually agreed to intercede with the Allied Powers, and it was confidently expected its intercession would be effectual, and that the Allied Powers would at least be induced to give the subject a serious consideration; but that I did not understand that England, or any other of the monarchs of Europe, had once thought of including the republic of the United States in the contemplated pacification of the Patriot authorities; perhaps, because they saw that the interests of the independent republic of North America were so wholly unconnected and dissimilar from their own, that to include them would not fall within the compass of their schemes, or might materially embarrass their plans. The Director, after a moment's pause, said that he did not think there was any thing in the report that England wanted their commerce, and he did not believe she would take an active part against them; and that, as to any modification of the colonial system, or return to the allegiance of Old Spain, by that country, it was utterly out of the question. I replied, that although the last report might be groundless, he might rely on it that there was then an actual negotiation on foot to induce the Allied Powers to take sides with Spain against them, and that England had actually moved in the negotiation. What was the nature and complexion of the negotiation, or what would be its result, time alone would disclose. I made some further observations as to the general policy of the European Powers, and the acknowledged and avowed political principles of hostility to all new and reformed Governments, which had held them together as allies for some years past, when the conversation turned upon other subjects.

On the 7th June, in the course of conversation with the Director, he said to me that he had thought, at the time, that there could not be any thing in what I had told him respecting the mediation of the Allied Powers, as moved by England, and that I must have been misinformed; now, however, said he, I am perfectly satisfied of its truth; for Captain Shirriff, of the British frigate Andromache, who had just left Santiago, told me he had in his power papers on that subject, with which he was going to Lima; that he should soon return here on the same subject, and bring with him some account of what might be done; and that his Government had, he was sure, induced the Allied Powers to mediate between Spain and her colonies, and that the subject would soon be taken up in due form. The Director did not seem willing to go further in explanations as to what Captain Shirriff had communicated, but gave me to understand that all attempts at a reconciliation between Spain and that country, upon any other basis than that of the recognition of the entire independence of Chili, would be vain and fruitless.

On the 9th July I received the statistical information which had been promised, and which is hereto annexed, and marked as document C. I then called at the office of the Secretary of State, and, after having some conversation with Mr. Irisarri on the subject of his communication, I took my leave of him. I then called on the Supreme Director for the purpose of taking leave of him. I told him I should leave the city on the ensuing day for Valparaiso, where I intended to embark for my country; that I had received the promised communication, which, although very concise and much condensed, would, I hoped, be deemed satisfactory; and that I had also received a copy of the rules and regulations for the government of cruisers. He said that he had intended to write to the President of the United States, merely to say to him, as the chief magistrate of a great nation, that Chili had declared itself independent, so that he might be officially apprized of that fact, and also to enclose him his late manifesto, a copy of which he had sent me, (and is annexed,) and that if he could find leisure he should still do so; but that the state of his crippled arm, (his right arm had been broken by a musket ball in the conflict of Cancharayada,) and the great press of other business of more immediate urgency, had not left him a moment's leisure or ease. I observed I should, with pleasure, be the bearer of any despatches he might think proper to send to my Government; and, if he thought proper, I would call on him again. He said he would not ask that, but would endeavor to have his letter prepared before I left town, and send it to me. He then expressed a hope that much good might grow out of my mission, and that it would lead to the most permanent friendly relations between our two countries. I told him I most cordially reciprocated the hopes he had expressed; that, for myself, and as an individual, I had seen, since my visit to Chili, much that should induce the United States to cultivate its friendship; that the interests of the two countries appeared to me to harmonize as perfectly as any two nations could possibly do; that they were, in no respect, at variance; that all the best interests of my country were compatible with the most perfect freedom, and the most rapid growth and prosperity of Chili. The Director said the subject had made a similar impression on his mind; still, however, said he, as it would have a powerful effect in confirming the independence which Chili had declared, to have it recognised by some of the most respectable independent nations, Chili would be willing, indeed does actually expect and intend, to extend many commercial advantages to that nation which shall first recognise its independence; and, in doing so, it would be peculiarly gratifying that that favored nation should be the United States, a republic of our own continent, to which Chilinos are strongly disposed to become attached, and to be upon terms of the most intimate and cordial friendship.

I told him that the people of the United States sympathized very strongly with that country in its struggle for freedom, and had, in various ways, more particularly in the mission which had been sent to it, shown a very great disposition to sanction the independence, and to cultivate the friendship of Chili, but, with regard to any commercial advantages to which he alluded, I had no instructions to speak; indeed, on the contrary, he would perceive that the President, in his late message to Congress, had taken that manly, open, and generous ground from which I did not believe the nation would wish to depart. The United States wanted no commercial advantages held out to them as an inducement to the acknowledging, or as a compensation for sustaining the recognition of the independence of Chili; the republic to which I belong wishes to be informed—to see its way clear—to act with a due degree of circumspection, and it will then treat with a new people contending for their liberties, as it ought, upon terms of the most exact equality and reciprocity, and be prepared to meet all consequences. But, said the Director, we shall certainly make regulations in favor of that nation which shall first recognise our independence; our people will expect it, and it will be done. I observed, that the people of the United States would not fail duly to appreciate whatever municipal regulations, in favor of the commerce of their country might flow from the voluntary goodwill of the Government of Chili, in the event of its independence being recognised, but I felt confident that my Government would not ask to have any advantageous stipulations inserted in any treaty it might enter into with Chili; that the United States sought only for justice and perfect equality, and relied for all advantages on the intel-

ligence, skill, and enterprise of its citizens, to insure to them every benefit they could wish from their good friends the Chilinos. The Director then desired that I would present his highest respect to the President of the United States, and express to him his amicable disposition, as well for himself, personally, as in the name and in behalf of Chili. I wished him much happiness, &c., and bade him adieu.

On the next day, the 10th July, 1818, I left Santiago de Chili. On the day following I arrived in Valparaiso. On the 15th I sailed from thence, in the brig America, Captain Daniel Rea, bound, by the way of Cape Horn, for Philadelphia, where I arrived on the 29th October, 1818.

In contemplating the state of things in Chili, one is struck at once with the variety and novelty. A country exhibiting features so bold, and in many respects so entirely singular; where nature has been in some cases so liberal in bestowing her benefits, yet has withheld them in others no less important; whose soil is generous in the nutrition of the cereal gramina to the utmost bounds of what has been anywhere known, yet more than half of its whole extent refuses to sustain a timber tree; a sky seldom overshadowed with a cloud, and rarely swept by a tempest; the surface of the territory bound with chain above chain of rocky mountains, yet frequently trembling with earthquakes, and seldom refreshed by a shower; a people mild, amiable, brave, and uninformed, who but yesterday passively yielded obedience to a monarch known to them only through the medium of his oppressive deputies, yet whose cause they for a time espoused, and whose wrongs, deposition, and vices, agitated and awoke them into their present revolution: a people who have, with a bravery never surpassed, and worthy of the cause in which they have engaged, declared themselves independent and determined to be free; who have begun to disengage themselves from their shackles, and to throw off their sackcloth and ashes: a country where the old institutions are many of them tumbled into ruins, and there seems to be a wish or a necessity to abandon them all; where society has swung from its ancient moorings, and is loosely or only held together by the first principles of civilization, or an ill-jointed military despotism, well disposed to command, yet trembling at the very name of the people; altogether presenting a scene which cannot be viewed with indifference, to which it is difficult to do justice, and with which the understanding may be readily misguided by the feelings. In such a state of things, to collect, digest, and arrange a clear and distinct view of affairs, of the commerce of Chili, of its strength, military and naval, of its capacities in peace and war, its political institutions now existing, or the nature of those likely to be framed, is by no means an easy task. In a time of revolution every fact and circumstance is apt to be distorted by the passions; generosity hopes too confidently and paints too fair; ambition colors to suit its purpose; and malice and indolence are always boding ill, and often denounce venal feelings as evidence of incurable vice, and proofs of the necessity of continuing the exercise of arbitrary power. Without, however, presuming to indulge in speculation, I shall confine myself to the path of duty, and endeavor to draw together and arrange a plain account of present and existing facts and circumstances relative to a country in many respects so interesting to the United States.

The long and mountainous territory of Chili commences on the Pacific at the mouth of the Rio Salado; thence, ascending that river, and extending away from it toward Paquil by a line in a northeasterly direction, over a portion of the frightful desert of Atacama beyond the twenty-fourth degree of south latitude, until it intersects the great chain of the Andes covered with perpetual snows; thence, turning directly south, and taking for its boundary the summit of the most elevated Cordillera, and continuing along it south, embracing what is sometimes called New Chili, or the land of Magellan, until it reaches the strait of the same name; thence, returning by a coast of more than two thousand miles in extent, indented by numerous bays and harbors, along which are found the mouths of about thirty-five rivers, which, after irrigating some of the most productive valleys on earth, pour the melted snows of the Andes into the Pacific; including also, as a part of the dominion of Chili, along its bold, brown coast, many islands, besides the great one of Chiloe, or those which form the archipelago of Chiloe or the Ancud.

The traveller who should set out from the straits of Chacao, and make the tour of Chili entirely to its northern boundary, the Rio Salado, would form an opinion of the country in many respects materially different from what would be taken up by reading any account of it that has been hitherto published: he would find a land whose advantages and inconveniences are in many respects peculiar, which has been sufficiently eulogized in general terms, yet the excellencies of which have not been so accurately described and estimated as they ought to have been. Laying aside, however, all that belongs to history and philosophy, and without entering into a scientific discussion of the physical peculiarities of Chili, I shall make some few observations on the qualities of the territory, and its capacities, as evinced by past experience, to furnish its quota to the general stock of commerce, and as being in itself the avenue to a more extended scope of mercantile enterprise and profit. Supposing the tourist to commence from the straits of Chacao with these objects in view, he would naturally have his attention directed to the number of the articles of the first necessity with which the country was clothed or furnished by nature; and he would no less attentively observe its capacity to produce those articles by cultivation as well as what might be extracted from it of real or of artificial value; and, these being ascertained, every thing belonging to natural philosophy would be understood relative to Chili necessary for a foreign Government to know in order to regulate its commercial intercourse with it to advantage.

Taking leave of the shore opposite the island of Chiloe, and entering into the territory of the Araucanian Indians, a citizen of the United States might imagine himself among the mountain forests of his own country. He would, no doubt, be struck with the great dissimilarity of almost every individual belonging to the vegetable kingdom from those of the northern hemisphere, but without proceeding to inquire and investigate as a mere botanist, he would see a country abundantly clothed with fine timber, excellent of its kind, and extremely well adapted to domestic and to naval architecture, and all other useful purposes; he would find the soil which was thus valuably shaded prodigiously fertile, almost all of it fit for tillage, and well adapted to the cultivation and growth of the various kinds of grain; the climate he would find not materially different from that to be met with in the United States among the mountains at a similar distance from the equator; not so intensely cold in the winter, but no less generally salubrious. This would be found to be the general face of the country until he arrived at the banks of the Biobio. He would find this fine region at present owned and occupied by the celebrated Araucos, a peculiar race of American aborigines, who, with rapidly sinking fortunes and broken spirits, still have something of their pristine character and virtue left, but who are declining in numbers and in strength, and among whom the names of Lautaro and Capaulicon are yet remembered, but are revered as the last of the Araucos.

Crossing the Biobio he would enter immediately into the bishopric of Conception, a country occupied by Spanish population, and similar to that of Arauco, except so far as its present civilized owners have wrought changes on its features. At the river Maule, he would take leave of the bishopric of Conception and enter that of Santiago; but he would here perceive that a boundary much more important than that which had been drawn between the temporalities of the church had been established by nature herself; that her clothing of rich forests, which have been gradually made thinner, was here entirely thrown off; he would observe, here and there, a solitary tree, but no more of what could be called a timber forest; he would observe some trees and thickets skirting the margins of the rivers, and notice that the valleys and mountain sides were gayly decorated with flowers of the most vivid

colors, of various shrubs and plants, and that they were thickly clad with grass and herbage, but that, stripped of all umbrageous covering, nature lay exposed under a calm and cloudless sky, basking in the strong rays of a fervid sun. From the city of Conception to Santiago, the capital of the state, he would, with the exception of one or two ridges, pass through one continued village of peasantry; and, pursuing his route still northwardly, until he arrived at the river Aconcagua, he would observe that the soil had nowhere diminished in its general fertility, but that it was yet more destitute of timber and forest trees; and he would remark that, from Santiago, and indeed some distance to the southward of that city, no valley or field could be planted or cultivated in any way which was not so situated as to be regularly irrigated from some river or stream of water.

After crossing the river of Aconcagua, he would perceive that he had left the forests and the timbered regions of Chili far behind; that he had passed the country so astonishingly productive of wheat and barley; and that he had now entered upon the dry and sultry regions of the mines of tin, copper, silver, and gold, where the soil was less productive of vegetable fruits, where nature was in those respects less kind or more neglected than farther to the south. After passing this comparatively unproductive but golden region, whose riches chiefly lie hid beneath its surface, he might be received into the wretched casucha of a vacuna hunter on the banks of the Salado, the northern boundary of the state, and on the confines of the dreary desert of Atacama, where thirst and famine claim an entire dominion, and forbid, under heavy penalties, the encroachment of either vegetable or animal life. He would then have passed over numerous valleys of a rich black and chocolate-colored soil, some in grain, but mostly grass and herbage, of almost incredible fecundity. He would have frequently passed steep cuestas, or declivities, and portezuelas, or little doors, in the ridges which appear to girt and belt the country in every direction. He might, on casting up his eyes as he crossed a valley, imagine himself in the bottom of an immense natural basin, surrounded on all sides by high mountains, by which the rays of the sun appear to be concentrated to a focus, and poured with the greatest intensity upon the flat, unshaded surface below. Until he had reached the river Maule, he might occasionally at any season have been deluged with rain; but at Santiago, for seven months in the year, the valley is never once refreshed by a single shower; and beyond Copiapo rains are scarcely known. He would have sometimes risen, and again descended, from one valley into another; and holding a course generally from south to north, he would occasionally have followed the valleys as they inclined or declined easterly or westerly. He would have scarcely ever lost sight of the principal towering Cordillera of the Andes on the right; and now and then, rising on an eminence, or looking through a portezuela, in the ridge which lifts its brown side almost perpendicularly above the waves, he would have had a sight of the great Pacific ocean. He would have travelled upwards of one thousand miles, and seen all Chili.

Taking this as the extent of Chili, as it is generally considered when spoken of by its own people, (for they seldom make any account of the land of Magellan,) the state may be divided, as to its climate, into two regions; the variable and humid region south of the Maule, where the weather is changeful, and it rains occasionally throughout the year, as in the United States, and the invariable and dry country to the north of that river, where it does not rain for two-thirds of the year, and in the most northerly provinces of which it rains not at all. And with reference to its natural productions, the country south of the Maule may be called the timber region, from the Biobio to the valley of Aconcagua, inclusive, a land flowing with corn, wine, and oil; and from thence to the northern boundary, the region of valuable and precious metals. These leading characteristic traits and features are intelligibly and visibly stamped upon it by the hand of nature; they are evident at first sight, and at once attract the attention of every stranger. But to this, as to other general rules, there are exceptions; there are some forest trees near Santiago, and they will grow wherever there is a regular supply of moisture. Wheat and vines are cultivated near Copiapo, and iron is said to be found in greatest abundance near the southern extremity of the state. And the Chilinos, when in their boastful mood, say, with more foundation of truth than at first might be imagined, that they possess a country which is throughout of greater fecundity than any other on the globe, and that they never put their foot upon it without treading on silver and on gold.

The average production of wheat in the grain country south of Aconcagua I believe to be truly estimated at about fifty bushels for one sown. The soil of the valleys of Chili certainly has every external appearance of fertility; but still I am inclined to believe that much is to be attributed to the peculiarity of the climate of the middle and northern parts of the state. The grain is sown at the commencement of the rainy season, or soon after it sets in; after that is over, and as it is required, the field is regularly watered from a neighboring stream: there is not much dew, no rain, and never a wind to break or prostrate the stalk of the grain during the period of its growth. Thus furnished with an abundance of moisture at the root, where for wheat it seems to be only wanted, a fervid sun, uninterrupted either by fogs, or rains, or heavy blasts, or cold seasons, which in our country so often disappoint the hopes of the farmer, urges an uncommonly generous soil to exert all its energies, and gently bring to maturity all its fecundity. As a proof of the uncommon aridity of the atmosphere, near and north of Santiago, it is usually observed that iron retains its polish a long time, and is very slowly affected by rust. But accident drew my attention to what appeared to be a more accurate test of the dryness of the air in Chili. In the humid atmosphere of the neighborhood of Punta San Luis, just above the great pampas, there is found in abundance, growing wild, a small parasitic plant much admired for the beauty and sweetness of its flower, called the flora del ayre, from its deriving its subsistence entirely from the air: it has been taken to Buenos Ayres, and there flourishes well. But, on inquiring for this little parasite in Chili, I was told that it had been very often brought over the Andes, but was never known to survive the extreme dryness of the atmosphere of Chili more than one season.

The soil of the valleys of Chili is as productive of barley as of wheat, and apparently for the same reason; but there is not much Indian corn raised, because, as is said, it requires its top as well as its root to be moistened and refreshed, and, therefore, the climate does not everywhere suit its growth as well as it does small grain. Chili is no less wonderfully fruitful in the production of hemp than in wheat. In all the humid region, and in every part of it where the soil can be regularly irrigated, hemp may be produced in any quantity. The vine also flourishes exceedingly well wherever it can be watered, and is very generally cultivated with great profit. The fruit of the vineyards of Chili is very abundant; but the means used for preparing the product for market are awkward, wasteful, and bad. Their presses and distilleries for making wine and brandy are rudely managed, and the liquor is generally bad; but I have tasted some excellent Chili wine that had been made with care in Penco, near Conception, and by one or two others near Coquimbo. The raisins, when carefully dried, are very fine. Figs grow in great abundance and perfection. The olive tree also grows to a great size, and yields abundant crops of very large fruit. Almost all the olive oil used in Chili is made in the country; it is as well tasted as that of Europe, but not so well clarified. The stocks of cattle are everywhere numerous, particularly from Aconcagua to the southward. Each landholder has a great number of horned cattle: the oxen would be reckoned very fine in the United States. The cattle are of a large size, and generally in a condition for beef, except about two months in the year, when the pasturage north of the Maule fails; that is, after the first rain has destroyed the grass which has been dried on the surface of the earth, and before the next covering springs up. The horses of Chili, whose rising forehead and sprightly countenance bespeak them to be of the Moorish race of Andalusia, are uncommonly active,

spirited, and serviceable; they are numerous and cheap. The most common beasts of burden of the country, however, are the mules; they are raised in great numbers, and are certainly the finest I have seen anywhere. The country seems to be in many respects peculiarly adapted to sheep. There are none, or very few, of the merino breed; but of the common kind there are great flocks that are little attended to, and by some owners not shorn of their wool once during the whole year.

In the dry regions, the ridges and lesser mountains, which cannot be watered, seem to be condemned to perpetual pasturage. They are annually clothed with a rich coat of grass, which is slowly ripened and gradually dried into hay, in which state it remains on the ground as good food for the cattle until the first rain in autumn, when it is spoiled or swept off, and then follows a season of scarcity of about two months until this mountain grass springs up again. This is a short interval, and of pleasant weather, compared to our winters; but the cattle feel it severely, as nothing is provided for them. Hides, tallow, horns, and jerked beef, are, at present, cheaper in Chili than in Buenos Ayres; but its mountain pastures can never be expected, upon a large scale, to compete in these articles with the great pampas of Buenos Ayres. The husbandry of Chili is in the very rudest and lowest state: there appeared to be no one single operation conducted with skill, or with the proper advantages; yet there are few, if any, countries on earth where the labors of the husbandman, shepherd, and herdsman are so generously and liberally rewarded. The riches that Chili even now derives from these articles are considerable, and they might be immense. It is now, and must always be, the granary of all the tropical regions fronting on the Pacific. But Chili has not hitherto been permitted to know its own value, or to exhibit the various sources of its wealth. There are a few flour mills in the country, which manufacture some for exportation. It is not, however, for want of streams and falls of water that more and better mills are not erected. Immediately in the suburbs of Santiago de Chili there are three mills turned by the river Mapocho. They are said to be as good as any in the country, and are what would be called in the Middle States of our Union tub-mills, from the structure of the water wheel. The whole machinery of them is extremely simple and rude.

There are so many valuable and productive mines in the province of Coquimbo and the country to the north of Aconcagua, and the people there are so little engaged in agriculture, and so much devoted to the digging after metals, that it is emphatically called the mining country. But, besides the mines beyond Aconcagua, there are mines and lavaderos all over the state, which contribute more or less to the general amount. It is difficult to form a very accurate estimate of the actual annual amount of the precious metals produced from Chili during the past years of colonial peace, owing to the loose, obscure, and mingled state of things under the late system, and which have been still more confused since. If it be true, as has been said, that two millions were exported during the last year from Buenos Ayres, there can be little doubt that much the greater part of that amount was obtained from Chili, because, as is acknowledged by all, there never was a period of time when the mines of the high provinces were less productive, owing to the country's having been so long and so much the seat of war; and, indeed, of the reduced amount that has been extracted, the greater part was from the mines of those provinces in the actual possession of the royalists; and, therefore, from thence none could have gone to Buenos Ayres. In corroboration of these reasons, it seems to be the universal impression, acknowledgment, or complaint, in Chili, that great sums of money have been sent over the Andes, during the last year, to Buenos Ayres. Besides that which has made its way abroad over the mountains, there has gone from Chili, direct to foreign nations, in other ways, in payments for its imports by sea, upwards of one million more, which would swell the last year's export of coin or bullion to near three millions—in a year, too, of distraction and civil war. Hence it would appear that the state has, in that time, sent abroad more than twice the amount of precious metals that has been coined at its own mint; and from the present exhausted state of the country, and other circumstances, I am induced to believe it very probable.

But the precious metals of Chili can be considered as among the number of the articles of its commerce only to that amount which is over and above what may be necessary as coin to carry on its own domestic exchanges. After deducting the amount of its necessary circulating medium, the surplus is clearly one of its productions, which it offers to the exchanges of foreign nations. It is true, as Mr. Secretary Irisarri has observed, that the coinage at the mint does not give the amount actually extracted from the mines. The exportation of bullion is prohibited altogether, yet a considerable amount is annually smuggled out of the country; (and this is the contraband to which he alludes;) and it will increase, because of the temptations held out by the high duties on coin. All metal is directed to be carried to the mint, where it pays a *quint*, or one-fifth, duty; and then the coin, if it be exported, is taxed with a duty of nine per cent. more; but if the bullion be smuggled abroad, the *quint* and nine per cent. are saved. That species of bullion called *plata pina*, from the silver having been cast into lumps resembling a pine burr, is worth one-eighth more than the standard coin. This furnishes another inducement to smuggle; and, so soon as it shall be well ascertained that *plata pina* may be passed for the same superior value in China which it bears in Chili, this inducement will be much increased. Before the ports of Chili were opened to foreign commerce, the people had no means of procuring many necessary household utensils, such as plates, dishes, mugs, cups, bowls, forks, &c., other than those made in the country; hence it was not altogether pride and ostentation which caused so general a use of silver utensils of this description; they were necessaries, and the cheapest; indeed, in some cases, the only kind to be had. This is the home consumption alluded to by Mr. Irisarri; and it is articles of this description, chiefly, which, in the mint report annexed to his letter, are designated by the name of chafalonia, or botched, old-fashioned ware. The consumption of silver in this way, formerly, to gratify the ostentation and the convenience of the Spanish families, was very considerable; but, since the porcelain from China, the British Liverpool ware, and the English cutlery, have been introduced, the chafalonia or old-fashioned articles, disappear very rapidly. Therefore, of the two causes alluded to by Mr. Irisarri, which render the mint estimate an unfaithful guide in ascertaining the actual production of the mines, the one increases and the other diminishes with the opening of the ports and the activity of foreign commerce. Upon the whole, however, it is reasonable to suppose that Chili produced, just before the commencement of the revolution, more than three millions of the precious metals; and as but a small quantity of this could be required to keep up the necessary amount of its circulating medium at home, this article of its commerce may therefore be set down at about three millions annually.

Beside the precious metals, the copper mines of Coquimbo have actually produced, during the last year, ending 1st May, 1818, amidst the difficulties of the times and the dangers of the state, and shipped in foreign vessels, chiefly of the United States, forty-one thousand quintals. The copper mines are principally situated near the coast, and are believed to be the most productive in the world. In addition to the copper, there has also been shipped from Chili a considerable amount of tin. Of these two metals, the annual production may be estimated at about five hundred thousand dollars.

In the valley of Santiago there is a great abundance of a species of thorny shrub, or scrub tree, called espino, and which we should, from its appearance, most probably call a dwarf honey locust. It is from this the city is supplied with fuel. This kind of growth is found all the way to the north, but less and not so abundant in Coquimbo as farther south. This is the only fuel at present used in the furnaces for extracting metals; and the mine country has been so nearly stripped of even this scanty supply, that it is dug up by the roots. Fuel has of late become of

much more serious consideration, in the process of extracting metals, than it used to be; and if the mines were wrought with greater activity than they are at present, the country of the principal mines would, ere long, be entirely deprived of all fuel. This difficulty has, however, been looked to and considered as it approached. It is said that, in addition to the wood fuel which might be had from the timber country, there is, immediately on the banks of the Biobio, near the city of Conception, as fine pit coal to be had, and in as great abundance, as in any part of the world.

Besides the territory north of the river Biobio, or all that portion of Chili settled by a civilized population, which is commonly alluded to when speaking of it in general terms, there are the city and district of Valdivia, the land of Magellan, or New Chili, the island and archipelago of Chiloe, and some other islands of less importance. The district of Valdivia is about thirty miles in length and eighteen in breadth, but thinly populated, and more remarkable and valuable for its timber than any thing else. There are said to be forty-seven islands scattered about in the archipelago of Ancud, or Chiloe, as it is more frequently called; the largest of them is that which has imparted its name to the whole group. It is about one hundred and fifty miles long, and fifty broad. The inhabitants of this and the whole group are a mixed race, the greater proportion native. They are called Chilotes, are much civilized, and have been long under the Spanish Government. The principal articles of commerce furnished from these islands is timber, which is brought to Valparaiso, and the ports north of it, in planks, scantling, &c., chiefly for domestic uses, and pork, a considerable quantity of which is cured into hams, that find a market in the city of Santiago de Chili, and in other more northern parts of the state. This archipelago of Ancud is principally valuable, however, on account of its fishery, and as bidding fair to be the future nursery of Chilino seamen. The two islands of Juan Fernandez, so famous for having been once the habitation of the fabulous Crusoe and real Selkirk, are at present uninhabited, and seem destined by nature to remain so. The largest, called Isla Tierra, from its being nearest the land, was made the prison of the patriots by General Osorio when he resubdued Chili, from which they were relieved, after suffering two years' confinement, when Marco was defeated and taken at the battle of Chacabuco, and the patriots regained their ascendency. The Government of Chili has always claimed the land of Magellan, but has as yet had no civilized population within it, nor exercised any other jurisdiction or influence over it than over the other neighboring tribes of savages.

There are few or none of the valleys of Chili from which there is a gentle communication into those adjoining. A high ridge or a mountain surrounds them all; and a cuesta, or a portezuela, more or less rugged and precipitous, and passable only for mules, is, in almost all cases, the only means by which the society of one valley carries on its intercourse with that of its vicinity. In some happier times, the industry of the inhabitants and the energies of the people may be directed by more liberal and enlarged views, when the present difficulties and restraints upon internal communication from valley to valley may be rendered so easy as more intimately to combine and develop the best feelings and greatest interest of the country. At present there are not more than three carriage roads in all Chili: one, which has been made at a considerable expense over three or four very elevated ridges, from Santiago, the capital, a distance of nearly one hundred miles, to Valparaiso, the principal seaport on the Pacific. There is another road, passable for carriages, between the same cities, by the way of Melipilla, thirty or forty miles farther about, but, in some respects, a better road. This was the original route of communication between the capital and its port. From the city of Santiago to the city of Conception there are only two ridges to prevent the passage of carriages the whole way, a distance of four hundred and thirty-five miles. Except these, there is not another road on which a wheeled carriage can be travelled with safety out of the particular valley to which it belongs. The very clumsy ox-carts, which effect a great portion of the transportation between Santiago and Valparaiso, are a week or more in performing the journey. They carry from one ton to a ton and a half, and charge for it twenty-five dollars per load. Except these carts, all transportation beyond the valley is made on mules. The fare per mule load, which is four hundred pounds weight, from Santiago to Valparaiso, is one dollar and a half, and so in proportion in any other direction. This inconvenience and expense of inland transportation was much enhanced to the mine country under the colonial system, which exacted a duty on wheat and flour shipped coastwise from one province to another. Coquimbo drew from its southern neighbors a great portion of its bread, and was, therefore, under the necessity of getting its wheat from Aconcagua on mules, or of paying this duty on it by sea. This colonial regulation has, however, been abolished by an edict of the present Director, passed on the 29th May, 1818.

The numerous ridges by which the surface of Chili is broken present difficulties in the way of internal communication, but such as are nowhere insurmountable. The loose composition of those ridges is such that roads may be shaped along their sides with comparatively little labor; and, when made, such is the temperate regularity of the seasons, that, with few repairs, they may be preserved for ages. But the wide desert and the lofty Cordillera, by which Chili is enclosed and separated from the rest of the continent, present a barrier formed of a lifeless waste, or a range of mountains lifted in such rugged masses, and reared so far into the region of snows, that it is only practicable for mules by some few narrow passes, and during particular seasons of the year. The desert of Atacama may be said to commence in Chili, almost immediately after crossing the river Juncal, or Dry river, as it is sometimes called; thence to the river Salado, the northern boundary of the state, is a distance of fifty miles; thence to the town of Atacama, in the viceroyalty of Peru, is a distance of nearly three hundred miles, by the way of the coast, and the road passes wholly over a dry, sandy plain, where the traveller meets no living thing either of the vegetable or animal kingdom; and, losing sight of every other guide, his way is often only to be directed by the bleached bones of mules which have perished in attempting to force a passage over that terrible waste. Instead of passing this dreary region, it is generally thought safer and better to climb the steep crags of the mountains, and take the road leading over the Andes, along their giddy precipices and narrow passes. Travellers and postriders sometimes cross the desert of Atacama along the lower and more level road, but few or no traders or carriers ever venture to pass that way; nor, it is presumed, would any military leader lightly be induced to encounter its difficulties for the purpose of carrying hostilities along that route into Chili. The desert of Atacama may, therefore, be considered as a great natural barrier, by which it is closed on that side against both commercial and hostile visiters.

The great elevated boundary of Chili, the principal Cordillera of the Andes, is passable only for mules from any part of the civilized settlements on one side to those of the other. The pass most frequented is that of Putaendo or Uspillata, leading from San Felipe to Mendoza, and is the one by which all travellers from Buenos Ayres to Santiago de Chili cross the Andes. On going out of Chili, after passing the village of Villa Nueva, on the river Aconcagua, about six miles above the city of San Felipe el Real, you ascend the valley of Putaendo, and begin almost immediately to climb the mountain; from Villa Nueva to the guardia or outpost of Chili, is a distance of thirty-eight miles; and thence it is thirty-two miles to the cumbre, or extreme ridge. The path winds along near the margin of the river Aconcagua, rising from elevation to elevation, by a zig-zag path, up rough ascents, that seem to be almost perpendicular; or passes along frightful precipices, from whose dizzy height the stream is seen below foaming and tumbling through rocks abrupt and sounding far, until at length, arriving at the source

of the river which gushes from the foot of the highest ridge, by another laborious march you reach the bleak cumbre itself; whence, below, on the west, are seen the fountain waters of the river Aconcagua, that, with headlong speed, are hastening to the Pacific; and on the east, at the foot of a long steep slope of naked clay, is seen one of the head branches of the Tanuyan, which, with a rapid current, but not with such impatient haste, is bearing off its waters to swell the great collection, made from among these snow-capped elevations, that is poured into the Rio Colorado, which glides over the great pampas into the South Atlantic ocean. From the cumbre to Uspillata, a distance of seventy miles, the path is extremely rugged, but not so precipitous as that on the western side. A large branch of the Rio Tunuyan is poured through the valley of Uspillata, which forms some level, the grass and shrubbery of which afford a little picking for the mules. On this stream the guardia or outpost of Buenos Ayres is planted. From Uspillata to Villavicencio is sixty miles; and, with the exception of two or three steep, narrow passes, the mule path is comparatively good. From the last eminence the boundless plain, stretching along the eastern foot of the Andes, presents itself like the ocean seen from a lofty promontory's top. Making an estimate of the width of the Andes along this mule path, as it mounts and descends the ridges, or winds around about them, from Villa Nueva, in Chili, to Villavicencio, in the province of Mendoza, the whole will be found to be about two hundred miles. The whole distance along this route, from Santiago de Chili to Mendoza, is three hundred miles, and common carriers usually perform the journey in seven or eight days.

The chief difficulty in passing the Cordilleras, by the way of Putaendo, seemed to arise from the want of food for the mules; the little they could gather from the shrubbery and herbage at night, when unladen and turned loose among the crags of the mountains, was scarcely sufficient to keep the creatures from famishing; yet the carriers never think of taking along any food to sustain them by the way. On each side of the cumbre there are four or five casuchas, or huts, built entirely of brick, and covered by an arch; they are about twelve feet square within, and the floor is elevated about eight feet from the ground. These casuchas are placed at short and convenient distances one from another, and are intended as places of refuge for those who may happen to be caught in a *temporal*, or one of the terrible snow storms of the Andes, like the similar buildings of the natives along the same path, of which there are the ruins of one or two remaining.

There is another pass over the Andes to the north of this, leading from the city of San Felipe el Real, in Chili, to San Juan, called the Patos. The distance through the mountains is greater, and the path much more rugged than that of Putaendo. It was through these two passes, of the Putaendo and Patos, that San Martin conducted the army which fought the battle of Chacabuco, took or destroyed all the royal army, captured Marco, its commander, and restored Chili to the patriot power. Farther to the north, the mountains are wider, and the passes leading from Copiapo, in Chili, in the direction toward Rioja, Tucuman, and Salta, are much longer than that of Putaendo, and as rugged. There is a pass to the southward of Santiago, which follows the Rio Maipu to its source, and thence crosses over to a branch of the Rio Mendoza, which is said to be much easier than that of Putaendo; and, still farther to the south, the Andes are said to subside into such gentle slopes, that a good carriage road might be had the whole way from Chili to Mendoza; but the country is entirely in possession of the savages, who have hitherto refused to suffer their territory to be made a thoroughfare, or there is so little traffic and commercial intercourse leading in a southerly direction, that those passes have been as yet only explored, and are very little used.

The pass of Putaendo, the Patos, and most of the others, are utterly impracticable, even for mules, in the winter season, that is, from the middle of May until the 1st of October; but during that time they are continually passed on foot. Peons, or laborers of the country, are hired to carry the baggage of the traveller, made up in diminished packages, over the frozen and snowy region, which is about four or five days' journey in that manner. A Swedish officer, who was travelling for his own amusement, or the information of the King, his master, arrived at Santiago a short time before I left it, having crossed at the pass of Putaendo on the snow. He told me he did not think it so bad as many of the mountains of Sweden in the winter season; but that the people, being little accustomed to such passes, as there were few in the country, were ill provided, and very awkward in encountering their difficulties.

It is by the pass of Putaendo principally, and those to the north of it, that all inland trade between Chili and the provinces east of the Andes has hitherto been conducted.

During the colonial system this traffic was considerable, and for some time after the battle of Chacabuco they were almost the only routes of the foreign commerce of Chili. The manufactures of Europe, of England particularly, made their way into Chili by these paths. The matte, or yerba of Paraguay, so necessary a luxury to Chilinos, will, perhaps, long continue to be imported by these ways; and if the experiments now making should prove that tobacco cannot be raised in Chili in as great perfection as is expected, that is another article of which there will, perhaps, continue to be considerable importations over the Andes from Paraguay, Tucuman, and Salta. The citizens of Buenos Ayres have been declared to be naturalized citizens of Chili. Hence they import and export, in this way, almost all articles free of duty. Matte, when brought in by this route, is free of duty; when imported by sea, it pays four dollars per quintal. Tobacco is imported in the same way on similar terms. Specie, when exported from Chili by sea, pays nine per cent. duty; when sent over the Andes, it pays nothing; and if exported from Buenos Ayres, it pays six per cent. From Santiago to Buenos Ayres the exchange is two per cent.; so that to remit specie from Santiago by the way of Buenos Ayres, there would be a saving of one per cent., supposing all duties and charges paid, and all other expenses equal. This intercourse along the mule paths of the Andes, so beneficial to Buenos Ayres, and disadvantageous to Chili, may subsist so long as their ruling chiefs shall find it convenient to do what either may ask of the other, right or wrong, or to act as two bodies animated by one soul; but it is obvious it cannot continue long under any circumstances which shall leave the Pacific ocean open to foreign intercourse, and the real interests of Chili to their fair and natural operation.

Mr. Irisarri has thought proper, in his communication, to confine himself to a mere list of the several cities, ports, and towns of Chili, without saying any thing as to their population, commerce, or other circumstances, which might be interesting to a foreign and friendly Government. I will endeavor to supply this omission as far as in my power. The city of Santiago, situated near the western foot of the Andes, and about a hundred miles from the seacoast, is the principal city of Chili; it contains a population of about forty thousand souls; it is the seat of Government, and, also, singular as it may seem, the seat of the custom-house, into which all foreign merchandise must be brought to be valued and assessed with the duties payable to the state. The cities of Coquimbo and Conception are not much inferior in size to Santiago, and, from the greater communication with foreigners, and their better means of information, the inhabitants are said to be, generally, more intelligent than those of Santiago. All the other towns of the state are similar in general character, differing only in size; as to which, however, it must be recollected, that the distinction between city and town is not always made with reference to the importance and population of the place, but more commonly in allusion to the organization of its corporation. Rancagua is a small town; but the patriot forces under the present Director having formerly made a bold stand there against the royalists, he has thought proper to issue an edict investing it with the name, honors, and privileges of a city. So, too, the little village of Casablanca, situated in the midst of a fine valley, held chiefly by mayorazgos, and, therefore, not cultivated as fully as it might be, was too distant and inconveniently situated to be

held under the jurisdiction of Quillota, and, therefore, the present Director, by his edict, gave it the separate magistracy of a town. The inland towns of Chili are, perhaps, not worthy of attention in any other respect than as being the seats of manufactures, or of so much intelligent population, and, consequently, political power and commercial capacity and wants. But the seaports are the doors by which we shall communicate with Chili, and are, therefore, more particularly interesting.

The northern seaport of Chili is Copiapo. It is situated immediately at the mouth of the river of the same name. The harbor affords good anchorage, is easy of access for vessels of any size, and is safe from the northerly and southerly winds. The country round Copiapo is the least productive of any in Chili; indeed, it may, in some respects, be considered as barren. It is visited chiefly for the metals which are extracted from the adjacent country. Coquimbo is farther to the south; it is seated a short distance above its harbor, which is a fine, capacious bay, easy of access; and when vessels are anchored in from six to ten fathoms, near the Tortugas rocks, they are not only protected from all winds, but likewise from the uneasy swell and roll of the sea. This is the chief port of the mine country; the richest of the copper mines are near it, and husbandry is in as good a state just about this city as in any part of Chili. Refreshments may be readily had there. Guasco, or Huasco, is a port about fifty miles south of Coquimbo, with good anchorage, and capable of receiving large ships, having from eighteen to twenty fathoms near the land. The small town of Guasco is about six miles to the southward of the river of the same name. The next port south of Guasco, and one which, on several accounts, is most interesting to citizens of the United States, as well for the honor which was there sustained by their flag, as for its conveniences of trade, is that of Valparaiso. A high brown promontory projects into the Pacific, forming a deep crescent, the concavity of which, opening to the north, forms the harbor. The entrance is immediate, easy, and safe; and ships of any size, or in any number, may ride at good anchorage in perfect safety against all winds but those coming directly from the north, when, if it blow a gale, the harbor is unsafe, and vessels must go to sea or be driven on shore. But such gales seldom happen. The trade-winds of the coast of Chili setting almost invariably from south to north throughout the year, there is a considerable swell usually setting in from the ocean, which might be very easily checked by piers from the projecting points of the harbor. Such a useful erection was once begun by an enterprising individual, but was stopped by the colonial Government, lest it might favor smuggling. Valparaiso contains about ten thousand inhabitants, in a town principally strewed round the beach, and in the gullies of the promontory by which the harbor is formed. In the suburb called the Almendral, or Almond Orchard, situated a little to the east of the usual landing place, there are a few small quintas; except which, there are no gardens or any cultivation near the town. Its supplies are almost altogether brought from the fertile and plentiful valley of Quillota, about thirty-six miles to the south, along a road over the ridges which project into the Pacific. But the provisions derived from thence are so cheap, that, according to an account which an American captain showed me he had made out to render to his owners, his crew of eleven men, including himself, were abundantly supplied with bread, meat, and fresh provisions of every kind, for more than six months, for three hundred and fifty-six dollars. Valparaiso is the principal port of importation into the country at present held by the patriots. It was fortified, under the colonial Government, against a maritime attack, and some new works were thrown up during the last year for a similar purpose, but they are not yet finished.

Talcahuana is the port and harbor of the city of Conception, on the north side of the river Biobio. It is one of the most capacious and finest bays on the coast of the Pacific ocean; quite easy of access for ships of any size; and, when in, there is good anchorage and safety against all weather. It is about six miles from the city, which stands immediately on the river Biobio. This harbor has never been fortified against a marine force; and it seems to be questionable whether it can be perfectly secured from an attack in that way. It is at present the rendezvous of the royal marine force acting against Chili. Six or eight miles to the south of the Biobio is the bay and harbor of St. Vincente, which is also secure against all winds. But this good harbor is too little noticed and valued, owing to its having so fine a bay and harbor as Talcaguana in its immediate neighborhood. The port and harbor of Valdivia is fine, capacious, and safe. It is much celebrated in the history of Chili for having excited the cupidity of the predatory Dutch and English prowlers. But there is no extent of territory and civilized population round Valdivia, to give value to any intercourse with it at present; it is, therefore, rather estimated as the future seat of an extensive commerce than for its importance at this time. If I am not mistaken, the port of Arauco, spoken of by Mr. Irisarri, is that formerly held by the Spanish colonial authorities on the river Larampangue, whose mouth is opposite the island of Sta. Maria, and to the south of the Biobio; if so, it is now entirely within the acknowledged territory of the Araucanian Indians. Nor have I been able to learn where the port of El Gobernador, of which he speaks, is situated, unless it be at the mouth of the river Tucapel Viejo, where Governor Valdivia was killed by the Indians, which is between the islands of Mocha and Santa Maria. Besides Valdivia, there are the harbors of Imperiale, at the mouth of the river Cuetan, the Estero Maulin, Calbuco, and others within the Araucanian territory, which will be more known, used, and valued, when the progress of the civilized population of Chili shall either expel or incorporate the Indians of that country. Of the various rivers of Chili, there are none which are navigable except for small vessels, and a short distance into the country.

Mr. Irisarri, in his communication, sets down the population of the state according to a census made a few years since, during the first period of the Patriot Government, at one million two hundred thousand, and makes an allusion to some supposed inaccuracies, the nature of which he has not explained. I am induced, however, to believe that the census was substantially correct, from the general understanding and belief in the country, from the number of towns, and the apparent numbers inhabiting the several valleys; and, also, because Chili not being at that time at all connected with any other province, there could be no motive for underrating its population, or of misrepresenting its strength in any way, or for any purpose whatever. All the civilized or Spanish population, except the small parcels of Valdivia and the islands, is situated altogether north of the river Biobio; and if, from this portion of Chili, is deducted all that dry unproductive district to the north of the river Juncal, which, except a few vacuna hunters, has not an inhabitant upon it, then it will appear that nearly the whole of this population of one million two hundred thousand is seated on perhaps less than two-thirds of that extent of territory which is generally understood to be comprehended under the name of Chili. The entire length of the state, from the straits of Chacao to the river Salado, may be estimated at about nine hundred miles; and from the brow of the Andes to the shore of the Pacific, it cannot be fairly estimated at more than one hundred and forty miles in width, on an average. This, then, would give an extent of one hundred and twenty-six thousand square miles altogether; only about eighty of which are occupied by the civilized Chilinos of European or mixed descent. On comparing this country with some portions of our own, it will be found to contain nearly as many inhabitants to the square mile. The States of Maryland and Virginia, including the District of Columbia, together, contain seventy-four thousand nine hundred square miles, and the sum total of their population, according to the last census, was one million three hundred and seventy-nine thousand one hundred and ninety souls. If we recollect the mountainous surface of Chili, and that there are few or no inhabitants on the mountain sides, it will appear evident that its population is very much condensed in its several valleys. Of the whole of this civilized population there is, at

present, no more than about two-thirds of it, or eight hundred thousand, at this time, actually under the government of the Patriot authorities. The royalists have possession of Penco, with a considerable extent round the city of Conception, which is well fortified on the land side, and is their stronghold; they have Valdivia and the archipelago of Chiloe also, whence they have drawn a few recruits for their army, and some other resources.

Immediately after it had been determined that a partial independence, at least, should be carried into effect, the patriot or ruling authorities of Chili, in the year 1811, passed a law entitled "An act for opening and encouraging commerce and navigation." This law declared the ports open to all friendly and neutral nations, and specified Talcahuana, Valparaiso, and Coquimbo as the greater or proper ports of entry for all foreign merchandise; and went on to regulate the commerce and navigation of Chili in various particulars, and prescribed a tariff of duties. This legislative act, with some few alterations, contains the tariff and regulations by which foreign commerce is at present governed. I procured the manuscript copy which accompanies this, marked as exhibit F, by which you may ascertain specifically and in detail what are the existing commercial regulations in all material points therein specified. But as there are some matters which would not appear, or be readily understood, merely from reading it, I shall, therefore, give an explanation of the duties, charges, and embarrassments to which our trade with Chili is at this time actually subjected.

The duty called almoxarifazgo is one which has been levied and collected in Spanish America ever since its settlement. It is levied on every thing imported into or exported out of the country, but is more generally and properly the name given to import duties. It has, from time to time, been raised and lowered, and varied with the various articles on which it has been laid; but the almoxarifazgo duty of Chili, at this time, is twenty-two per cent. on all imports. The alcavala is an excise paid on all articles sold. This is also a very ancient Spanish form of taxation, and is an excise, the origin of which, in America, is coeval with its settlement. All foreign merchandise imported is subjected to this alcavala, and, at present, its amount is ten per cent. When a vessel arrives at her destined port in Chili, her cargo must be landed and placed in the warehouse of the Government, until the amount of duties is adjusted and paid, or secured. To prevent smuggling, and also that the importer may not be imposed on, the Government undertakes, as it says, this operation of landing and storing; and, that it may be paid for this trouble, it imposes another duty, called subvencion or help, for this its assistance given to the importer, of one and a half per cent. The custom-house officers, and other agents of the Government employed in collecting the customs, are allowed no fees, to insure their integrity and vigilance; however, in order to raise a fund to pay them a salary, there is an additional half per cent. duty imposed for that purpose, called the impuesta de averia por el estado. The court of justice called the consulado is a tribunal that was erected for the use of merchants particularly. None of the members or officers of this court are allowed by law to receive any fees; but, as they labored for merchants, it seemed fair that commerce should be taxed to raise for them a reasonable compensation; therefore, there is another tax of one-half per cent. laid and collected for this purpose, called the impuesta de averia por el consulado.

These several ad valorem duties are laid on according to a valuation of the goods at the market price in Santiago, when they arrive there; the sum total of them makes what is called the regular legal amount of single duties on all imports; that is, thirty-four and one-half per cent. When double duties are imposed, which is the case on liquors, ironmongery, claret in casks, Windsor chairs, ladies' silk and morocco shoes of French fabric, and some other articles, all these duties are doubled, except the subvencion, by which the sum total of duty on such articles is raised to fifty-seven and one-half per cent. But tobacco, snuff, arms, and ammunition are to be sold only to the Government, unless by special permission. This rule, however, has been much relaxed of late.

Such is the law; now for the practice. The custom-house is in the city of Santiago, a distance from Valparaiso, the nearest seaport, of ninety or one hundred miles. The mere underlings and the guard only are situated at the ports; consequently all authoritative communications, permits, and the like, can only be had from Santiago, where the whole cargo must be sent and deposited, before any of its packages can be opened or exposed to sale, with the exception of some few heavy articles, such as iron, &c. Notwithstanding what is paid for subvencion for the state, and for the consulate, the importer finds himself under the necessity of hiring assistants, of feeing the officers and the consulate, or, in fact, bribing them, or his business stands still. I shall give the example of an American ship, the cargo of which was valued at $197,000; but, as regards the following fees and charges, they do not materially vary with the value of the cargo; they are paid in the lump, and must be incurred to have the cargo, great or small, placed in the stores for sale. The first charge is for inspectors, porters, boatmen, storage, &c., $155; that is for subvencion, which the Government, by that phrase, had intimated was not to be paid by the individual. The next is for despatching mules, carts, and permits for the goods, $200. Another is for transporting the goods to the custom-house in Santiago, and thence into the stores in the same city for sale, $814: these two last items of expense are incurred merely from the custom house being planted at the foot of the Andes, instead of being near the wharf; for some of these very goods were sent back and exposed to sale in Valparaiso. And, finally, the expense of petitions and expresses, $26; fees to the officers of the consulado, to whose use a per centage had been paid for rendering their services to the merchant gratis. These charges amount to $1,195, and are no more than what is usual, in addition to the delay, vexation, and trouble of the merchant.

The export duties are similar in their nature. On tin there is paid a direchos de salido, or an export duty of three per cent., and the subvencion, the averia por el estado, and the averia por el consulado; making a sum total of five and a half per cent. on the standing Government valuation of ten dollars per quintal. On copper, the sum total of duty is thus divided: the derechos de salido three per cent., alcavala six per cent., subvencion, averia por el estado, averia por el consulado, and two rials per quintal. These are all paid into the aduana or custom-house. The ventado, or inspection, five per cent.; and one rial per quintal to be paid into the treasury, or caxas del estado. These ad valorem duties are levied on the market price of the copper, and amount to sixteen per cent. and three rials, or thirty-seven and a half cents per quintal besides. On wheat, hides, tallow, &c., the growth of the country, exported in foreign bottoms, (and there are as yet but one or two others,) the duties are as follows: almoxarifazgo, one and a half per cent., alcavala four per cent., subvencion three-fourths per cent., averia por el estado one-quarter per cent., usually making the estimate of duty on the most reduced market prices; on which articles the total amount of export duty is thus made up to seven per cent. The law allows the merchant to bond for the payment of the duties in three months, which indulgence the Government frequently extends to six, and even nine months. The exportation of gold and silver bullion is absolutely prohibited; and coin, on being exported by sea, is subjected to a duty of nine per cent.

In reply to my inquiry, what was the amount of the revenue of Chili, the sources whence it was derived, and the objects on which it was expended, Mr. Irisarri has thought proper merely to furnish a copy of some of the treasury accounts of the last year. This might, perhaps, be deemed the most concise, accurate, and perspicuous mode of answering a citizen of Spanish America, but not a foreigner. Therefore, as these accounts may in the United States be considered as obscure, I shall take a review of them, and make such observations as appear to be necessary in order clearly to understand their nature, and what are the sources of the revenue of the state, and the objects on which it is expended.

The papers annexed to Mr. Irisarri's communication, marked as Nos. 4 and 5, are two treasury accounts of receipts and expenditures of revenue. The first of these papers furnishes exemplifications of every thing relative to the present revenue of Chili. I shall therefore notice each of its several items. The whole receipts of the treasury, according to this account, are comprehended under nineteen distinct items. The first is the amount of the common internal revenue; the fourth is the duty on tobacco. The eleventh, twelfth, and fifteenth are duties on flour, liquor, quicksilver, gunpowder, stamped paper, hides, and other articles, all of which are principally collected in the shape of an alcavala. The second and fourth, derived from mining and coining, have been already explained. The third is the amount of the customs or duties, or the exports and imports of the country, laid and collected, as has also been explained. The sixth is the proceeds of papal bulls and indulgences, or dispensations from crimes, sins, and observances of the church: they are of two classes; bulls for the living, and bulls for the dead: by the first may be obtained absolution from crime, from sin, or the party be indulged in eating eggs and milk, or even flesh meat, during fast days and lent. This is a greater relief than might at first be imagined. Near the bay of San Antonio I was shown a species of sea-weed of which the faithful peasant made a porridge when neither the bull nor fish could be had. The bull for the dead is purchased by the relations of the deceased on his behalf, and is a means whereby the pains of purgatory may be lessened and shortened. These bulls are small pieces of printed paper, intimating, in substance, what extent of indulgence the pious holder may ask for; and, after having been duly and regularly sanctified in the church, they are put into the shops, and sold as a sort of stamped paper. And it would also seem, from this item of the treasury account, that contributions are still, in the most distant regions of the earth, levied on the faithful to raise a crusade for the relief of the holy land, and for the redemption of those made captive in so glorious and pious an enterprise.

The seventh item was the amount of what were called the monthly contributions, which, in a note, Mr. Irisarri says have been abolished, without telling us what has been substituted in their place. On looking among the edicts issued by the present Patriot Government, however, I found that which furnished the explanation. By this edict, dated on the 9th of December, 1817, after reciting that the burdens of the state ought to be equally and proportionably borne; that large landed estates were held in absolute proprietorship by all the religious institutions; that almost all the great landholders had, in one way or other, charged their estates with the render of some rent, corrody, or benefit to one or other of the religious institutions; that such institutions also held a considerable amount of censos or money at interest; and that merchants, who might not have any lands or tangible property, were yet, commonly, wealthy in floating capital, it enacts and declares that all lands and other property, whether held by the church or individuals, shall be taxed one per cent. per annum, a quarter of which shall be paid by the religious institutions in whose favor the land was charged, or the mortgagee, to be adjusted proportionably, according to an actual valuation which shall be made; and that merchants shall also be taxed one per cent. on what shall appear, on investigation, to be the actual amount of their capital. What will be the amount of the proceeds of this tax it is impossible to say, as the first year's collection of it had not been brought into the treasury. It is, however, I believe, the first *direct* internal land and property tax ever attempted to be levied in Spanish America, and the first tax that ever has been laid on the property of the church in the Spanish settlements; and I am inclined to believe that it will prove to be more fruitful in revenue, and in its consequences, than any tax ever laid in Chili. The eighth source of income set down is that of the tithes. By adverting to the paper No. 2, attached to Mr. Secretary Irisarri's communication, it will be perceived that he has given an average of the product of the tithes of all Chili, under the old regime, when the state had not been wasted or disturbed by war, at $216,811. This is stated to have been the annual amount paid into the treasury; but of the entire product, a small part of what is actually collected (but what proportion I could not learn, even from the Secretary himself) is paid to the clergy. It has always been usual in Chili to farm out the collection of the tithes, sometimes to favorites, at a considerable sacrifice to the state. During the last year, the tithes of the valley of Coquimbo, which were estimated and said to have actually produced twenty-four thousand dollars, were farmed out to a collector for sixteen thousand. The ninth article is the amount of the voluntary contributions. This is an evidence of the patriotic spirit of the people; and, on looking over the names, most of which had been published, I find the ladies of Chili as distinguished for their patriotic liberality as their countrymen. The tenth item is made up principally of fines and confiscations imposed on godos or tories and their property. It is inevitable and fair that those whose principles have induced the contest should abide the loss; but I am very sorry to be obliged to say that no inconsiderable portion of this amount is derived from fines and the sequestered property of real patriots, who do not happen to belong to the present reigning faction, but who are, perhaps, still more inimical to the royalists and godos than those in power. It would seem, however, that such is the indiscreet eagerness with which property is seized, under the pretext of disaffection, or such the liberality of the ruling authorities, that a great part of what is seized is restored. The thirteenth item is a toll collected for the repairs of the pass of Putaendo over the Andes. This toll was gathered under the colonial Government, and is continued since; but, except the casuchas, there appears to have been very little applied to the improvement of the road. The fourteenth article is the proceeds of the estates of the Jesuits. When the King of Spain expelled that religious order from his dominions, its estates were taken into the hands of Government as regal property; and the amount here set down is the proceeds of those estates lying within the reach of the present patriot rulers. The sixteenth item is the proceeds of a duty imposed on all goods required to be weighed by the Government. The seventeenth is the amount of a prize captured by the brig Eagle, a Government vessel. The eighteenth is the amount of property the owner of which is unknown, or the right to which is contested. The Government, therefore, holds and uses it as revenue, until the true owner is discovered, or the right settled. The nineteenth and last source of revenue specified is that derived from a discount on the salaries of civil officers. These are the several sources of revenue, and the amount of each, derived from so much of Chili as is subject to the present patriot authorities.

The same paper will show the various ways in which the receipts of the treasury have been expended. Of the twenty articles of expenditure, it sufficiently appears, from the face of them, that the first, second, third, fourth, seventh, twelfth, thirteenth, and fourteenth have been incurred to carry on the present war for independence and freedom. The fifth item of expense is what may, in some respects, be deemed a distribution of a small portion of the first-fruits of Chili, after the battle of Chacabuco. This sum of new coin, as appears by a report to the delegated Supreme Director, dated on the 1st of July, 1817, was thus disposed of: one thousand dollars were given to his excellency the Supreme Director of Buenos Ayres, Don J. M. Pueyrredon; one thousand to General Belgrano, commander of the Buenos Ayres army of Peru; one thousand to the Supreme Director of Chili, Don B. O'Higgins, to be distributed among the officers of the army of the south then under his command, near Conception; and the other thousand to the commander-in-chief, General San Martin, to be, in like manner, distributed among the officers of the army in Santiago under his command. The sixth is the amount of debts paid which were contracted in the first epoch of the Patriot Government. The eighth is the aggregate amount of pensions and annuities charged upon and payable out of the treasury. A part of these were granted during the Government of the viceroyalty. The ninth is the amount of property which had been sequestered, but, not being confiscated, was therefore restored.

The tenth is the amount of the civil list. The eleventh and seventeenth are two items showing the amount of the rents or annuities and pensions with which the Jesuits' property was charged. The twelfth item is the amount of expenses incident to the Treasury Department. The fifteenth specifies the gross amount of the expenses of the national armory in Santiago. The eighteenth is the salaries of the superintendents of the mines.

The nineteenth item is for defraying the expense of completing the valuable work or canal of Maipu. I have before described the vast importance of water to the valleys of Chili south of the Maule; some of which cannot be watered at all by any artificial means, others have not an abundant supply, and in none is the water so carefully and judiciously distributed as it ought to be. One of the most valuable and interesting of the remaining monuments of Indian ingenuity and improvement in that country, is the Salto del Agua, about five miles to the northeast of the city of Santiago, where a great part of the river Mapocho, on which the city stands, is brought, by means of a canal, through a gap in the ridge, which terminates at and immediately overlooks the city. From this gap, standing on the margin of the Indian canal, and nearly on a level with the valley behind, you have under your view a part of the city, and the fairest portion of the valley of Santiago. The water, on passing the gap, is, one part of it, made to wind along the mountain side to the north, another to pass along to the south, and the surplus is suffered to leap immediately down its steep side, from eight hundred to a thousand feet almost perpendicular, whence the work takes its name of the Leap of the Water. The water of the southern canal turns a grist-mill on its way down; and all, after reaching the plain, is poured over it in many directions, so as to irrigate the various vineyards, quintas, gardens, and farms, which are thus rendered astonishingly fruitful. The Spaniards say that the Salto del Agua remains now as the savages left it more than two centuries and a half ago, without any alteration, and with little repairs. The river Mapocho, a part of whose waters had been thus turned in so useful a direction by the Indians, after passing the city of Santiago, crosses the valley in an easterly direction; then, pursuing its course south along the foot of the opposite ridge, sinks under it, and, rising again near Francisco del Monte, hurries into the Maipu, which it finds above Melipilla, after that river had taken leave of the principal Cordillera, about twenty miles south of Santiago, and made its way directly east over the valley. Between these two rivers, on a dry swell of the plain, about ten miles southeast of Santiago, the famous battle of Maipu was fought. And this portion of the plains lay so high, for many thousands of acres in extent, that it could not be watered from the small canals of the Mapocho, and, therefore, was only used as pasture ground. It is intended, by the work of Maipu, to bring the waters of that river along the foot of the mountain in a canal, terminating at the Mapocho above the city of Santiago, so as to water and render fit for cultivation all these plains, which, anciently as well as lately, have been so celebrated. Such are the works of a people, whether of aboriginal or of foreign descent, who really own a country, and govern and manage it for themselves. The nature of the two last items of expenditure in this account needs no explanation.

Among the official printed accounts of the state of the treasury, which have beens ometimes published monthly, from which Mr. Irisarri appears to have copied his No. 4, and made up his succeeding No. 5, I find the official treasury account up to the last of February, 1818, and, by adding its gross amount to that of Mr. Irisarri's No. 4, it will give the amount of the first year's receipts and expenditures of the Patriot Government, reckoning from the battle of Chacabuco, which was fought on the 12th day of February, 1817; according to which, it appears that the whole amount of revenue received amounts to two million one hundred and seventy-seven thousand nine hundred and sixty-seven dollars, and the total amount of expenditures, in the same time, has been two million one hundred and nineteen thousand five hundred and ninety-five dollars, leaving a balance in the treasury of fifty-eight thousand three hundred and seventy-two dollars. This exhibits a view of one year of the war establishment of Chili. To see what would be the state of its finances in peace, according to this same account, we have only to deduct the nett amount of the confiscations, the proceeds of the prize, and the sum raised to purchase arms, which, together, amount to one million and ninety-nine thousand six hundred and twenty-four dollars, from the receipts of the year, and we shall have one million and seventy-eight thousand three hundred and forty-three dollars, the receipts of the treasury from what appears to be the product of the ordinary system of peace taxation. And if we then, in like manner, deduct from the gross amount of expenditure all those items which have been manifestly occasioned by the present war, it will appear that the peace establishment would cost no more, according to the present system, than four hundred and seven thousand two hundred and thirty dollars, which, deducted from the peace receipts, would leave a balance in the treasury of six hundred and seventy-one thousand one hundred and thirteen dollars. This calculation ought not, I should conceive, to be at all affected by what is said in the Treasurer's note to No. 5, because he speaks of charges that will evidently be included in the following year's account. According to these views, it would appear, then, that the abilities of Chili to defray the expense of its own Government, and to sustain the extraordinary expenditures of a war of defence, are not only very abundant, but that its usual ordinary resources, in time of peace, would be amply sufficient for all the purposes of roads, canals, and other public works so valuable in all countries, and which would be to Chili of the most incalculable benefit.

But it would seem that these formal accounts of the state of the treasury, from time to time published for the information of the people, are not altogether so correct as they should be; that the abilities of Chili have, probably, been strained much beyond what is here represented; and that there have been dispositions of its treasure to a considerable amount over and above those set down. In a communication I had with Mr. Irisarri, on the 1st of July last, he assured me that the revenue of Chili had, during the last year, yielded four millions of dollars; and in the written communication now before us, he says that there are not comprehended in the official account some receipts of much importance, which, by their uncertain nature, ought not to be included in it. In addition to these declarations of the Secretary of State, it seemed to be the current opinion and belief that the last year's revenue had yielded about four millions of dollars. Chili, it was said, was much exhausted, and there had been a clamor that its revenue had been grossly misapplied, which clamor, it was said, caused the resignation of one of the secretaries. It would seem, then, that since the battle of Chacabuco, a sum not far short of two millions of dollars has been gathered up in some way or other, (in what manner I could not learn,) and either lies dead in the country, or has been sent out of it. It could not have gone out by fair commerce; because an exportation of riches in that way would, instead of exhausting the people and causing them to complain, have benefited them much. But I need make no further observations; the facts and circumstances are before you.

Mr. Irisarri has given a statement of what, he says, are the numbers of the veteran forces of Chili, and nothing more. It is of importance, however, that the nature and composition of this veteran force should be understood. Under the first government of the patriots, many who had offended the reigning party, which was at times the Carreras, and at other times the Larrains, with O'Higgins at their head, were banished to the other side of the mountains; and in consequence of these internal divisions, in a great measure, a principal portion of the patriot forces of Chili, under the command of the present Director, which had made a stand at the town of Rancagua, were there attacked and defeated by the royalists on the 2d day of October, 1814, after which the remnant of the patriotic forces, with all who could, and deemed it prudent, fled in every direction over the Andes. This defeat of Rancagua closed what is called the first epoch of the Patriot Government. The Chilian refugees and exiles of all parties rendezvoused at Mendoza. General San Martin, who was then there, made common cause with O'Higgins and

the Larrain faction, and undertook to reorganize an army from these motley and shattered materials. He procured arms and a reinforcement of about two thousand free negroes from Buenos Ayres. O'Higgins was made brigadier general; but almost all the other officers of the army were either citizens of Buenos Ayres, or commissioned and appointed from thence. There was no Chilino officer in it higher than a captain, except O'Higgins. This army, thus composed, amounting in number to about four thousand, was led over the Andes by General San Martin, through the passes of Putaendo and Patos. With some skirmishing in the pass of Putaendo, but without any material loss, the whole arrived safe in the valley of Aconcagua, near the city of San Felipe; and pushing forward toward Santiago, it was met by the royal army under the command of Marco, at the foot of the cuesta which enters into the valley of Chacabuco. A battle ensued on the 12th of February, 1816; Marco was captured, and his whole army cut to pieces or made prisoners. Thus the patriots regained Chili. O'Higgins was made Supreme Director, as he says in his manifesto, by the voice of the capital and the state; but every one will perceive that this army at least had its influence in the appointment.

This army has been occasionally divided and united; its parts have been distinguished by various names; it has sustained many losses and been often recruited; but it has received no aid from abroad, it has been supported, wasted, and strengthened, altogether in Chili; it is now called "the united army of the Andes." As it fell back on the approach of the royal army under the command of Osorio, it was said to have sat down at Cancharayda nine thousand five hundred strong. It may have then consisted of that number; but on the night of the 19th of March last it was attacked by the royal army, panic struck, and almost totally dispersed. It rallied again in the valley of Santiago. The royal army under Osorio came up, the troops of which were composed princially of veterans from Spain, that had been transported by the way of Cape Horn to Lima, and thence to Conception; and, with some Chilotes and other auxiliaries of the country, was about five thousand strong. The rallied patriot army could not have exceeded, according to any account, six thousand men, almost all raw troops or militia, except the Buenos Ayres negroes. The royalists had a decided advantage of ground, and twelve pieces of artillery more than the patriots. In this situation, the two armies met about ten miles to the southeast of the city of Santiago, on the plains of Maipu; and early on the morning of the 5th of April last a most desperate conflict commenced. The royalists charged fiercely; the negro troops flinched; but the Chilinos, the militia no less than the rest, animated by one invincible fervor of patriotism, with shouts of "Viva la Patria," carried all before them, sword in hand, or at the point of the bayonet. The field was literally strewed with heaps of slain. The combat continued with various fortunes until late in the afternoon. It is said that, for the numbers engaged, there never was a more obstinately contested combat or a more bloody battle fought in any part of the world. Of the royal army, the half were found dead or wounded on the field, and all the rest made prisoners. The loss sustained by the patriot army is estimated at about fifteen hundred. The victory of Maipu has completely confirmed the independence of Chili. Since the battle, many of the troops who had fled from Cancharayda have been rallied, and there have been also many recruits enlisted. Yet, after making all allowances, I could not find among the citizens that any one estimated the army at more than six thousand strong on the 1st of July last. But it may, as Mr. Irisarri states, amount to eight thousand four hundred. Of the officers of the army, there are at present but two Chilinos in it above the rank of captain; the one is the present Director, who is a brigadier general under General San Martin, and the other is Colonel Raymon Freyre, a native of Santiago, about twenty-three years of age, but confessedly one of the most distinguished officers in the patriot service; he is as modest and unassuming as he is intrepid, and is said to be firmly devoted to the establishment of the liberties, as well as to the independence of his country. A part of the united army of the Andes is now in the province of Conception, near the enemy, and another part, including the Buenos Ayres negroes, is in Santiago, as a guard to the capital and the palace.

With respect to the militia, the estimate given by Mr. Irsarri is of so much of the country as is at present in the power of the patriots. I did not, however, understand that they had been completely officered or organized. As to arms, they have few or none; and I question whether the Government have arms for them over and above those necessary for the regular troops. There are, however, a great many arms in the country, belonging to merchants, for sale; and the people are, either by purchasing arms for themselves, or by being occasionally exercised in the militia, improving very rapidly in the knowledge and use of arms.

The marine of Chili is made up of those vessels specified in the paper No. 7, attached to Mr. Irisarri's communication. They have been lately purchased, and are altogether officered and manned by foreign seamen, chiefly Americans and English. The brig Aquila, of eighteen guns, has performed some service; she was purchased soon after the battle of Chacabuco. The brig Buenos is of not much value.

Just previous to the battle of Maipu the English ship Windham, carrying fifty-two guns, then lying in the harbor of Valparaiso, bound on a trading voyage to Botany Bay and India, was purchased by sundry persons, principally Americans and English, in partnership with the Government, and commissioned as a Chilino cruiser, under the name of the Lautaro. She made one short cruise, in which she had a combat with the two Spanish ships Esmeralda and Pezuela. About the latter end of June last, she was purchased by the Government entirely of the individual owners. Since then she has not been completely manned. The Coquimbo was a privateer ready for sea in the beginning of July last, and in that situation purchased by the Government. As to the two ships, San Martin and Chacabuco, spoken of in this paper, General San Martin had a considerable sum of money sent over to Buenos Ayres, where he employed Mr. Aguirre and Mr. Gomez, two gentlemen of that city, and placing the funds of Chili in their hands, with a commission from it for Aguirre, sent them to the United States as agents to contract for the building of two vessels of war; where they arrived and contracted for the building of them in the city of New York. Since then, further sums have been remitted from Chili, through Buenos Ayres, to Messrs. Aguirre and Gomez, to meet the expenses of completely fitting out these ships, which were to be called San Martin and Chacabuco. They had not arrived when I left Valparaiso. As to the privateers of Chili, it has not been long since they commenced their career; some, it is said, have been successful. A copy of the rules and regulations by which they are to be governed was handed to me by Mr. Irisarri, and accompanies this, marked as exhibit A. I did not hear that any acts or conduct contrary to the usual practices and the laws of nations in such cases had been imputed to any of these vessels.

It would not, perhaps, be correct to consider either the exports and imports of Chili, during its subjection to the late colonial system, any more than what it has received and sent abroad during the present revolutionary epoch, as an accurate criterion by which alone to ascertain the annual value of its commerce, when the whole country shall be united and settled in a state of peace under one and the same Government. But a knowledge of existing facts and circumstances, taken in connexion one with another, will enable us to form some opinions approaching the truth as to what its real capacity now is, and may be in future.

Considering the precious metals, in bullion and in coin, over and above what is necessary to carry on the exchange of the country, as among the articles of its exports, the following is a list of the chief of them at present: gold, silver, copper, tin, wheat, flour, hemp, cordage, hides, tallow, jerked beef, vacuna, guanaco, and chinchilla skins, and several kinds of dried fruit, figs, raisins, &c.

Since the opening of the ports of so much of Chili in February, 1817, as the patriots obtained possession of, there have arrived twenty-four American vessels, principally ships of two hundred tons and upwards. Of these, four were whale ships, and four other ships engaged in the sandal-wood and northwest coast trade; these ships called, obtained refreshments, and had some little trade. The other sixteen brought cargoes for the Chili market, consisting of arms, ammunition, naval stores, tobacco, iron, furniture, iron hollow-ware, British dry goods and crockery, India goods, French goods, and jewelry; which have been, at a reasonable estimate, supposed to be worth one million three hundred and eighty-five thousand dollars. And, during the same period of time, there arrived twenty British vessels, one on a whaling voyage, and one bound to the northwest coast, and eighteen with cargoes, either from the river Plate, with articles collected there, as yerba, tobacco, &c., or from Europe, but chiefly with British goods. The total amount of their cargoes has been pretty fairly estimated at about one million eight hundred and thirty-five thousand dollars. Many of these vessels, as well Americans as British, had left Chili in July last; others still remained there; and it was estimated that neither the Americans nor English had, at that time, collected much more than half the returns for the imports. Besides these, there had arrived, in the same time, two Russian ships, one Swedish, one French, and one merchantman from Buenos Ayres in ballast, which was sold there and fitted out as a privateer. The British have, it is said, for a long time had a ship of war on the coast of Chili for the protection of their trade. The British frigate Amphion left Valparaiso in February last; and in May the sloop-of-war Blossom, and soon after her the frigate Andromache, arrived on the coast. The Blossom had sailed to Columbia river, and the Andromache was at Lima on the 15th of July last.

The whole amount of imports into that portion of Chili held by the patriots during the last year, as well over the Andes as by sea, has been estimated at little short of four millions of dollars; of which, two millions, it is believed, have come from England, one from the United States, and one from Buenos Ayres; while, during the same period of time, it is supposed there has not been exported from the country, including specie, more than about two millions; which, at present, leaves an apparent balance against it of half the whole amount of its imports. This is owing to two causes: in the first place, according to the colonial system and course of trade, which is continued, with few alterations, merchandise imported was never sold, so as, within the last year, to place the returns in the hands of the importer, because, if he was a foreigner, as has uniformly been the case latterly, he was not, nor is he now, allowed to retail them himself; or, as the law has defined what shall be considered retail, by reference to a mule load, to sell any package, two of which are equal to a mule load, or, in other words, to sell a package of less than two hundred pounds weight. And, according to the former custom of the country, no retailer would take more than what he immediately wanted. This precautionary and dilatory custom has increased with the late precarious revolutionary times. The consequence has been, that as great an amount of goods has not been vended as might have been if the actual demands of the people had been gratified. The other cause is, that, in anticipation of the market, without a correct knowledge of the wants and taste of the people, a greater amount of some articles has been introduced than was, for the present, wanted; and a considerable amount of others has been imported, which are utterly unsaleable. Hence, in some respects, commerce has not yet completed its circuit; the goods are unsold, still lying in the hands of the foreign merchant; the country is not indebted for them; and, therefore, the balance of trade is not so much against Chili as would at first appear.

As regards foreign commerce, the market of Chili may be considered as being yet untried, unexplored, and but very imperfectly known. Many things are getting into use, and the demand for others increases as the people become better acquainted with their utility. There are some few articles of the growth or manufacture of the United States which have been found to answer, as saddlery, Windsor chairs, furniture, tobacco, and some others; of the European fabrics, those of France and Germany are greatly preferred. It has been remarked, that even the miserable casuchas of the huasos are beginning to exhibit some conveniences of foreign fabric, which, until the opening of the ports of their country, were unknown to them. Indeed, I presume it will be regarded as one of the inevitable consequences of the present revolution, that, as the comforts and conveniences of the mass of the people shall be substantially improved by it, their wants will be multiplied, and their capacity to pay for them proportionably augmented.

In estimating the powers of a state, we naturally look first at its physical qualities; the salubrity of its climate; the fertility of its soil; the means of intercourse by which one district may aid and supply another; the nature of its productions, and how its population is seated; whether crowded into a small space, or sparsely scattered over a great tract. These, and such circumstances, are necessary to be known, in order to form a just opinion of the capacities and energies of a people. I have, therefore, endeavored to present you with a clear view of all these matters as regards Chili. But the human institutions of a country, though not so indelible and unchangeable, are often no less powerful in their operation than those physical qualities. Superstition spreads over the social visage the sickly hue of pestilential vapors, and the hands of arbitrary drones disappoint the hopes of the harvest like the rust or a mildew. In a salubrious climate, amidst the abundance of agricultural pursuits, and with the advantage of a condensed population, if anywhere, it would seem that there life should have all its gayety, its delights, and its value; that there all the social ties should be most strongly felt, and that there human excellencies should be most fully developed; but a mayorazgo, a monk, and a regal superior, shall be permitted to walk hand in hand over this goodly scene, and they will gather up all its abundance, banish its festivities, and leave it like a barren but inhabited waste, a scene of beggary, of squalid raggedness, and filth; where the human creature, inspirited by no motive, and lost to every sentiment of his own dignity and worth, shall value nothing so much as a long interval of repose; and a modern philosopher, unmindful of Christian feeling, shall look upon such creature, so circumstanced, and in a spirit of what, by some, might be deemed philosophical liberality, at once pronounce him utterly unfit for liberty. All human institutions which in their operations and consequences paralyze human industry, or waste and consume its fruits, are most serious evils. Their pernicious effects are always severely felt, and they never fail to abstract from the capacities of a nation, to enfeeble it more effectually than war, famine, or plague. All colonial establishments are ruinous to a colony, because they gather up the wealth of the country, regardless of the beneficial reciprocity of fair commerce, and send it abroad. An ecclesiastical establishment consumes the productions of a country within itself, yielding no return. It is like a rot in the earing of the corn. They are both of them political evils of a similar nature. The one Chili has banished forever; the other has been shaken and loosened, but it yet remains.

The church, in all the Spanish possessions in America, was well provided for; in Chili particularly so. There are said to be about ten thousand monks and nuns in the whole country; that is, of the class called regular clergy, in contradistinction to the seculars. The religious institutions, filled by these regular clergy, are said to hold, in one way or other, either in absolute proprietorship, or charged with the payment of annual sums or corrodies, or under mortgages, nearly one-third of the landed property of the state. The lands of the religious houses held in absolute proprietorship are usually rented by a person, who again underlets them to other tenants, who hire slaves and huasos or peasants, and cultivate them, as a sort of terre-tenants or stewards. Thus two sets of drones are supported from its profits—the monkish proprietors and the mesne tenants, neither of whom ever pay any other

attention to the estate than to collect the rents when due. The effect upon agriculture and society of suffering a great portion of the land of a country to be held in mortmain is well understood, and in Chili it is quite obvious. In addition to the landed estates held by the religious institutions, they have what are called their censos, or money lent out on interest of five per cent. per annum, to the amount of ten millions of dollars; and besides their share of the tithes, which the state still permits them to draw, the clergy have the first-fruits or anatos, which yield to each curate between two and three hundred dollars per annum. When we contemplate this prodigious wealth of the church of Chili, compared with the revenues of the state, and recollect the searching prevalency of pecuniary influence, we shall at once see the full force of the Spanish saying, that, in that country, "it is doubtful whether the state be in the church, or the church in the state."

The present patriot authorities, owing to the nature of revolution itself, to their prodigality, to their having too many hungry expectants about them, or to some other causes, are continually pressed for resources. They have repeatedly cast an eye upon the accommodations and the wealth of the church. They have solemnly asked the opinion of the holy fathers as to the propriety and policy of raising a considerable sum of money by the sale of bulls and indulgencies; and were answered that neither right nor religion would forbid it. They have seized upon two large monasteries, turned out the monks to seek accommodation elsewhere among their brethren, and made barracks of the holy lodgings. They have taken the house of exercise, that is, the large edifice where the faithful used to resort to receive the pious instruction of the fathers, and to punish the body for the good of the soul, and converted it into an armory. They have tried and convicted monks and *nuns* of high treason, and sent them into banishment; and, some months ago, urged by their continual pecuniary necessities, they proposed merely to borrow the censos of the monasteries, and accordingly instituted an inquiry into their amount; and thus ascertained that, in the bishopric of Santiago, they rose to about six millions of dollars; and in the bishopric of Conception they were in amount about four millions. The church clamored prodigiously at this most unholy attempt to touch the support of religion. The state, however, made out to relieve itself from its exigencies in some other way, and for the present abstained from borrowing the ecclesiastical censos: but a fair and general tax has been laid on all church property.

The Spanish chiefs or viceroys under whose auspices Chili was conquered made very extensive grants of its territory among their principal followers and favorites; or, actuated by the religious fervor of the times, they made settlements of whole valleys, or the most choice and extensive tracts, upon some religious houses, or for some pious purposes. The lands thus granted to the religious institutions being held in mortmain, were inalienable; and those large tracts granted to individuals were commonly entailed, and transmitted entire, as fettered inalienable inheritances, according to the principles of the Spanish law of primogeniture called mayorazgo. The expressions often used in an original grant, as descriptive of the tract conveyed, will give an idea of their extent. They were, that the grantor should have and hold all the tract within the waterfalls, from such a point to such another point. These expressions, not unfrequently, by thus calling for the circumjacent ridges as the confines, comprehended the greater part of a large valley; so that the mayorazgo might stand on his estate, and behold its outlines and boundaries, like an immense circumvallation thrown up by the hand of nature all around. The effects upon husbandry, commerce, and the state of society generally, of suffering these fettered inheritances to continue in any country, are well known. It is said that their effects have been extremely pernicious in Chili. The present Director has, however, put an end to them. By his edict of the 5th of June last, all mayorazgos are forever abolished and prohibited in future.

Before the revolution there never was a printing press in Chili; nor did any science reach it but what was carefully passed through the sieves and strainers of the holy inquisition of Madrid, or the no less holy inquisition of Lima. The taste for intellectual pleasures was everywhere suffocated or religiously restrained; and the charms and heresies of modern literature were permitted, in no shape, to lead the faithful Chilinos astray. The press, until within these few years, was a machine of as much entire novelty and curiosity to the people of that country as any other of the useful mechanical inventions of modern times; its powers and its value were unknown; and the earthly immortality which it bestows upon the labors of virtue and genius was a matter wholly beyond their conception. The press is, however, no more than the great instrument by which all human knowledge may be speedily and extensively diffused, and easily multiplied, renewed, and perpetuated. But it never has, nor can it be used as a machine to create a talent for discussion and investigation, or to arouse a people to an assertion of their rights, whose minds have not been previously impressed with a knowledge of letters, and also been imbued with a talent for discussion. The first revolutionary impulses, on such a people, like those made on the Romans in the time of the elder Brutus, or on the English at Runnimede, or on the Swiss in the days of Tell, or on the Spaniards who followed the fortunes of Padilla, must be from other causes and by other means than through the instrumentality of the press; and, perhaps, I should not be wrong in observing that the first and most successful revolutionary impulses in favor of liberty, in all ages and countries, have not been those made by that cool but potent instrument of reason, but by those animating strokes which, falling directly upon the heart, and on the sentiments and feelings of the bosom, arouse passions sufficiently strong to burst all bonds and to encounter all perils. Such is the impulse which has been given to Chili; and the Spaniards will long remember that, on the plains of Maipu at least, the sentiments and feelings of Chilinos were kindled to deeds of noble daring, far beyond all ordinary power of resistance. After a people have thus had their passions and sentiments completely unfettered, the influence of the press gently follows, as a reasoning friend, who diligently instructs the head and justifies the feelings of the heart. The press has, as yet, therefore, had little or no effect in Chili, nor is its operation likely to become immediately, and at once, extensive and powerful, under any circumstance in which it could now be placed, owing to the previous habits and education of the present generation of the people.

The Christian religion, as has been justly observed, is, in all its various forms, essentially an intellectual mode of worship. All its different sects, more or less, inculcate the communion of mind with infinitely amiable and benevolent mind. Its fundamental principles, therefore, correctly understood, are exceedingly friendly to the cultivation of the intellect. But a contrast of the Catholic establishment in Chili, with the established church and toleration of our country, under its colonial system, will show how extremely different the effect and consequences of the same divine emanations may be, in proportion as they are mingled or effusated with the sordid objects of Governments and of men. The rival sects in our country, as well as the church of the state, which was itself a deviation from the older establishment, made the cultivation of the mind and exercise of the intellect essentially necessary, as well for the pastor as for each of his flock. To set forth the correctness and the excellence of his creed, and to expose the errors of others, which he deemed it a solemn duty to instruct his followers to avoid, continually called on the preacher for an intellectual effort, and imposed on him a ceaseless task of reasoning.

The church was thus made to every hearer a school of polemical exercise, as well as a house of adoration and prayer. The colonist of our country thus had his mind imperceptibly enlarged and invigorated, his polemical skill continually improved, and his reasoning faculties sharpened and prepared for political as well as religious subjects. On the other hand, the established church of Chili tolerates no rival, suffers nothing like religious controversy, and is itself the congregated original, whose creed suggests no inquiry, nor challenges any investigation. The mind

hears the dogma dictated which it is commanded to believe, without daring to doubt, or presuming to ask a question. Men are faithful but not rational believers: the rich and shining ceremonies of the church glitter before their senses; they yield reverence from habit; and their minds, overshadowed with a gloomy obeisance, rest content in a kind of irrational silence. The Catholic religion itself is better understood in our country; because its principles are discussed and explained, and much has been published in its vindication. But in Chili it is never controverted, seldom expounded, and stands in need of no vindication. It is upheld by power. The people comply with its ceremonies without presuming to question their meaning; and, consequently, the great mass of them understand little of the principles of the religion they profess. Hence, from this cause among others, in our country the first revolutionary blow aroused multitudes of the most adroit veterans in argument, whose reasoning powers attracted the admiration of the world. But the Chilino, with awakened feelings as keen and as strong, and animated by a courage as determined and invincible, is, as yet, a stranger to mental struggle and political controversy.

Soon after the commencement of the revolution, in the year 1811, when the Carrera party was in power, a printing press was imported from New York, which was set up and managed by three citizens of the United States, who went with it, and a weekly newspaper was published called the Aurora, edited by Camilla Henriquez, now of Buenos Ayres. This was the first newspaper ever published in Chili. After the Carreras were put out, and the party now in power obtained the ascendency, the paper was called Arauco, and was edited by Mr. Irisarri, the present Secretary of State. Since then there has been continually a newspaper published in Chili. But it has always been under the absolute control of the reigning party. Some one dared to say that the victory of Chacabuco had been gained chiefly by the brave efforts of the sons of Chili; and, by an edict of the present Director, of the 14th of March, 1817, the printer was commanded to give up the name of the author, that he might be punished as a libeller, who designed to excite jealousies in the minds of the Chilinos against the generous defenders of their liberties from Buenos Ayres. There are, at present, four weekly newspapers published in Santiago; none anywhere else in the state; the Ministerial Gazette, a Government paper, formally made such on the 2d day of May, 1818, and placed under the management of the Secretary of State, El Argos, El Duende, and El Sol, each issuing once a week; and all of which are printed at one and the same press, belonging to the Government, are understood to be edited by the clerks and officers of Government, and are wholly subservient to the powers that be. There are two other printing presses in the country, which were carried there by citizens of the United States for sale, but they are not found to be saleable articles.

The present Director, on the 25th of June, 1818, issued an edict, exempting all newspapers and pamphlets from postage, and allowing all books to be imported free of duty. Thus, light may begin to break in. But there is a fellowship and a social principle in human rights which prompts each to cherish and sustain the other. Nothing can prevent the introduction of the representative system, for the hearts of the people are bent upon it; that will draw after it discussion: the press is the very chief instrument of investigation; and when a people begin, with that help, to think, to inquire, and to vote, their advancement must inevitably be very rapid, unless their country be distracted and devastated by foreign foes. Thanks to Heaven! there are few hereditary enemies to reform on this continent; none which surround Chili; and not many on the globe who have strength and length of arm to strike it; not one that can subdue it.

The greater part of the Europeans who settled in Chili are said, by some, to have emigrated from the southern provinces of Spain. But there is a tradition in the country, that, immediately after the barbarous wars conducted by the Duke of Alva in the Netherlands, many of the adherents of Philip II. of that country emigrated to Chili. But, from whatever portion or province of Europe they have principally derived their descent, every stranger acquainted with other Spanish settlements in America at once remarks the fairness of the complexion of the Chilinos of unmingled European descent; blue eyes and fair hair are common. Perhaps a regular mountain climate has rather given prevalency, and cleared than darkened the fine complexion of the first European settlers. It is among this class that all the intelligence of the country is found, who are said to be in general much better acquainted with ancient than modern literature. And, as in every other Spanish settlement, all the most respectable land owners are residents of the cities, and do not dwell on their estates in the country.

When Chili was conquered, the natives who survived the war, and submitted to their invaders, had a portion of land allotted to them, which was called the Indian pueblo, or town: all the rest was parcelled out among the new comers. There was in almost every valley a pueblo of peaceful and submissive Indians: besides these, there were throughout the country many Indians held as slaves, whose descendants, held in slavery at this time, are said to amount to about fifty thousand. The mixture with those of the European race in and about the Indian towns is so general, and the population has been so blended and whitened in them, that, in the project of a constitution presented to the Congress of the first period of the Patriot Government, it was proposed to consider them as a portion of the people, entitled to all the privileges of citizens. The huasos, or peasantry of the country, are all of this mixed class: they are universally illiterate and indolent, but kind, docile, brave, and humane. Previous to the arrival of the Buenos Ayres negro auxiliaries, there were not, in all Chili, one thousand of the African race, bond and free. By a law passed during the first epoch of the Patriot Government, the children of all slaves born after that date were declared free from their birth. This law, suspended by the return of the royalists, has been since held to be in force. Upon the whole, it is universally admitted that the population of Chili has less of the African blackening, has a smaller proportion of slaves, and is altogether more homogeneous, than any other of all Spanish America.

But the order and arrangement of nature in Chili, according to some plausible theories, is such as will have a strong tendency to inculcate that animated love of country which, in its legal and ecclesiastical institutions, there has been manifested so much anxiety to crush and destroy. Liberty is sometimes called a mountain nymph; yet mountainous countries have been often enslaved and subjected to arbitrary government. But when liberty does, in such countries, once obtain a habitation and a name, it rises and flourishes with more vigor than in most others.

There is an inspiring genius in the mountain scenery of Greece, which prompted its ancient owners to assign a guardian divinity to reign over the grandeur of every lofty eminence, and to protect the beauties of every valley. They admired and rejoiced over the gay diversities of their country, and were patriotic. Switzerland presents a similar scenery, which operates so powerfully in binding the affections of the inhabitants to it, that the Swiss love of country is not only an ardent sentiment, but, under some circumstances, a preying infirmity. In ancient Rome, the annual festival of the terminalia called the proprietors, cultivators, and peasantry to the fields at the most enlivening season of the year to offer sacrifices and make libations to the God of Boundaries, to ask a blessing on the fruits of the earth, and to make a religious processioning of their lands. This gay festival cherished the social feelings; by anticipating, it prevented controversy; and it filled and warmed the bosom with an ardent love of country. Amidst the mountain regions of Greece, of Switzerland, and of Chili, nature herself leads out the inhabitants of each valley to an annual terminalia. The mountain boundary is gayly decorated; the streams pour down their libations on the fruits of the earth; they flourish and are blessed; the inhabitants rejoice over the coming abundance; their affections are warmed, and they are thus inspired with an animating love for their country. An intelligent civilian

of Santiago has called his country the Switzerland of America: it is so in scenery; it is so in bravery; and why should there not be William Tells among Chilinos, who will, ere long, lead the mountain nymph triumphant through the land, and give her a welcome and a home in every valley?

Without travelling through a long historical detail of events, it will be sufficient to observe that, in Chili as in Buenos Ayres, the moving causes of the revolution were not the oppressions of the Spanish monarchy. The people of Chili were not first awakened by persecutions and sufferings to a sense of their power and their rights; they had always been quiet for more than two centuries and a half. The united vigilance and cares of church and state had tamed every restless spirit, and checked every wayward thought. The rulers and pastors of the people had diligently removed every hope of liberty, and passive obedience had become a habit. When the wars arising out of the French revolution, involving and disturbing all the nations of Europe, overwhelmed the peninsula of Spain, drove the ancient dynasty from the throne, produced a struggle for the sceptre, and broke loose at once those carious bonds of mere prejudice and superstition which held the various parts of that great monarchy together, such was the state of the mother country that it was manifest the colonies could no longer be governed as formerly. Each one, consequently, began calmly to think of self-government, not as a matter to which it had been excited and persecuted, nor in a spirit of rebellion, but as a deplorable act of necessity, in obedience to a melancholy fatality which had rent asunder the several parts of a great empire that had been until then so quietly and happily united.

The Junta or Congress assembled in Chili in 1810 was much influenced by this view of the subject, and by a strong sentiment in favor of the mother country. But there were many men in it, and in the country, of much capacity and intelligence, who clearly saw, at that day, that the only alternative allowed to it was absolute independence or colonial despotism, who admired the political example and precepts of the United States, and who regarded that as the favorable moment for giving a new and improving direction to the destinies of their country, which ought not, for a moment, to be lost. At the head of this party was the venerable but unfortunate Don Ignacio Carrera and his sons. There was another party who, swayed by old prejudices, were disposed to compromise. Don Juan Egana, a lawyer of eminence, and who is one of the commissioners appointed by the present Director to draught a constitution for the state, was of this party. He drew up a projet of a constitution in the year 1811, and submitted it to the Congress then in session, who ordered it to be published for information and discussion. In this projet, which asserts that Chili should have a government of its own, free trade, &c., the idea of a political reunion with Spain, and the other provinces of America, when circumstances would admit, is provided for and continually held out.

Thus the minds of the people began for the first time to be awakened. They were thus looking around, and slowly taking a survey of their circumstances and their interests, when civil war, with all its fury, rushed into their country along with the preparations for political inquiry and discussion. The agitation was great; the people staggered, changed, and faltered. They had the courage, but not having the information and the means of concert at once to assume a correct course and to maintain it, they were distracted, divided, and beaten.

The party now in power, and who, it would seem, had then, as now, a great respect for the British, were induced by the English Captain Hillyar, of the ship of war Phœbe, then lying in Valparaiso, to compromise with the royalists. "But who would believe," says the present Director, in his manifesto of the 12th of February, 1818, "that in a crisis as favorable to our enterprises as melancholy to the self-styled *national* army, the capitulations of the 3d of May, 1814, would have been made? It is necessary to explain to wipe away the shame: suffice it to recollect that it was ratified by our Government, guarantied by the mediation of Commodore Hillyar, with the authorities of the Viceroy of Peru, accepted by the commander of the troops from Lima: ours retired, restored to the enemy the prisoners, and obliged the people to acknowledge the peace so solemnly published." After thus making peace, as they supposed, with the enemy, they were attacked anew by the royal or national army, and on the 2d of October, 1814, entirely defeated at Rancagua. The remnant of the patriot forces fled over the Andes, where, with other Chilino refugees and the two negro regiments, and the officers from Buenos Ayres, they were reorganized under the name of the united army of the Andes, re-entered Chili, vanquished the enemy at Chacabuco, and thus regained their power. In June last a commissioner arrived in Santiago from Lima, charged with a proposition from the Viceroy of Peru to adjust an exchange of prisoners of war; and, on inquiry, it was found that all the Chilino prisoners that had been taken by the royalists, having been placed upon the island of Juan Fernandez, were released by the patriots after the battle of Chacabuco, and, consequently, that there were now few or none in their hands. But the Patriot Government of Chili had, on the one side or the other of the Andes, eight thousand of the royalists prisoners of war, which they were willing the Buenos Ayres authorities should exchange for those of the United Provinces in the possession of the viceroy. No cartel of exchange was, however, agreed on, owing to some informal or contemptuous style in which the patriot authorities had been addressed.

This short statement of the chief causes and course of the Chilino revolution will be further illustrated by the declaration of the present Director, dated on the 1st of January, 1818, (annexed, and marked D,) and by that of the 12th of February following, (annexed, and marked E,) and which, together with his manifesto of the 5th of May last, will furnish an outline of the course of events: they will show that a brave people are now unanimously resolved on independence and liberty; that they have boldly met, vanquished, and captured, in succession, almost every man of two well-appointed veteran armies that had been sent against them, leaving none of either to return upon their country; and that they have determined to adopt the representative system of government: for, in the proclamation of the 1st of January, the Director declares "that the then actual circumstances of the war would not allow of the convocation of a Congress;" in that of the 12th of February he says, "it has been wished to delay the calling of a Congress, so difficult to be gathered together during the effervescence of war!" and makes a solemn pledge that a Congress of the representatives of the people shall be called as soon as circumstances will admit. In his manifesto of the 5th of May he declares that arrangements are making for introducing the representative system; that a committee has been appointed to draught a constitution on that basis; and he has issued his edict actually making the appointment. All which are acknowledgments and proofs (if, indeed, proofs were wanting) of the anxious and unanimous wishes of the people, and of the existence of a design somewhere to pacify or elude the gratification of those wishes. This strong and general popular desire to have a Congress called, thus, under various pretexts, postponed, parried, or evaded, must soon prevail. It not only pervades the minds of the citizens generally, but, since the victory of Maipu, it has begun to spread along all the ranks of the Chilinos of the army. The much-talked-of invasion and liberation of Peru is a project plausible and popular enough; but it draws off the attention of none from the great object of having a Congress at home. The restraint of some, the banishment of others, and even the destruction of one of the active advocates of the call of a Congress, has rather served to excite and to irritate, than to quiet the minds of the people. A Congress will, ere long, be convened, and the work of reformation then really be commenced; awkwardly and unintelligently at first no doubt, and, perhaps, passionately; but the revolution will move on, often checked and diverted from its best course, as all others have been, by the

working off of the pernicious old leaven of kingcraft and priestcraft, to the attainment of much good and substantial freedom ultimately.

The movements of the military leaders, and the position in which they have left the patriot forces under their command, have, in the judgment of some, been so contrary to every thing like military skill, zealously directed for the good of the cause, as to cast a shade of obscurity and mystery over all the affairs of state. The same observations are made on this subject in Buenos Ayres as in Chili. Why, it is asked, are not the militia of the high provinces attached to the Union, and who are so extremely zealous in the cause, furnished with arms? It is said that the gauchos, under the command of Guemez, are more than a match for all the guerrilla parties of the royalists in that quarter; and, also, that the people of Potosi, Chuquisaca, and their neighborhood, are resolved on independency and freedom. If so, it is asked, why are not Belgrano and Guemez ordered to press forward towards Peru, and leave arms with the people in their rear to protect themselves in case of need, instead of remaining so long stationary near Salta? Why is an army of twenty-five hundred men, principally freed negroes, left in the city of Buenos Ayres, when no enemy threatens it, and only three thousand sent under Belgrano to the frontiers to face the national foe? Why not arm the militia of the capital and its vicinity for its temporary defence, in a moment of emergency, such as that of the late attack of the English, and send the regular forces to the frontier? In Chili similar observations and inquiries are made. Almost immediately after the battle of Chacabuco, San Martin, the commander-in-chief, instead of pursuing the enemy to the walls of Conception, and closely investing him there, if no more could be done, or of instantly and vigorously pursuing the royal forces in every direction, and of destroynig the adhesions to the old system wherever to be found, left the army in Santiago, and went over to Buenos Ayres, and staid there so long that, when he returned, the royal forces were recruited and prepared for the siege which he then laid to the city of Conception. The battle of Maipu was fought on the 5th of April; and about ten days after, instead of leading the veteran African auxiliaries of Buenos Ayres, with the brave Coquimbos and Aconcaguas, instantly towards Conception, and laying siege to it, cutting off all its supplies, the Aconcaguas were sent home, the Coquimbos to the neighborhood of Penco, and the negro regiments quartered in Santiago, while San Martin again made a visit to Buenos Ayres, where he still remained in the middle of July last, concerting measures, according to some reports, for the invasion of Peru.

It is said that this invasion can only be made with certainty of success by sea, and that ships of war and transports must be procured for the purpose. The chiefs say that, in the bustle and effervescence of warlike preparations and efforts, the representative system, and the excellent political institutions they intend giving to Chili, cannot be adjusted on a correct firm basis; and, therefore, this great work must be postponed until the patriot forces have taken possession of Lima. On the other hand, distinct intimations are heard among the people of Chili, that while the military chiefs are celebrating their triumphs in Lima, they will occupy themselves in founding the representative system of government for their country. Not more than one-third of the population of Peru are whites of unmixed blood; a great majority of them are, however, ripe for revolution, and desirous to throw off the colonial yoke; but the other two-thirds are negroes and mulattoes, bond and free; many of whom are wealthy, and have been as well instructed and educated as the whites. Hence the whites, friendly to a revolution, are afraid, alone, to make the least effort for emancipation, lest they should kindle the latent flame of a servile war. They are, therefore, it is said, determined to wait the arrival of the forces of their brethren of the south or the east, who may be ready to extinguish the dreaded flame should it break out.

Whether the movements of the military leaders are the result of mere ignorance or imbecility, or whether they are made with a design to procrastinate the war, so as to continue a pretext for holding the country, by means of the army, under their control, and with a design to crush the rising spirit of republicanism, which accumulates and gathers strength with the progress of independence, is not positively known; but some burning jealousies have been lighted up on both sides of the Andes. What will be the consequence, when the patriot forces shall plant the standard of independence in the Plaza of Lima, is also problematical; it would evidently contribute to the final and secure establishment of the independence of Buenos Ayres, as well as Chili, to expel all royal authority from Lima. But when a military leader from Buenos Ayres or Chili shall make himself master of Lima, what will then be the consequence to Peru itself; and what may, in a short time, be the nature of the reaction from thence on Buenos Ayres and Chili, of such a chief established there, and believed there to be necessary to prevent the flames of a servile war from bursting out, are questions which time alone can solve.

The colonial Government of Chili, like that of all the other Spanish provinces, was a simple unqualified despotism, in which the people had neither voice nor influence, such as I have described that of Buenos Ayres to have been. Don Bernardo O'Higgins tells us, in his manifesto of the 5th of May last, that, after the expulsion of the royalists, "the first step was to nominate a person who might be charged with the executive government in circumstances so difficult; that the capital of Santiago called him to that station by the universal acclamation of its inhabitants; and that that voice had been uniformly followed by the provinces and the people of the state; that he entered on the administration, and already knew that it is only by a vigorous and energetic government that tranquillity and order can be maintained, and the public mind prepared to receive convenient institutions." Whether his excellency was called to the supremacy of the state by the people of the capital, or of Chili, in reality, or by the Buenos Ayres chiefs of the army, I shall leave others to determine; but certain it is that the much more loud call of the people latterly for a Congress does not appear to have been so distinctly heard, or it has not been so willingly attended to. The Supreme Director O'Higgins has taken possession of the palace of the ex-vice-king, which he has now guarded principally by the Buenos Ayres negro regiments. Finding himself invested with all the powers of a vice-king, without the control of a royal master, he uses his authority accordingly, and the Government of Chili is, in other respects, organized as it was under the colonial system.

Upon the whole, when I reflect upon the circumstances and state of things in Chili; a million or more of agriculturists gathered into the small compass of its delightful valleys; a population so homogeneous as to leave no ground even to suspect the existence of any latent cause of civil feud or servile war; a people extremely ignorant, but, like all villages of agriculturists, easily instructed and susceptible of rapid improvement; secure among mountains, and far remote from the contending potentates of modern times, yet seated immediately along the margin of the ocean; a country that has hitherto been debarred of all the benefits of foreign intercourse, but which, from the nature of its productions, will command a choice of commerce; I am strongly impressed with a belief that the day is not distant when she will, in spite of faction and craft, and the occasional risings of the leaven of her late institutions, be admired and respected by the nations of the earth as another of the firmly established republics of our continent—when she will stand, like another young Minerva, with her back against a wall—that wall the mighty snow-capped Cordilleras of the Andes—looking with mild composure upon an ocean which presents to her a new world of commerce, which will be navigated by no rival, which is too distant for the hostilities of the angry nations of Europe to reach, and whose placid surface is seldom visited by a storm. Thus stationed, she will be only accessible by way of her high brown coast, neither fearing nor being feared by foreign nations, making all welcome to her bold shores, and pouring out her abundance and her riches to all who want and seek to obtain them by the just and peaceful ways of fair commerce.

I have so far confined my inquiries to Chili itself; and the interests which the United States have in its independence and freedom appear to be in themselves sufficiently important to attract the serious attention of our country. The subject, however, enlarges as we approach, and there opens before us an extensive and fruitful field, not confined to Chili alone, yet evidently connected with it. The free access to that great bread country of the other hemisphere lays open channels of trade hitherto closed against us, and cherishes and sustains every other branch of all our rich, profitable, and increasing commerce of the Pacific, which heretofore encountered so many privations and perils. I shall take the liberty merely to make a sketch of those branches of trade, and their probable value, which must inevitably be either opened, cherished, or enlarged, in consequence of the independence of Chili, leaving it to others who are more fully informed to determine on the correctness of the facts and circumstances I shall relate, and to say what will be the new state of things most likely to arise out of them.

I have endeavored to give an idea of the amazing fruitfulness of the valleys of Chili in wheat. I did so, because I was impressed with the belief that its grain fields are now destined to become the means of its happiest improvement, its most rapid prosperity, and its inexhaustible sources of wealth. Chili is now, and must, from the nature of things, continue to be, the great granary of all the countries fronting on the shores of the Pacific and South Atlantic ocean of this continent. In this supply it can have no rival; and now that the doors of its commerce are thrown open, the demand for Chili grain has already so extended that the price has risen, notwithstanding its old colonial market has been, and will, for a while longer, be entirely shut up. None of the tropical regions of America, either on the Atlantic or Pacific shores, produce wheat, or indeed any bread-stuff, in sufficient abundance for their inhabitants.

In Brazil, there is no wheat cultivated, nor is there any portion of it, on navigable waters, suited to its growth, except it be the plains on the Rio Grande de San Pedro, immediately bordering on the Banda Oriental, to which it is similar in its nature, and at present is, like it, applied solely to the purposes of grazing. All the fresh beef presented in the market of the city of Rio Janeiro at this time is drawn from Rio Grande. The Portuguese value that part of their Brazilian territory very much, on account of its furnishing an abundant and cheap supply of jerked and fresh beef to those other portions of it which, as they conceive, are so much more profitably employed in rearing the tropical productions of coffee, sugar, cocoa, and the like. It is not likely, therefore, that wheat will soon be cultivated for sale in any part of Brazil; it must, consequently, be supplied from abroad. Heretofore it has procured some from the United States, and from the Mediterranean, as far as Odessa or Ochakow, on the Euxine; but latterly there have been several American and English ships laden with wheat at Valparaiso for Rio Janeiro, which yielded a good profit. Brazil may, therefore, be considered as one of the standing markets for Chili wheat.

I have described the pampas of Buenos Ayres, and, from all I could learn of the actual experiments that have been made on them, I cannot believe their grain productions will soon be brought to rival those of Chili anywhere; on the contrary, the population on the shores of the river Plate have, of late, received occasional supplies from Chili; and the Banda Oriental seems, also, from the character and situation of its present owners, to be destined to continue as pasture grounds for some ages to come. As a proof of the extent and value of the market on the coast of the South Atlantic, wheat was at a higher price, under all the embarrassments of trade in Valparaiso, in July last, with these new markets only open, than it ever was under the colonial system, when the trade of Chili was confined entirely to Peru.

But the great, constant, and increasing demand for Chili wheat is to be found on the shores of the Pacific. At present, there is no island in the north or south of all that great ocean, nor any civilized settlement on the shores of the continent, which either cultivates or is suited to the growth of wheat, other than Chili. California, it is said, will one day be a grain country, and I have understood that small quantities have been purchased there by some of our northwest coast traders. But it will be unnecessary to inquire into the ability of California to rival Chili anywhere, until it shall be settled, civilized, and cultivated. Under present circumstances, which are not likely to be altered by any revolution now in agitation, or that may probably soon take place, it may be confidently asserted, therefore, that the whole of the settlements on the coast of the Pacific, from Acapulco to Cobija, are entirely dependent upon Chili for bread; and that they do, in almost all respects, as regards supplies of bread and necessaries, stand in the same relation to Chili that the West Indies do to the United States. Although the table lands near the city of Mexico produce as abundantly and as fine grain as any in the world, yet, owing to the distance and the ruggedness of the way, flour is sent cheaper from Baltimore than from Mexico to Vera Cruz; and, for the same reason precisely, Acapulco can be supplied with flour from Valparaiso cheaper than from the plains of Mexico. But the existing state of things has furnished conclusive proof of the correctness of this statement. The last crop of grain, just before harvest, in the territory of Penco, and in the neighborhood of the city of Conception, was laid waste for the purpose of cutting off the supplies from the royal army; no wheat was, therefore, exported from Talcahuana, and the war completely closed all communication between the patriot portion of Chili and Peru. In consequence of which, wheat, which could in June last be put on board a vessel in the harbor of Valparaiso for two dollars the fanega, (seventy-five cents the bushel,) had risen in Lima, at the same time, to the enormous price of twenty-five dollars the fanega, (ten dollars the bushel,) and was even scarce at that price. Therefore, whatever may hereafter be the condition of Peru, whether independent or colonial, this grain trade with Chili must be open, and accumulate its resources to the benefit of foreigners, or, what is most likely, be carried on by them; because Chili, as was admitted by the Director himself, has not, at present, a single seaman of its own. The returns for Chili wheat will be, as under the colonial system, made in specie, because Peru has nothing else with which it can pay for what it wants, over and above the supply of Chili in sugar, coffee, &c.

But the inevitable consequence of allowing this necessary partial opening of the ports of the Pacific for the admission of bread-stuffs will be, that a very great proportion of the precious metals will make its way out, through them, from every part of the rich mine districts of the Andes to the northward of Chili; and it seems to be in the natural course of things that the precious metals extracted from Peru-Alto, or most of the high provinces of Buenos Ayres, should also take a direction to the ports of the Pacific, if not altogether, at least in as great a proportion as heretofore. The port of Arica, situated about three hundred miles to the south of Lima, was a place of some importance, and much frequented, under the colonial system. It was from the wonderful salt mines in the neighborhood of Arica whence most of the settlements along the coast were supplied. The salt is cut in large blocks of about one or two hundred pounds weight, and thus brought to the city for exportation. I have seen mules laden with these blocks of salt in Valparaiso, going into the interior. Arica was also visited for the specie, from the rich mines of Potosi and its neighborhood, which found its way from thence. The port of Cobija, situated about three hundred miles south of Arica, on the Rio Salado, and two hundred and sixty miles beyond the river of the same name, which is the northern boundary of Chili, was also remarkable as another of the ports whence some of the precious metals of the mines to the eastward of it got abroad. Commerce naturally and inevitably seeks and adopts its best interests and greatest conveniences, unless dragged away from them by a master as inconsiderate and arbitrary as a Spanish viceroy. It is, therefore, reasonable to presume that the commerce of

Potosi, and the provinces round it, will, under any future peaceful condition of them, be suffered to follow as much or rather more of their own interests than they have done heretofore; if so, a view of their geographical situation will clearly show in what direction those interests will lead.

The distance from the port of Arica to the city of Potosi is one hundred and twenty miles; thence to La Plata or Chuquisaca it is fifty miles farther; but, from Potosi to Jujuy, on the direct road to Buenos Ayres, the distance is four hundred and forty-seven miles; and thence, by a cart road, to the city of Buenos Ayres, it is twelve hundred miles farther. From the port of Arica to the city of Catagayta, one of the principal cities of Chicas, a rich mining province, still farther south than Potosi, it is one hundred and ninety-two miles; and thence to Jujuy it is two hundred and fifty-five miles. And again, from the port of Cobija to Potosi is only two hundred and fifty miles; and from the same port to Catagayta it is two hundred and twenty miles farther. It must be recollected, however, that all the roads of the country of which I am speaking, from the seacoast as far east as the city of Jujuy, are only practicable for mules; but they are, by every one, allowed to be as good from the coast to Potosi, and the other middle valleys of the Andes, as they are thence to Jujuy at the eastern foot of them. Hence, it will appear that the natural and most convenient ports, for almost all the rich and rugged provinces lying among the mountains, are those on the coast of the Pacific.

Supposing, then, that the precious metals, and the foreign commerce of the high provinces of Peru-Alto be directed toward Arica and Cobija, and all the coast to have a trade partially open, which it must have to Chili at least, the benefits of that trade will be so much in addition or accumulation of that flowing directly from Chili alone. What may be the amount of the advantages likely thus to arise to the United States, I have been able to collect no data which would enable me to form an estimate founded on facts; but I should suppose that, on comparing it with the other branches of commerce connected with Chili, and the probable value of a trade entirely open and free to all that rich coast, it would not be deemed extravagant to estimate it as likely to yield profits amounting to somewhere about one million of dollars per annum.

Our countrymen have, for some time past, carried on a very extensive commerce over the Pacific ocean, that has been no less creditable to their bold spirit of enterprise than lucrative to themselves and beneficial to their country. I allude to that which has been fished up out of the ocean itself; which has been gathered from the various groups of islands scattered over it from south to north; and, also, that which has been derived from trending along the coast of our continent, from Cape St. Lucas, the extreme southern promontory of the peninsula of California, north, through the great inlet, called Lynn canal, to its bottom, in the fifty-ninth degree of north latitude. The hardy adventurers in this branch of commerce have gone forth from their country, have almost circumnavigated the world, and have bid defiance to the perils of the ocean in all the various latitudes of storms and calms, of the frozen zone, and under the fierce rays of a vertical sun. They have suffered privations and encountered difficulties of every sort, and have nowhere found friendship and succor; they have never been cheered by the protecting wave of their country's flag. Skill, courage, and fortitude have been their only resources. But a more propitious time seems to have arrived.

Immediately in front of the mountain coast of Chili is the great whale fishery of the Pacific, which has been so profitably pursued by the citizens of the United States. There are engaged in this business, annually, about fifteen or twenty American ships. All their stores and provisions, as well as implements and such outfits, they have hitherto been obliged to take from home, and to rely altogether on their own resources for completing their cargo, without the least protection or succor from any quarter whatever, except what they derived from a covert and hazardous trade with the Spanish provinces on the coast, with a few select articles brought for the purpose of thus procuring refreshment and necessaries as opportunities offered. But the sufferings, hardships, and losses they have sustained at such an immense distance from home, for the want of some friendly port of a civilized nation which they could enter and procure supplies, have been exceedingly great, and by no means unfrequent. The advantages and conveniences to this branch of trade of the open free ports of such a country as Chili are obviously prodigious. These ships gather their valuable cargoes from the ocean, in cruising along the American coast, having it often in sight, between the latitudes of the island of Chiloe and that of the bay of Panama; and, when it is completed, they most usually return direct home by the way of Cape Horn. The aggregate value of this branch of trade may be estimated at one million of dollars per annum.

The shores of the numerous islands of the great North and South Pacific oceans are very frequently found to be swarming with one or other of the various species of phoca, or seals, or sea dogs, whose skins find a ready sale in India; and most of those islands that lie near and within the tropics have considerable forests of sandal-wood, which is so highly valued by the Chinese, either for the delightful odor of the sap extracted from it, or from its being held by them to be an acceptable burnt-offering to their gods. There are, on an average, not less, in each year, than five American ships, of from two to three hundred tons, that make a cruise among these various islands for the purpose of collecting a cargo of seal skins and sandal-wood for the China market. These ships require to be armed, well manned, and found; but their valuable cargoes are picked up with almost nothing, the amount which they carry to barter with the natives is so very trifling. These ships, when outward bound, always pass directly by Chili, and would find great advantage in having its ports open to them for outward freight, for supplies, and for protection. The cargoes of these vessels, I have been assured, may be safely estimated as being worth in China sixty thousand dollars each.

The coast of our continent, from the southern point of California to the bay or river St. Francisco, is claimed by the Spaniards, and they have some small parcels of civilized population strewed all along it, by which they hold possession, and exercise a kind of jurisdiction by means of some few soldiers and a priest at each presidio or station. The holy father, in proportion as he has been successful in obtaining an influence over the savages, or in converting them to the true faith, governs them, and takes into his keeping as well their temporal as spiritual concerns. There are not less than four ships from the United States that, in each year, make trading voyages along this coast, and carry on a barter with the independent tribes, or through the agency of the priest at each presidio, with whom they trade for such articles as he himself wants, or may be necessary for the soldiers of the station, if there be any, or as his flock, the natives, may fancy, in exchange for land and sea otter skins and other furs. These ships might, in many respects, be very advantageously supplied on their outward voyage from the ports of Chili, which are directly in their way. Their cargoes are estimated as worth about eighty thousand dollars each in China.

Along the coast of the continent, to the north of St. Francisco, is carried on that commerce entirely with the natives of the country, which is usually and properly called the trade of the northwest coast. To the northward of Columbia river there are numerous bays and rivers of very great extent. It is on the shores of these bays that our navigators most usually carry on their trade; and which are collectively called the inner coast, in contradistinction to that fronting on the ocean itself, and a great part of which the Russians claim as appertaining to their settlement at Sitka or Norfolk Sound. There are not less, on an average, than fourteen ships, of from two to three hundred tons, that go every year on a trading voyage to the northwest coast. Among the articles which they have for carrying on their barter on the coast, is hard bread, of which it is calculated they altogether take about four hun-

I have so far confined my inquiries to Chili itself; and the interests which the United States have in its independence and freedom appear to be in themselves sufficiently important to attract the serious attention of our country. The subject, however, enlarges as we approach, and there opens before us an extensive and fruitful field, not confined to Chili alone, yet evidently connected with it. The free access to that great bread country of the other hemisphere lays open channels of trade hitherto closed against us, and cherishes and sustains every other branch of all our rich, profitable, and increasing commerce of the Pacific, which heretofore encountered so many privations and perils. I shall take the liberty merely to make a sketch of those branches of trade, and their probable value, which must inevitably be either opened, cherished, or enlarged, in consequence of the independence of Chili, leaving it to others who are more fully informed to determine on the correctness of the facts and circumstances I shall relate, and to say what will be the new state of things most likely to arise out of them.

I have endeavored to give an idea of the amazing fruitfulness of the valleys of Chili in wheat. I did so, because I was impressed with the belief that its grain fields are now destined to become the means of its happiest improvement, its most rapid prosperity, and its inexhaustible sources of wealth. Chili is now, and must, from the nature of things, continue to be, the great granary of all the countries fronting on the shores of the Pacific and South Atlantic ocean of this continent. In this supply it can have no rival; and now that the doors of its commerce are thrown open, the demand for Chili grain has already so extended that the price has risen, notwithstanding its old colonial market has been, and will, for a while longer, be entirely shut up. None of the tropical regions of America, either on the Atlantic or Pacific shores, produce wheat, or indeed any bread-stuff, in sufficient abundance for their inhabitants.

In Brazil, there is no wheat cultivated, nor is there any portion of it, on navigable waters, suited to its growth, except it be the plains on the Rio Grande de San Pedro, immediately bordering on the Banda Oriental, to which it is similar in its nature, and at present is, like it, applied solely to the purposes of grazing. All the fresh beef presented in the market of the city of Rio Janeiro at this time is drawn from Rio Grande. The Portuguese value that part of their Brazilian territory very much, on account of its furnishing an abundant and cheap supply of jerked and fresh beef to those other portions of it which, as they conceive, are so much more profitably employed in rearing the tropical productions of coffee, sugar, cocoa, and the like. It is not likely, therefore, that wheat will soon be cultivated for sale in any part of Brazil; it must, consequently, be supplied from abroad. Heretofore it has procured some from the United States, and from the Mediterranean, as far as Odessa or Ochakow, on the Euxine; but latterly there have been several American and English ships laden with wheat at Valparaiso for Rio Janeiro, which yielded a good profit. Brazil may, therefore, be considered as one of the standing markets for Chili wheat.

I have described the pampas of Buenos Ayres, and, from all I could learn of the actual experiments that have been made on them, I cannot believe their grain productions will soon be brought to rival those of Chili anywhere; on the contrary, the population on the shores of the river Plate have, of late, received occasional supplies from Chili; and the Banda Oriental seems, also, from the character and situation of its present owners, to be destined to continue as pasture grounds for some ages to come. As a proof of the extent and value of the market on the coast of the South Atlantic, wheat was at a higher price, under all the embarrassments of trade in Valparaiso, in July last, with these new markets only open, than it ever was under the colonial system, when the trade of Chili was confined entirely to Peru.

But the great, constant, and increasing demand for Chili wheat is to be found on the shores of the Pacific. At present, there is no island in the north or south of all that great ocean, nor any civilized settlement on the shores of the continent, which either cultivates or is suited to the growth of wheat, other than Chili. California, it is said, will one day be a grain country, and I have understood that small quantities have been purchased there by some of our northwest coast traders. But it will be unnecessary to inquire into the ability of California to rival Chili anywhere, until it shall be settled, civilized, and cultivated. Under present circumstances, which are not likely to be altered by any revolution now in agitation, or that may probably soon take place, it may be confidently asserted, therefore, that the whole of the settlements on the coast of the Pacific, from Acapulco to Cobija, are entirely dependent upon Chili for bread; and that they do, in almost all respects, as regards supplies of bread and necessaries, stand in the same relation to Chili that the West Indies do to the United States. Although the table lands near the city of Mexico produce as abundantly and as fine grain as any in the world, yet, owing to the distance and the ruggedness of the way, flour is sent cheaper from Baltimore than from Mexico to Vera Cruz; and, for the same reason precisely, Acapulco can be supplied with flour from Valparaiso cheaper than from the plains of Mexico. But the existing state of things has furnished conclusive proof of the correctness of this statement. The last crop of grain, just before harvest, in the territory of Penco, and in the neighborhood of the city of Conception, was laid waste for the purpose of cutting off the supplies from the royal army; no wheat was, therefore, exported from Talcahuana, and the war completely closed all communication between the patriot portion of Chili and Peru. In consequence of which, wheat, which could in June last be put on board a vessel in the harbor of Valparaiso for two dollars the fanega, (seventy-five cents the bushel,) had risen in Lima, at the same time, to the enormous price of twenty-five dollars the fanega, (ten dollars the bushel,) and was even scarce at that price. Therefore, whatever may hereafter be the condition of Peru, whether independent or colonial, this grain trade with Chili must be open, and accumulate its resources to the benefit of foreigners, or, what is most likely, be carried on by them; because Chili, as was admitted by the Director himself, has not, at present, a single seaman of its own. The returns for Chili wheat will be, as under the colonial system, made in specie, because Peru has nothing else with which it can pay for what it wants, over and above the supply of Chili in sugar, coffee, &c.

But the inevitable consequence of allowing this necessary partial opening of the ports of the Pacific for the admission of bread-stuffs will be, that a very great proportion of the precious metals will make its way out, through them, from every part of the rich mine districts of the Andes to the northward of Chili; and it seems to be in the natural course of things that the precious metals extracted from Peru-Alto, or most of the high provinces of Buenos Ayres, should also take a direction to the ports of the Pacific, if not altogether, at least in as great a proportion as heretofore. The port of Arica, situated about three hundred miles to the south of Lima, was a place of some importance, and much frequented, under the colonial system. It was from the wonderful salt mines in the neighborhood of Arica whence most of the settlements along the coast were supplied. The salt is cut in large blocks of about one or two hundred pounds weight, and thus brought to the city for exportation. I have seen mules laden with these blocks of salt in Valparaiso, going into the interior. Arica was also visited for the specie, from the rich mines of Potosi and its neighborhood, which found its way from thence. The port of Cobija, situated about three hundred miles south of Arica, on the Rio Salado, and two hundred and sixty miles beyond the river of the same name, which is the northern boundary of Chili, was also remarkable as another of the ports whence some of the precious metals of the mines to the eastward of it got abroad. Commerce naturally and inevitably seeks and adopts its best interests and greatest conveniences, unless dragged away from them by a master as inconsiderate and arbitrary as a Spanish viceroy. It is, therefore, reasonable to presume that the commerce of

Potosi, and the provinces round it, will, under any future peaceful condition of them, be suffered to follow as much or rather more of their own interests than they have done heretofore; if so, a view of their geographical situation will clearly show in what direction those interests will lead.

The distance from the port of Arica to the city of Potosi is one hundred and twenty miles; thence to La Plata or Chuquisaca it is fifty miles farther; but, from Potosi to Jujuy, on the direct road to Buenos Ayres, the distance is four hundred and forty-seven miles; and thence, by a cart road, to the city of Buenos Ayres, it is twelve hundred miles farther. From the port of Arica to the city of Catagayta, one of the principal cities of Chicas, a rich mining province, still farther south than Potosi, it is one hundred and ninety-two miles; and thence to Jujuy it is two hundred and fifty-five miles. And again, from the port of Cobija to Potosi is only two hundred and fifty miles; and from the same port to Catagayta it is two hundred and twenty miles farther. It must be recollected, however, that all the roads of the country of which I am speaking, from the seacoast as far east as the city of Jujuy, are only practicable for mules; but they are, by every one, allowed to be as good from the coast to Potosi, and the other middle valleys of the Andes, as they are thence to Jujuy at the eastern foot of them. Hence, it will appear that the natural and most convenient ports, for almost all the rich and rugged provinces lying among the mountains, are those on the coast of the Pacific.

Supposing, then, that the precious metals, and the foreign commerce of the high provinces of Peru-Alto be directed toward Arica and Cobija, and all the coast to have a trade partially open, which it must have to Chili at least, the benefits of that trade will be so much in addition or accumulation of that flowing directly from Chili alone. What may be the amount of the advantages likely thus to arise to the United States, I have been able to collect no data which would enable me to form an estimate founded on facts; but I should suppose that, on comparing it with the other branches of commerce connected with Chili, and the probable value of a trade entirely open and free to all that rich coast, it would not be deemed extravagant to estimate it as likely to yield profits amounting to somewhere about one million of dollars per annum.

Our countrymen have, for some time past, carried on a very extensive commerce over the Pacific ocean, that has been no less creditable to their bold spirit of enterprise than lucrative to themselves and beneficial to their country. I allude to that which has been fished up out of the ocean itself; which has been gathered from the various groups of islands scattered over it from south to north; and, also, that which has been derived from trending along the coast of our continent, from Cape St. Lucas, the extreme southern promontory of the peninsula of California, north, through the great inlet, called Lynn canal, to its bottom, in the fifty-ninth degree of north latitude. The hardy adventurers in this branch of commerce have gone forth from their country, have almost circumnavigated the world, and have bid defiance to the perils of the ocean in all the various latitudes of storms and calms, of the frozen zone, and under the fierce rays of a vertical sun. They have suffered privations and encountered difficulties of every sort, and have nowhere found friendship and succor; they have never been cheered by the protecting wave of their country's flag. Skill, courage, and fortitude have been their only resources. But a more propitious time seems to have arrived.

Immediately in front of the mountain coast of Chili is the great whale fishery of the Pacific, which has been so profitably pursued by the citizens of the United States. There are engaged in this business, annually, about fifteen or twenty American ships. All their stores and provisions, as well as implements and such outfits, they have hitherto been obliged to take from home, and to rely altogether on their own resources for completing their cargo, without the least protection or succor from any quarter whatever, except what they derived from a covert and hazardous trade with the Spanish provinces on the coast, with a few select articles brought for the purpose of thus procuring refreshment and necessaries as opportunities offered. But the sufferings, hardships, and losses they have sustained at such an immense distance from home, for the want of some friendly port of a civilized nation which they could enter and procure supplies, have been exceedingly great, and by no means unfrequent. The advantages and conveniences to this branch of trade of the open free ports of such a country as Chili are obviously prodigious. These ships gather their valuable cargoes from the ocean, in cruising along the American coast, having it often in sight, between the latitudes of the island of Chiloe and that of the bay of Panama; and, when it is completed, they most usually return direct home by the way of Cape Horn. The aggregate value of this branch of trade may be estimated at one million of dollars per annum.

The shores of the numerous islands of the great North and South Pacific oceans are very frequently found to be swarming with one or other of the various species of phoca, or seals, or sea dogs, whose skins find a ready sale in India; and most of those islands that lie near and within the tropics have considerable forests of sandal-wood, which is so highly valued by the Chinese, either for the delightful odor of the sap extracted from it, or from its being held by them to be an acceptable burnt-offering to their gods. There are, on an average, not less, in each year, than five American ships, of from two to three hundred tons, that make a cruise among these various islands for the purpose of collecting a cargo of seal skins and sandal-wood for the China market. These ships require to be armed, well manned, and found; but their valuable cargoes are picked up with almost nothing, the amount which they carry to barter with the natives is so very trifling. These ships, when outward bound, always pass directly by Chili, and would find great advantage in having its ports open to them for outward freight, for supplies, and for protection. The cargoes of these vessels, I have been assured, may be safely estimated as being worth in China sixty thousand dollars each.

The coast of our continent, from the southern point of California to the bay or river St. Francisco, is claimed by the Spaniards, and they have some small parcels of civilized population strewed all along it, by which they hold possession, and exercise a kind of jurisdiction by means of some few soldiers and a priest at each presidio or station. The holy father, in proportion as he has been successful in obtaining an influence over the savages, or in converting them to the true faith, governs them, and takes into his keeping as well their temporal as spiritual concerns. There are not less than four ships from the United States that, in each year, make trading voyages along this coast, and carry on a barter with the independent tribes, or through the agency of the priest at each presidio, with whom they trade for such articles as he himself wants, or may be necessary for the soldiers of the station, if there be any, or as his flock, the natives, may fancy, in exchange for land and sea otter skins and other furs. These ships might, in many respects, be very advantageously supplied on their outward voyage from the ports of Chili, which are directly in their way. Their cargoes are estimated as worth about eighty thousand dollars each in China.

Along the coast of the continent, to the north of St. Francisco, is carried on that commerce entirely with the natives of the country, which is usually and properly called the trade of the northwest coast. To the northward of Columbia river there are numerous bays and rivers of very great extent. It is on the shores of these bays that our navigators most usually carry on their trade; and which are collectively called the inner coast, in contradistinction to that fronting on the ocean itself, and a great part of which the Russians claim as appertaining to their settlement at Sitka or Norfolk Sound. There are not less, on an average, than fourteen ships, of from two to three hundred tons, that go every year on a trading voyage to the northwest coast. Among the articles which they have for carrying on their barter on the coast, is hard bread, of which it is calculated they altogether take about four hun-

dred tons. This article could be had in Chili for less than its freight there from the United States would amount to. These ships pass directly along the coast of Chili, and might be very materially aided in other respects, as well as protected, from its ports. The aggregate worth of the cargoes of the northwest traders, in China, is estimated at about one million of dollars.

I have given the computed value of these last three branches of trade from the United States to the Pacific, in China, because they all go out by the way of Cape Horn, and make a circuit, by the way of China, home. A capital in China is generally allowed to be worth thirty per cent. additional in the United States; consequently, the sum total of this commerce in the United States may be calculated at two million one hundred and fifty-eight thousand dollars.

I am aware that, since the United States have obtained the peaceful and unquestioned possession of Columbia river, a settlement will soon grow up there, whence much of the countenance, facilities, and protection to our commerce on the Pacific may and will be derived, which could only otherwise be had from independent Chili. But it is no less evident, from the nature of things, that Chili will furnish the means of cherishing and hastening the growth of that settlement; for, besides the supplies which an infant establishment may draw from Chili, the settlement at Columbia river will have a ready and unrivalled market on the southern Spanish coast, particularly in Chili, for what are understood to be its staple commodities. Ships' spars and lumber are scarce, and in some places not to be had between Guayaquil and Conception. The shores of Columbia river are at present incumbered with the greatest abundance of them, and of the finest quality. All accounts concur in representing the quantities of salmon and halibut to be in Columbia river as prodigious. The Catholic Spanish settlements to the south will be a market always open for them.

I have shown that, from the month of February, 1817 to the month of July, 1818, during the first of the second epochs of revolution and distraction in Chili, within a time when the opening of its ports could not much more than have been heard of, there have been actually landed in the ports of Chili, by citizens of the United States, merchandise to the amount of one millior three hundred and seventy-five thousand dollars, and a much greater value might have been imported with a certainty of its finding a market and being paid for in a fair course of trade, but for the inconveniences growing out of the present state of things, some of which I have endeavored to explain. But if we recollect the advantages which our citizens have in the China and India trade, by being unfettered with the monopoly of an East India Company, and that the silver and copper of Chili will enable them to extend their enterprise, and push their commerce to a greater advantage than ever, I think it will not be deemed an exaggeration to set down the commerce of Chili itself as worth to the United States, annually, about two millions of dollars.

Summing up the whole of these several branches of commerce, they will form a total of six million one hundred and fifty-eight thousand dollars of annual value to the United States, which will be either produced, cherished, or protected from that new and interesting country.

These are my views of the benefits, profits, and advantages, which the citizens of the United States are likely to derive from independent Chili. I may be allowed to declare that I feel, in common with my countrymen, a lively sympathy and a deep interest in the fate of a brave and generous people struggling for their liberties, yet it would be presumptuous in me to point to the measures which the Government ought to pursue; because the excellent institutions of my country have provided the means of calling together the impartial intelligence and wisdom of the nation, to determine the course of measures to be adopted upon that as upon all other similar and important subjects. But I shall esteem myself honored, and feel gratified with having done some good, if it shall be found that I have added somewhat to that stock of information which has been sought for, to enable the Government to direct its steps with a justice and a dignity worthy of itself upon so interesting an occasion, and, at the same time, in a manner best calculated to promote the cause of freedom and humanity.

Be pleased, sir, to accept the assurance of my highest respect.

THEODORICK BLAND.

To the Hon. JOHN QUINCY ADAMS, *Secretary of State, Washington.*

APPENDIX.

B.

A manifesto of the Government to the people who form the state of Chili.

All the people of the land have an imprescriptible right to the establishment of their liberty, but few obtain the enjoyment of it, because the great sacrifices it requires of them are superior to the terrors inspired by despotism in their weak souls. They know that the first step in this enterprise is to resolve to lay aside all that to which they had previously submitted; and, to reform the political institutions of a people, it is necessary that the greater part should renounce their habits, abandon their interests, lose their tranquillity, and many times endanger their reputation itself. In the current of a revolution calculated to innovate on the destinies of half the world, perhaps the whole, it is difficult for an individual to change or have a choice of sacrifices. The people of Chili have now known, from their own experience, the necessity of passing this intermediate period of dangers and vicissitudes, before the establishment of those reforms which are required by the age in which we live, and the actual relations of the human race. But neither the multiplied horrors of a war, carried on with the ferocity of the Spanish Government, nor the weight of those calamities which give a shock to the rude passions of a new-born nation—nothing has been able to change those sentiments which were evinced in the celebrated revolution of the 18th September of the year 1810. From that epoch until the 1st October, 1814, we made an essay of our powers, and thence may know that they are sufficient to sustain the wishes of an offended people, that internal grievances might not always exhaust their resources, who, in proportion as they are united, were animated by the same feelings and were threatened by equal dangers.

We could not run counter to that first principle which declares that every one may follow the physical and moral law of his nature; and, consequently, in the progress of our destiny, to conceive ideas, to form opinions, and to execute projects that communicated the tendency of our views; which manifest our sincere endeavor to obtain our object, and, at the same time, avoiding those errors which stir the angry passions and excite public commotions; resisting internal and external enemies, although we sometimes yielded to the impulse of force or hostile manœuvres. These causes had such an effect upon our operations, that the enemy triumphed by means of the enthusiasm and the sacrifices Chili had made since it had undertaken the work of its regeneration. The country fell again under the Spanish yoke, and its inhabitants were treated as rebels—for all unsuccessful revolution is rebellion. The oppression and outrages which had been previously suffered by Chili, the atrocities of which it was the victim in that

epoch were the signal of a great conflagration, or a scene of frightful shipwreck, compared with the reality of those catastrophes. A torrent of calamities inundated this beautiful country; hatred and revenge dictated the law to which all the actions of Chilinos and the fruitfulness of the land itself were subjected. The oppressor calculated that he was now able to repose in tranquillity under his laurels; that the fruit of his victory would be slavery without end; and that he might yet make America forget the origin of its pretensions and its rights. The impulse was, however, only for the instant; it made an impression but of short duration over a vast continent, the several parts of which could not be suffered to remain unattended to for a moment to give direction to the whole.

It was proper that the United Provinces, existing under a new form, and feeling the interests of Chili inseparable from their own, should make a last effort of their strength to save it, or both to fall entombed under their own ruins. In short, the army of the Andes was organized, and the 13th of February, 1817, arrived, to put into our hands the destiny to which we aspired. Liberty was restored to Chili—a time to benefit by the history of past misfortunes; for the tenor of those public acts should admonish us to preserve harmony in affairs, with practical ideas which constitute true liberty, and would not drive us against the rock of adopting principles that conduct to anarchy, and convert jealousy into fanaticism.

The first step was to nominate a person who might be charged with the executive government in circumstances so difficult. The capital of Santiago called me to that station, by the universal acclamation of its inhabitants; and that voice had been uniformly followed by the provinces and the people of the state. I entered on the administration, and already know that it is only by a vigorous and energetic government that tranquillity and order can be maintained, and the public mind be prepared, in time, to receive convenient institutions. To this end, it became necessary to banish rivals who acted under the American name, and to take precaution against those who, by a false calculation of our interests, had the power to mislead the unthinking. These measures were the more urgent, as the enemy had reinforced the province of Conception by the remainder of those he had saved from Chacabuco, and hoped to receive in Talcahuana auxiliaries from Lima, with which to act anew on the offensive. At all events, it was necessary to organize a respectable force capable of securing peace, and of imposing respect from the invaders. I directed all my views to this end, and the result has been fully commensurate to my wishes. Under the conduct of General San Martin, the united army was put, in a short time, on a footing that did honor to America, and gave us a right to hope for a decisive triumph in the first battle. But a force so considerable could not be maintained without great sacrifices. The extraordinary expenses of the war, and other charges upon the revenue, left a deficit which it was necessary to fill at all hazards. The Government saw, at the same time, with distress, all the sources of national wealth obstructed; and the country, almost entirely drained by the Spaniards, left hardly any means to meet calls so great. The economy and the generous zeal of the Chilino people were the only funds which neither the reverses of war nor the universal interdict of our mercantile relations were able to destroy; with these, although at the expense of great privations, the army was maintained, and the other exigencies of the state deferred; thus, for the present, public affairs were immediately taken care of, when the duties of the war called on me to take command of the army of the south, and I delegated the exercise of the functions of Supreme Director to other persons. The conduct pursued in this interval by these delegated governors has been entirely satisfactory, for their duties were discharged with great activity. But all shall be recollected with glory, and amends be made for the great afflictions which once impeded our enterprise, which has terminated in such important results.

In the mean time, the army of the enemy, secure by the strength of its position, remained shut up in Talcahuana, and was insulted by our valor, without being exposed to the risk of testing his prowess. I knew very well the difficulties of an assault; but, after one painful campaign had been wasted, it was impossible any longer to restrain the impatience of courage, when, on the 5th of October last, we made a stroke on the besieged, and, although the attack was honorable to our arms, we were obliged to yield, for triumph is not always the recompense of the brave. At this time an expedition from Lima, united to the troops of Talcahuana, was announced: according to the calculations of General Osorio, to whose command it was intrusted, it was amply sufficient to re-establish the ancient domination. On the 18th of January the convoy arrived at Talcahuana, and it must be acknowledged that the forces brought against us were superior to all that had been seen in the field against America since the beginning of our revolution.

Here opens the epoch in which Chili was driven unto the extreme of its sacrifices, and in which the Government put forth all the means of its power to frustrate the pride and the arrogance of the enemy. The conflict of the 19th March is one of those events which valor could not prevent, and which timidity itself is incapable of apprehending. An army, respectable, anxious for the combat, habituated to order, and directed by General San Martin, saw itself attacked in the darkness of the night, and in the same moment that its position was changed to display its bravery on the following day; after sustaining the first shock, a part of our troops were dispersed, the rest put in confusion, and the camp was abandoned to the enemy. This unexpected reverse of fortune struck a universal terror, spread consternation over the country, and debilitated the powers of Government; for such circumstances relax obedience, and leave authority embarrassed. The recollection of Spanish authority, and the dread of falling under its domination, prevailed over every hope. The greater part of the patriots abandoned their houses and families, or fled with them without any other means than were necessary to save their lives. This concurrence of circumstances made the reorganization of the army, in itself sufficiently difficult, much more vexatious; but the brave did not tremble, and in a short time rallied in the neighborhood of Santiago. Every thing is extraordinary, all is grand, in the historical detail of those moments! From the 19th of March until the 4th of April we have seen the greater part of the army dispersed, making a retreat of eighty leagues without dissolving itself, preserving order in the midst of confusion, repairing its losses, notwithstanding the scantiness of its means, and preparing itself for a battle, which in the revolution of the new world will be as memorable as was that of the old, which decided the fate of Europe in the field of Waterloo. On the 5th of April the enemy presented himself on the plains of the Maipu: his force was superior to ours, his position seemed calculated for victory, and his ferocity corresponded to the nature of his pride; that alone which was wanting to insure his triumph with absolute certainty was the darkness of the night. General San Martin led on the attack at noonday. Our soldiers remembered that they were the conquerors of Chacabuco; and, after six hours of combating, in which time the field was drenched with blood, the whole of the army of the enemy was left in our power, and General Osorio only escaped with his escort. In the annals of war there is no recollection of a triumph more complete, nor one in which there could be more obstinate courage on both sides; neither is there any recollection of a success so fruitful in results.

Chili, with its numerous population, the fertility of its soil, the richness of its mines, and the advantages of these means of prosperity, will now belong only to itself. Our relations with foreign nations will have only for their basis reciprocity of interests; and the epoch is not distant when the Government, having completed its regulations for loosening the fetters from our commerce, facilitating the exportation of our productions, the class of industrious agriculturists, secure in meeting a demand that will recompense their labors, will soon be doubled. In the mean time, it will be useless to adopt partial projects, the execution of which can only be the result of our general com-

binations. Although the country is now almost entirely free from its enemies, yet, in consequence of his maritime ascendency, the immediate market for our productions groans beneath the weight of Spanish monopoly, and is in want of those articles most necessary for its consumption.

It is true that the battle of the 5th of April has made a breach in the exclusive system which erected such a barrier between us and the ports of Lima; but it is necessary to make new and mutual efforts to remove all obstacles. Lima cannot long be withheld from the general destinies to which America yields, and its principles must accord with those proclaimed by Chili and the United Provinces. The simultaneous operations of our forces, and ascendency of public opinion in Upper Peru, will determine whether it be possible to form on the American continent a grand confederation capable of irrevocably sustaining its civil and political liberty, whatever may be the form of government that may be established in those confederated states. The solemn declaration which was made by the United Provinces on the 9th of July, 1816, and that which we ourselves pronounced on the 12th of February last, will be soon loudly repeated in the capital of Peru; and henceforth it will be these that give date to the age in which was commenced the breaking of the chain which bound America to the potentates of Europe, who were accustomed to look on it as an exclusive property of the smallest quarter of the globe. The United States gave the first example; it lives, and it is impossible to destroy it. Brazil, although following different principles, has also ceased to belong to Europe, and is now the second Power of America. The times cannot retrograde; the universal opinion of men has practically fixed the difference between authority and despotism, between obedience and slavery, between liberty and licentiousness. The examples which have broken forth in the midst of those despots, and the experience of those evils which have afflicted Europe in our days, are beacons that will warn the people to shun the brilliant theories of anarchists.

Let us move on firmly to our destiny, but without deviating from the justice and spirit of order that is presented to us. We approach the moment when the will of the Chilino people shall be the sole guaranty of their institutions. The calling of a General Congress is the solemn thought that occupies me: if my own ardent wishes were sufficient alone to accelerate it, we would now be on the eve of that great event. But to lay the foundation of the representative system to which we aspire, it is necessary that the numbers of the representation of the people should guard the greatest proportion of them possible, by their being represented. This apportionment is not ascertained; it must, therefore, be preceded by the taking of a general census. I have commanded it to be made immediately; and my Secretary of State is charged with the execution of this decree, and with communicating to all the municipalities of the state proper instructions, by which means the estimate may be performed with exactness. Until this is done, I have taken good care also to order two commissioners, which shall be publicly announced in the first ministerial gazette, the one for the purpose of preparing a provisional statute, which may govern until the meeting of the Congress, with the sanction of all the people of the state; and the other for the formation of a constitution, under which a Congress may be called, when it shall be committed to their care, and they shall establish the division of supreme power according to the will of the people, and conform to the plan that our actual relations may suggest. I promise myself much from the zeal of the municipal bodies who aid my powers. They will hasten the meeting of the Chilino Congress, and not postpone the day on which I shall declare the number of the national representation, by virtue of the extraordinary power which has been reposed in me, under the guaranty of my responsibility. I shall, therefore, continue until then in the exercise of those high functions that are proper for a Chief Magistrate under such circumstances as the present.

The experience of fifteen months that I have administered the public concerns under the old existing forms, and the success that we have obtained by its influence, makes me hope that, following the same course, the Government will be carried to the end of its undertakings, the citizens will see a termination of their sacrifices, and the people will put the seal to their destiny. But if, contrary to my expectations, any obstacles should present themselves, I am sure we shall find means to overcome all, be the causes of opposition what they may. Against foreign enemies we have an army that has twice conquered; as terrible in the day of battle as constant in adversity, and humane after victory. The general who commands it will very soon return from the capital of the United Provinces, where he has been hastily carried by the interests of our grand combinations; and neither the distance of more than four hundred leagues, nor the difficulties that are presented by the Andes in the middle of winter, will be able to delay his return. He will sustain there, as well as here, the honor of both national flags united; and his name shall be the standard of the brave. Against the naval power which until now has been shown by the enemy, we have the elements of a force that has begun to make its first essays, which, we promise ourselves, will, in a short time, give us as decided a superiority over the sea as we have now obtained by land. In spite of the scantiness of our resources, we have armed the ship Lautaro, of fifty-two guns; and she, alone, has been sufficient to raise the blockade maintained by the frigate Esmeralda, the brig Pezuela, and other Spanish vessels, which, in the very first action, have struck their flag to ours, and would now have augmented the trophies of Chili if Captain O'Brien had survived the glory he obtained in that attack. Against internal enemies the Government will constantly place the rectitude of its views, the zeal of its good offices, and the vigilance of all the public functionaries. If any shall attempt to mislead the opinion of simple men, and to give to the Chilino people an impulse contrary to their pacific character and honorable feelings, I will employ all my authority to stifle the disorder and to avoid those rocks. But I flatter myself with the hope that the influence and foresight of the subaltern authorities will enable me to shun the pain of adopting measures which would cost my heart an afflicting sacrifice. It is not many days since the honorable municipality of this capital gave an example of vigilance in preserving public order, co-operating with my power for the purpose of uniting the opinion of some citizens, who, substantially wishing the same that I anxiously desire, would suggest reforms, which are only dangerous by being untimely. The Government has made a just discrimination in its zeal, and has taken precaution against those who mask their designs under its name.

Such is the outline which the revolution in Chili presents, until the period in which we at present find ourselves; in it we will discover a continual struggle between education and conviction, between interest and custom, between naked truth and error. This has been the most difficult combat, because we have had to make a conquest over ourselves, in order to triumph over the enemy.

Now is the time that will decide for Spain who has obtained the victory in this contest, and if yet there can be a hope that the ancient prejudices shall forever endure for the support of its power. Chilinos! the eighth year of our revolution is going to be eternally memorable. No one can contemplate our destiny without recollecting the 5th of April, and the plains of Maipu, and what has been there written; let us redouble our energies to augment the series of our grand successes. In the present year we have declared ourselves absolutely independent; we have obtained a triumph that would astonish Europe, if that had been the theatre of our exertions; and we are going to open a campaign which will give liberty to the continent, and lay the foundation of a triple confederation, in which we shall see the Chilino Congress united, if some unforeseen occurrence does not prevent it. What generations will spread over our territory! what numbers will wish to place themselves exactly in our circumstances! what great souls will desire to be transported into the midst of us, to have the glory of influencing here the happiness of half the world! We should be thankful to Providence that we have now in our own hands the fortunes of the

country. Let us save it at every hazard, and leave to posterity other rights which will make it grateful to us, and rally about a constitution sanctioned by the will of the people.

Given at our Directorial Palace of Santiago, 5th May, 1818.

BERNARDO O'HIGGINS.

ANTONIO JOSE DE IRISARRI.

C.

DEAR SIR: JULY 8, 1818.

I enclose you, in No. 1, an account of the cities, ports, and towns within the state of Chili, at the foot of which will be found the actual population computed, in the whole country, according to a census imperfectly made in the year 1814; but there may result from the new one that is going to be made a very material difference, giving grounds to the suspicion, of which we have formed an idea, of the irregularity with which the previous one had been made.

The paper No. 2 represents the product of the tithes, within a period of five years, from 1805 to 1809, selected as an example, it being the close of the period when the province of Conception was united to that of Santiago; observing, however, that for the ten years previous to this time the tithes of Santiago have produced the same, with little difference from those of the before-mentioned term of five years.

The statement No. 3 exhibits a view of the coinage for the year 1817, and of the present, until this day; producing from coined gold and silver one million six hundred and ninety-five thousand nine hundred and twenty-five dollars and seven rials, leaving a profit to the state of two hundred and forty-eight thousand one hundred and fifty dollars and two and three-fourths rials. But, from this statement, an idea of the products of the mines cannot be drawn with exactness, but only approaching to the truth, without (in such case) taking into the account, for that purpose, the value of metals withdrawn by contraband, and employed in the fabrics made up by the silversmiths for the use of the country.

By the statement No. 4 are shown the receipts and expenditures of the public treasury, since the 13th February, 1817, until the end of December of the same year; but it must be observed that there are not comprehended in it some receipts of much importance, which, by their uncertain nature, ought not to be entered in that account.

By the statement No. 5 are seen the receipts and expenditures of the national treasury in the six past months of the present year. It will, however, be proper to observe, that the receipts which will be had in the six ensuing months, it is clear, may be more from other sources than those shown in this statement, which have not for the present been brought into the treasury, except a very small part of the tithes; and there are very great sums which are payable for particular duties.

In the statement No. 6 is presented, at the foot, the strength of our veteran troops, and of the militia, according to the last muster that has been rendered of them.

Finally, in No. 7 are expressed our ships of war and privateers, which, up to this day, have been armed in this country.

These being the only documents I have been able to make out for you in the short space of time that has been allowed me for it, I hope they may be sufficient for you, and come up to your expectations.

God grant you many years of health.

ANTONIO JOSE IRISARRI.

THEODORICK BLAND, Esq.

No. 1.

A list of the cities, ports, and towns, within the State of Chili.

Cities.—Santiago, Conception, Talca, Coquimbo, Valparaiso, Chillan, Rancagua, Valdivia, Osorno, Los Angeles.

Ports.—Valparaiso, Coquimbo, Guasco, Copiapo, El Gobernador, Talcahuana, San Vicente, Arauco, Valdivia.

Towns.—Copiapo, Guasco, Guasco-alto, Illapel, Ligna, Petorca, Quillota, Casablanca, Melipilla, Andes, Aconcagua, San José, San Fernando, Curico, Cauquenes, Linares, San Carlos, Parral, Quirihue, Ninhue, Florida, Yumbel, Coclemu, Puchacay, Talcahuana, San Carlos, Santa Juana, Nacimiento, Talcamabida, Santa Barbara, Colcura, San Pedro, Arauco, Hualqui, Reri, La Alaxa.

The population of this country, according to the last census, is computed at one million two hundred thousand souls.

No. 2.

A statement showing the value of the tithes of the Provinces of Conception and Santiago, in a period of five years, between the years 1805 *and* 1809.

Years.	Santiago.	Conception.
1805, - - -	$140,728	$63,582
1806, - - -	158,178	65,450
1807, - - -	145,293	69,788
1808, - - -	154,578	69,212
1809, - - -	148,828	68,422
	$747,605	$336,454

Sum total, - - - $1,084,059

Average, - - - 216,811 4-5

No. 3.

A statement showing the number of tesos of gold, and bars of silver, that have been received into the mint in all the year 1817, and from the 1st of January until the 3d of July of the current year; distinguishing that which has paid the quint from that which has been coined in both metals, in the same time; all taken from the books of the accountant.

Periods of receipt.	No. of tesos of gold.	Alloy of 22½ quintals.	Castellanos made.	A. 20 R. marks valen.	Paid for quints.
In the year 1817,	210	5,974 6 0 3 3	298,738	781,990 5	31,279 4½
In the same year,	7	166 6 3 0 10	1,340	21,831 8	
Until 3d July, 1818,	86	1,689 1 6 2 0	84,461	221,089 0¾	8,843 4½
	303	7,830 6 2 0 1	391,532	1,024,910 6¾	40,123 1¼

Periods of receipt.	Bars of silver.	Of 11 deneros.	Valen A. 8 ps. 2 marks.	Paid for quints.
In the year 1817,	254	32,318 0 1	258,781 6	29,371 6
Chafalonia,	124	18,756 2 0	150,187 7½	
Until 6th July, 1818,	141	23,236 7 4	186,066 2½	21,118 4
Chafalonia,	65	9,486 1 2½	75,959 0½	
	584	83,797 2 7½	671,019 0¼	50,490 2

SUMMARY OF PROFITS.

The coining of metals has produced	$131,869 3½
From quints paid,	90,613 3¼
From the purchase of Chafalonia,	29,667 4
Total of profits,	$248,190 2½

Which shows that of the 303 tesos of gold which have been received into the mint since the 1st January of the year 1817, until this time, there have been paid for the quints 40,123 dollars 1¼ rial; and from the 584 bars of silver which in the same time have been received, 50,490 dollars 2 rials; which, with the 131,869 dollars 3½ rials, have yielded of profit to the operations of the mint from both metals, and the 25,667 dollars 4 rials that have been derived from the bars of Chafalonia, a total amount of profits of 248,150 dollars 2¾ rials.

ACCOUNTANT OF THE MINT OF THE STATE OF CHILI, SANTIAGO, *July* 6, 1818.

JOSE SANTIAGO PORTALES.

No. 4.

A general statement showing the receipts and expenditures of the public treasury of the State of Chili since the 13th of February, 1817, when the victorious army of the Andes entered the capital, until the end of December of the same year.

RECEIPTS.

1. Receipts of the hacienda, collectively,	$154,889 4
2. Proceeds of the mint, in aid of the treasury,	80,043 6
3. Receipts of the custom-house,	251,080 5
4. The duties on tobacco,	133,993 7
5. The quints and duties on the mines,	63,840 4
6. Bulls for crusades and indulgences,	2,515 3
*7. Monthly contributions of the city and districts,	80,108 0
8. The tithes closing with the year 1816, and those anterior,	75,047 3
9. Voluntary donations, in aid of the treasury, to purchase arms,	155,704 0
10. Forced loans, mulcts, and sequestrations,	872,702 2
11. Imposts on flour, liquors, and other articles,	30,620 5
12. From quicksilver, powder, and stamped paper,	11,302 2
13. Toll on the road from Aconcagua,	1,029 0
14. Receipts from the temporalities or estates of the Jesuits,	11,406 1
15. From hides,	3,000 0
16. From the weighmaster,	10,053 3
17. From the cargo of the prize, the frigate Perla,	22,743 7
18. Deposites, until ascertained to whom they belong,	38,580 7
19. Discounts on the salaries on the civil list,	4,546 2
	$2,003,208 1

EXPENDITURES.

1. Paid to the troops of the army of the Andes,	$393,222 6
2. Remittances to the army of the south, and bills drawn by its commissary,	295,522 3
3. To Valparaiso and Coquimbo, for the expense of the service,	74,404 5
4. Effects taken in Mendoza for the army of the Andes,	20,555 5

*This contribution has been entirely abolished.

5. To Buenos Ayres, Peru, and Conception, in the new coin of Chili,			$4,000 0
6. Debts contracted by the state in 1814,			12,720 0
7. To the military hospital, and that of St. John the Divine,			22,793 4
8. Military pensions and pious donations,			10,619 4
9. Sequestered property returned,			14,289 3
10. Civil salaries,			57,011 0
11. Rents due from the consolidated capital of the Jesuits,			5,039 5
12. Extraordinary expenses of the hacienda,			47,267 5
13. The troops of the state of Chili, including those of the south,			80,833 2
14. To the commissary and quartermaster of the army, for food and clothing,			324,183 2
15. The expense of the armory,			171,680 3
16. Extraordinary expenses of the war,			360,215 2
17. Pensions charged on the Jesuits' estates,			3,632 5
18. The expense of the tribunal of the mines,			8,009 3
19. For the work of Maipu,			17,500 0
20. The expense of the weighmaster's establishment,			5,201 0
21. Deposites paid, the right to which was ascertained,			5,167 7
			$1,960,870 3
Remaining to the state—			
In the possession of our deputy in Valparaiso,	$29,782 0		
In the possession of our deputy in Talca,	2,089 3		
In payments, on account of artillery,	10,466 3		
			42,337 6
			$2,003,208 1

General Treasury of Santiago, *December* 31, 1817.

RAFAEL CORREA DE SAA,
JOSE XIMENES TENDILLO.

No. 5.

A general statement of the receipts and expenditures of the National Treasury of the State of Chili, from the 1st of January, 1818, *to the end of June of the same year.*

RECEIPTS.

1. Receipts of the hacienda, collectively,	$28,216 6
2. Proceeds of the mint,	123,738 2¾
3. The receipts of the custom-house,	211,826 1¾
4. The duties on tobacco,	11,907 1
5. The quints and duties on the mines,	48,240 5
6. Bulls for crusades and indulgences,	6,300 2
7. From quicksilver, powder, and stamped paper,	21,684 0
8. Proceeds of the Jesuits' estates,	912 4
9. Various imposts in aid of the treasury,	38,673 3¾
10. From voluntary donations,	53,786 0
11. Forced loans, mulcts, and sequestrations,	370,160 2
12. Tithes paid into the treasury,	11,487 4
13. From the cargo of the Perla,	58,044 1
14. Deposites, until ascertained to whom they belong,	17,656 5
15. From the weighmaster,	10,200 4¼
16. From hides,	1,000 0
	$1,013,434 2½

EXPENDITURES.

1. To the commissary of the army of the Andes,	$160,370 7½
2. To the commissaries of the armies of the south and west,	156,922 6
3. To Talca, Valparaiso, and Coquimbo, for expenses of the service,	26,505 6½
4. Troops paid from the general treasury,	165,079 3
5. Civil salaries,	31,493 7
6. Ordinary and extraordinary expenses of the hacienda,	14,973 7¾
7. Return of some loans made to the treasury,	2,550 0
8. Return of quints improperly exacted,	1,370 1½
9. Military pensions and pious donations,	7,849 1
10. Sequestered property returned,	3,674 4¾
11. Pensions charged on the Jesuits' estates,	1,296 0
12. To the tribunal of the mines,	2,774 1¼
13. To the hospitals,	11,648 6
14. Returns from the mint,	27,408 1
15. Expenses of the weighmaster's establishment,	1,051 3½
16. For the work of Maipu,	1,900 0
17. Extraordinary expenses of the war in our armament, in our armory, provisions for the army, &c.	260,191 2
18. Consolidated arrearages of debts,	122,281 7¾
19. Paid on account of deposites,	6,949 4½
20. Interest on consolidated capital,	1,237 2
21. For the making of powder for the mines,	1,867 3½
22. For the purchase of salt, on account of the state,	1,490 6¼
	$1,010,047 2¾
Remaining in the treasury,	3,386 7¾
	$1,013,434 2½

General Treasury of Santiago, *June* 30, 1818.

RAFAEL CORREA DE SAA,
JOSE XIMENES TENDILLO.

No. 6.

A statement representing the strength of the regular army, and of the militia of the State of Chili, including that of the Andes.

Regular troops.		Militia.	
10 battalions of infantry, of 600 each, -	6,000	20 battalions of infantry, of 720 each, -	15,400
3 regiments of cavalry, - - -	1,400	22 regiments of cavalry, of 600 each, -	13,200
2 battalions of artillery, of 500 each, -	1,000	3 companies of artillery, - - -	360
	8,400		28,960

NOTE.—There is actually forming a marine brigade of artillery of one hundred and fifty men, and there will be organized, in a few days, a marine brigade of five hundred.

ESTADO MAYOR DE SANTIAGO DE CHILI, *July* 8, 1818.

No. 7.

A statement of the vessels which compose the national marine of Chili, and the privateers that have been commissioned.

Vessels of war.		Privateers.
The ship Lautaro, of - - -	52 guns.	The ship Minerva.
The frigate San Martin, of - -	36	The brig Chilino.
The frigate Chacabuco, of - -	22	The brig Furiosa.
The corvette Coquimbo, of - -	22	The brig Rayo.
The brig Aquila, of - - -	18	The brig Maipu.
The brig Buenos, of - - -	14	These are the privateers commissioned by the Secretary of the Marine, but it is not yet known whether any have been armed by virtue of commissions sent to Buenos Ayres and other points of America; nor, for the present, the particulars relative to the arming of some other vessels.
Three gunboats.		
One sloop.		

SANTIAGO, *July* 8, 1818.

D.

Proclamation of the Independence of Chili.

THE SUPREME DIRECTOR OF THE STATE.

Force has been the supreme reason which, during upwards of three hundred years, has maintained the new world under the necessity of reverencing as a dogma the usurpation of its rights, and seeking therein the origin of its most important duties. It was evident that a day should come when this enforced submission would cease; but, in the meantime, it was impossible to anticipate it: the resistance of the inferior against the superior stamps with a sacrilegious character his pretensions, and serves only to discredit the justice upon which they are founded. For the 19th century was reserved the spectacle of hearing innocent America claim her rights, and show that the period of her sufferings could continue no longer than that of her debility. The revolution of the 18th September, 1810, was the first effort Chili made towards accomplishing these high destinies, to which she was called by time and nature. Her inhabitants have given, since, proofs of the energy and firmness of their will, scorning all the vicissitudes of a war, in which the Spanish Government has wished to show that her policy towards America will survive the overthrow of all abuses. This conviction has naturally suggested to them the resolution of separating themselves forever from the Spanish monarchy, and proclaiming their INDEPENDENCE *in the face of the whole world.*

But the actual circumstances of the war not permitting the convocation of a National Congress to sanction the public vote, we have ordered that a register should be opened, in which all the citizens of the state might declare for themselves, free and spontaneously, their votes for the urgent necessity of the Government proclaiming immediately their independence, or for delaying it, or for the negative; and, having found that the generality of the citizens have, irrevocably, decided for the affirmative of this proposition, we have thought proper, in the exercise of the extraordinary power with which we have been vested by the people, for this particular case, *to declare solemnly, in their names, in the presence of the Almighty, and to make known to the great confederation of mankind, that the continental territory of Chili, and her adjacent islands, form, in fact and right, a free, independent, and sovereign state, and are forever separated from the monarchy of Spain, and fully qualified to adopt the form of government most convenient to their interests.* And, in order that this declaration may have all the force and solidity which must characterize the first act of a free people, we warrant it with the honor, life, fortunes, and all the social relations of the inhabitants of this new state, pledging our word, the dignity of our station, and the honor of the arms of our country; and we order that, with the books of the grand register, the original act shall be deposited in the records of the corporation of Santiago, and circulars despatched to the towns, armies, and corporations, to have it sworn to immediately, in order that the emancipation of Chili may be confirmed forever.

Given at the Directorial Palace of Conception, on the 1st January, 1818, signed with my hand, and countersigned by our ministers and Secretaries of State for the Departments of State, Treasury, and War.

BERNARDO O'HIGGINS.

MIGUEL ZANARTU,
HIPOLITO DE VILLEGAS,
JOSE IGNACIO ZENTENO.

E.

Manifesto, addressed to all nations by the Supreme Director of Chili, on the motives which justify the revolution of that country, and the declaration of its independence.

When the justice of the cause of America is no longer an object exclusively consigned to the pens of philosophers, who so vigorously anticipated its defence that their writings were condemned by the inquisition; when, to examine this cause, all civilized nations are now at work, judging rather by the probable issue of its struggle than by the rectitude of the principles of our emancipation, in which they are all unanimously agreed, (for these principles are no other than those proclaimed by Spain in the maintenance of her own sovereignty, and in the vindication of her resistance against the oppression of the French;) in fine, when the succeeding generations are not in need of having recourse to the press to know the history of our events, better preserved in the pages of liberty, from age to age, by tradition, it may seem unnecessary to produce the reasons which actuated the inhabitants of Chili to declare their independence, if custom and respect for the dignity of other nations, at whose side we are going to range ourselves, did not make it requisite, besides being justly expected as due to our own honor.

Indeed, for the happiness of mankind, that gloomy era is at present no more when the learned of Europe were lamenting the shameful state of the colonies; yet in us it was considered a crime to complain. At that epoch even all the recollections of the conquest were forbidden, save only to praise the bloody arm of the usurpers. Those times of chivalry, when the absurd practice of duelling arose, and which gave birth to the pretended right of the strong, exist no more; but this right, obscure in itself, and as inconsistent as *violence* and *consent*, without which no man can exercise dominion over his fellow-creatures. Abuse undermined the very foundation of the right erected upon it; for the subjects were free to recover their liberty by force, or the manner of their losing it was illegal.

Such is the fact with respect to America: Spain invading our coasts under the sacrilegious pretence of religion, profaned by those false apostles, men who came to preach the gospel, but searched only the mines of the mountains, as the surgeon who comes only to bleed looks after the blood-vessel, but never after attempted to legalize this hideous title, at least by that expedient which statesmen devise to give validity to the famous diploma of conquest, the consent and ratification of the people. Instead of this, America, without the least participation in the Cortes convened, and subservient to the capricious will of the monarch, was bound by the superstition of an oath, administered without authority by a municipal officer who had indecorously procured his office at auction; and precluded from discussing the motives of her passive obedience—condemned, in short, to slavery, without the privilege of remonstrance—she would have lost with the liberty of speech even the recollection of her wrongs, if it had been as easy to forget as to be silent. But these evils were repeated by a fixed system in the policy of the tyrants, and our complaints suffocated in the noise of our chains. The insolence of the oppressor increased with our patience.

The miserable residue of the aborigines, who survived so many millions of victims, and who moved and roved in different tribes as the piles of sand in a desert, preserve in their mournful history the memory of their persecutions, and show very clearly their repugnance to the yoke in the perpetual war they have always carried on against our frontiers, and which interrupts our tranquillity. What argument, then, can Spain produce in her favor, hated as she is by the natives, and resisted by the sons of the conquerors so soon as they were able to make known their wishes without the impending fears of the dungeon? We claim that right which a slave may claim against a cruel master; the right of a man who, arrived at the age of maturity, feels able to provide for himself by his own exertions and industry; the right of a person whose minority has expired, but who is generous enough not to call his guardian to an account; the right of a clerk, richer than his employer, who, instead of expecting protection, can offer support. But all these examples fall very far short of our case. We hold this land as our country by birthright. We here first saw the light and received the civilization of the age.

All the efforts of tyranny cannot prevail against this right of nature. We compose a civil association, as free as that formerly conquered. Yet Spain, not less cruel to either or to both of them, adhering to her system of death and desolation, has afflicted us by her laws with all the horrors committed during the conquest. Let us pass in silence that code of the Indies calculated for the education of slaves under the ecclesiastical feudalism of the curates and the shocking lordships of the encomiendas. That humble portion of the species for whom the barbarous decrees of the Isabellas, Ferdinands, Philips, and Charleses were promulgated, exists no longer in our community. A more enlightened people have followed after those devastations, who are, of course, the more sensible of the infamy of the three centuries preceding. The sister provinces, who, before us, have constituted themselves independent states, have already produced to the world a picture of vexations so horrid as excites the astonishment of nations at our sufferings and our patience, and have saved us the trouble of repeating it in this exposé; for the system of oppression and depredations has been universal, and the ravages of servitude, supported by the contrivances of the most inhuman despotism, too common.

The object of government being no other than to procure to men the security and prosperity of society, how can it be supposed that the people of America would have submitted to misery and humiliation? Who would believe that Americans, possessing the most precious soil in the universe, would submit to live in it only to moisten its fields with their tears, and to obey sacrilegious edicts inhibiting the productions of nature? For olive trees and vines were ordered to be pulled up by the roots in Chili,* that they might receive oil and wine from the peninsula. Were we to take from Cadiz the regulations of our passive trade? Were we, in this exclusive intercourse, to live fettered by restrictions similar to those exercised by the government of Juan Fernandez over miserable convicts? Were we to see our coasts abandoned to the enterprise of every invader, and yet Spain draining from us fifty millions of dollars in duties under the pretence of its defence, with vessels which never appeared but to commit hostilities against ourselves? Were we to be excluded from intercourse with other nations; to be condemned to buy for ten what they may sell to us for one; and to see all foreigners driven from Chili with the literature of their language?† That under a monopoly of every kind, and even of ideas, the freedom of the press and of thought prohibited, and our university forbidden from discussing the pretended prerogatives of the monarch of the Indies, lest the titles of his void and shameful dominion should be known? In short, that when our archives were stuffed with regulations of etiquette and ceremonies about the appeals called the *one thousand and five hundred*, bought with the substance and the despair of the petitioner,‡ and respecting *pecuniary privileges*, which from the distance of three thousand leagues were distributed to the highest bidder, we should be indifferent to our fate, and ought to receive with cheerfulness the gifts of our masters?

* By a royal command, by advice of the Council of the Indies, (cedula of 15th of October, 1767.)

† An order of the 1st of September, 1750.

‡ A famous appeal in the Spanish jurisprudence, known by the name of *one thousand five hundred*, from the supreme court in Spain, where, to revise the case, it was necessary to enter into a bail for that amount of rials. The slowness of its proceedings passed for a proverb, and by the people the name of one thousand five hundred was understood to be the number of years for the trial.—TRANSLATOR.

How was it practicable for them, amidst the intelligence of the age, to preserve their pretensions, after we had become ashamed of so many years of suffering, after our rude infancy was over, and when we had been more marked for our unfortunate habitual obedience, than the conquest of America for its importance to the three quarters of the globe then known? Has not the moment yet arrived for cancelling the debt contracted by the pledge of the jewels of Isabella for the expedition of Columbus? Are we yet debtors, after the millions exported to Madrid? No: the revolution of Spain, and the obstinacy of our executioners, have placed in our hands the power of casting off the burden. To suffer this favorable occasion to pass by, is to become responsible to posterity. To learn our rights from the instructions given by Spain herself, and yet not to secure them in a solid *independence*, would be a crime deserving the execration of our sons, and the opprobrium of the present generation. We have declared it, and the sighs forced from us by the hostilities of our unreasonable antagonists shall be sweetened by the satisfaction of insuring to the offspring of the conquerors that *liberty* of which the Spaniards stripped their ancestors.

We want—we can—then we ought to be free.

Here is a conclusion drawn most precisely from antecedents, as evident *in fact as in right.*

We shall not question Spain any more about the right she can plead against us. Let us consider those she has alleged in favor of her sovereignty, after the imprisonment of Ferdinand; let us regard her conduct; let us compare her proceedings with ours; and, mindful of her circumstances and station, we must inevitably conclude in favor of the justice of our own cause.

The news of the coronation of Ferdinand reached us together with the tidings of his imprisonment, and the mysterious history of the scenes of the Escurial, Aranjuez, and Bayonne. At that very time, the Junta of Seville invited us to send deputies to the *Central Government* (for America having no part in such a centre, it was quite unworthy of that name;) for the first time America was declared *to be an integral part, equal in rights to the rest of the monarchy, and no more a colony or factory, as were those of other nations;* she was informed of the establishment of the provincial Juntas, their object, form, and attributes; she heard the noble privileges of man, the sacred principles of the social compact; the rights of the people, and the return to the exercise of sovereignty, held before by the King as their agent, then disabled to continue in his functions in virtue of his captivity; finally, we were assured of the happy prospect of having a constitution to restrain the arbitrary conduct of Government, and guaranty the citizen in the protection of the law by his representatives in a National Congress.*

This stroke of light was too strong not to penetrate the most obscure mind, not to raise the most thoughtless spirits. The idea of the sovereignty excited that instinct of *independence* born with man. Yet, united to the fate of the peninsula, it formed in the heart a contrast between the habitual wishes for the prosperity of the metropolis, and the necessity of providing for us in case of that country falling under the victorious armies of France. The diffident and menacing vigilance of our chiefs inclined the scale to this side, and induced us to believe that the generous conceptions of the liberal from the other side of the Atlantic were mere artifices to maintain America yoked to the chances of fortune. Besides this, every criticism on the events of Spain was deemed a treason; and to repeat the flattering proclamations of her Government was in us considered as the sound of perfidy. Our assemblies were closely watched, and every man of sense had a sentinel placed over him. This was the plan formed in the closets of the inferior tyrants. At Venezuela, the citizens Ortega, Rodriguez, and Ianz, were exiled from their families by Emparan; Roxas, Ovalle, and Vera, in Chili, by Carrasco. That governor ordered his assessor to be admitted to his functions forcibly; here Carrasco, surrounded by bayonets, gave possession to a like officer of the first seat in the Cabildo. At that moment fears began to be superior to hope, and personal freedom began to engage the sentiments of the people. With some doubts about the fidelity of the chief, a part of the inhabitants observed that the conduct of this man was in contradiction with the promises of the Spanish Government; and from Spain he was advised that the greater part of her ministers, counsellors, generals, nobles, and bishops, had adhered to the French party.† We noticed the removal from office of the peninsula's chiefs; the inactivity of their successors; and the expedient adopted by the people for their safety, in the erection of Juntas. The news of one having been established at Buenos Ayres put Chili in motion. Carrasco hoped to pacify it by the hypocritical recall of the exiles, which was detected and treated as a fraud, and the governor deposed. The Spaniards residing at Santiago were the most strenuous for his removal; and the command was conferred on brigadier Count de la Coriquista, as senior officer, according to ancient regulations. The oidores trembled at the aspect of this alteration, which seemed to them a presage of the expiration of their authority; their consciences accused them of having subscribed too pliably with their *advices* the treacheries of Carrasco. They believed that the occasion for *promoting discord* agreeably to the *secret order* of 15th of April, 1810, had arrived; and, in fact, they excited it between Americans and Spaniards. A meeting was proposed from the most respectable persons of both parties; and the result was to convene the people for the 18th of September. On this ever-memorable day was established the Supreme Junta to rule over the country *in the name of Ferdinand VII.*, with submission to the regency erected in Spain over the ruins of the Central Junta. The then sympathy for the misfortunes of a suffering King, the habitual respect, and the spirit of imitation, were more powerful than the sense of our rights. Yet, called by the order of events, the intelligence of the age, and a just regard to our interests, there were heard, even then, some voices for independence.

Our new Government was approved by the regency. But this approbation was a snare to the candor and generosity of Chilinos, to make them a prize to the contemplated bloody invasion which was ordered to be made by the Viceroy of Peru. We should have calculated on this after seeing our brethren in Buenos Ayres proscribed, Caraccas blockaded, and the tyrant Melendez directed to practise the most cruel severities.‡ Thus it was, amidst our most frank intercourse with Lima, in the season when our produce was exported to Callao, when $120,000 had just been acknowledged to have been received in Spain‖ by this consulate, and of $200,000 by the treasury, together with a voluntary contribution to assist Spain in her afflictions, that, as if waiting for this assistance to proceed to our extermination, Pareja landed at St. Vincentas with the army of devastation, in the name of Ferdinand VII.

Then we brought to our recollection what the regency had told us,§ that *to this name would be forever united the epoch of the regeneration and happiness of the monarchy in both hemispheres; that our destinies did no longer depend on the viceroys and governors; that they were in our own hands;* and we asked ourselves what that equality of rights was with which they had flattered us, when, on making use of it, they judged us "guilty of high treasonable innovation." We looked to the causes that produced the regency in Spain, and we argued thus: "The

* Orders of 19th and 20th of March, of 30th of September, 1808, of the 1st and 22d of January, and the manifesto of the 28th of October, 1809.

† Orders of the 28th of July, 1808, of 14th of February, 23d of March, and 24th of May, 1809.

‡ Orders of the 2d of August and 4th of September, 1810.

‖ Letter from the Spanish Government of 15th August, 1810.

§ Manifesto of the 14th of February, 1810.

people of the peninsula have founded their revolution on no other title but the *exigency of the circumstances*. Why should not the people of America be proper judges, as well as the people of Spain, to decide whether they are, or are not, in the same pressing necessity? From the moment the regency and the Cortes proclaimed, as the only base of their authority, the sovereignty of the people, they lost all pretension to command any people who wish to exercise their own. If the sovereignty emanate from the Spanish people, and if that people have no power over the American, who, as Spain, are an integral part, and the principal part of the nation, why could we not ourselves represent the King, and act in his name, as is done by the same persons who declare us rebels? Have they received from the captive some special commission, which has not reached us, besides the order from Bayonne, to admit the new dynasty of Napoleon, which they resist with so much heroism? And what with them is a virtue and a right, cannot be with us a crime. If Spain does not submit to the French, although they intend to command her *in the name of Ferdinand*, and by virtue of his resignation, with more reason shall we repulse those who bring war to us in that same name, because we have preserved him at the head of our Government, and lavished an undeserved gratitude to persons who were traitors to their own principles."

Thus we were undeceived about the true meaning of those theories as brilliant as they were seducing, and we discovered on the reverse of the talisman, that, under pretence of restoring him to the throne usurped from his father, they concealed the fraudulent design of stamping on us and our posterity a more fatal slavery than in former times, and that this was their urgent motive for ordering all the schools to be closed, that we might only be employed in remitting to Spain men, money, provisions, with blind obedience.* Then we cast our eyes on the map, we considered the natural and political position of Spain, and we were amazed that we had not, for so many years, dropped the curtain in this comedy where the performers from the small theatre of a peninsular angle of Europe have kept in silent admiration a whole world, without tiring and disgusting us by the uniformity of a plot conducted through the wiles of mere intrigue, and the denouement of which could visibly be no other but the discharge of a thousand lightnings on the spectators.

We reflected, and said to ourselves, "Shall twenty-two thousand square leagues, and a million of inhabitants, animated with the temper and sobriety of the Araucanos, be kept depending on a point of the old hemisphere, which begs its resources from us, which perishes without them, lives by them, and endeavors to destroy us with them? Since when has the distinction of social relations been so absurd, that the maimed must serve his crutches? that the infant's mouth changes the milk into blood, to spit it into the face of his nurse? that the needy rises up and wishes to command his benefactor? Whence did that legislation spring, by which neither mature age nor sound judgment, nor opulence, nor proper disposition for administration, nor superiority of forces, nor any of the many elements favorable to individual liberty, cannot procure liberty to a whole nation? Who has dictated that code which authorizes the treacherous and ungrateful to be adored by the offended, and have their crimes sanctioned? And who has deprived us of our intellects, that we do not discover the cruelties of Spain, even in the impudent gifts of her favors? Called to the Cortes, with *an equal representation*, we see a member for every thirty thousand peninsulars, and hardly a million of us is a sufficient number to elect one! There the suffrage is popular; here it is consigned to the vote of a president, under the sanction of corporations. There the form of elections does not vary; here each mail brings us new forms, with the view that we should never be represented by any other power than that of *substitutes*, introduced with as much legality as the deputies of the Congress of Bayonne; some unknown to the people they represented, and others objected to expressly by their constituents; not one of them with proper credentials, and every one of them placed there by peninsular influence.† There they trade freely with all nations; and here they shut our ports even to vessels from England, to whose alliance Spain owes all her power; and they are not ashamed to declare as null and void a decree of the 17th March, 1809, which it was supposed was favorable to a free trade.‡ There, all foreign periodical papers, literary productions, liberal opinions of statesmen and philosophers, formerly stifled by despotic terror, and now rendering homage to nature and to the elements of civilization, are freely circulated; and here they have prescribed even national productions, the liberty of the press, and all writings relating to the Spanish revolution, except the ministerial papers of the regency, recommending to the *inquisition* the most scrupulous and responsible vigilance,‖ and pretending that, to enlighten Chili, it was only necessary to send twenty missionaries, to fill up the number of the missionaries in Chillan, *in order that the holy religion should not be lost for want of ministers*. Such is, in 1810, the language of the regency who orders our treasury to pay the passage of those fanatics, to the great honor of our priests, and the piety and understanding of the country.§ Such is the grand system of equality and elevation they offer us. Such is the expression of flattery they have substituted to the deceits with which they formerly robbed the artless Indians of their treasures, and with which flattery they intend to deprive us of our feelings and instinct, accompanying these words with bayonets, that they may exterminate us in case we should rely in the faith of their promises. What decency and circumspection in these pretended *sovereigns*!"

As we were taken up with these considerations, at the light of the fire of the war they had kindled, we felt ashamed of our improvidence and generosity, and a universal cry of independence was the effect of the remorse drawn out by justice and the sight of our evils. The least of those motives we were contemplating was sufficient to declare independence. However, satisfied with the hopes of a triumph, which, by undeceiving our aggressors, should reduce them with the arms of persuasion, we delayed this august act to which we were compelled by nature, time, and our successes. We fought and vanquished. Our arms, covered with glory in the battles of Yerbas Buenos, San Carlos, El Roble, Conception, Talcahuana, Cucha, Membrillar, and Quechereguas, brought us to that crisis in which, the forces of the new General Gunza driven to the small precincts of Talca and annihilated, we might impose law on the man who brought us the Spanish constitution—that crafty piece, which, under the appearance of liberty, contained only the conditions of slavery for America, who had not concurred in its formation; nor could she have been represented by the thirty-one substitute deputies legislating amidst the one hundred and thirty-three Spanish representatives. We could wish to consign to eternal oblivion that fatal epoch in which all the intrigues of perfidious Spain were contending against the magnanimity and openness of the Chilino character. Who could believe that in a crisis so favorable to our undertakings, and so fatal to the self-styled *national army*, the capitulations of the 3d of May, 1814, would have been effected?

It is necessary to save us the shame of analyzing them. Suffice it to record, that being ratified by our Government, guarantied by the mediation of Commodore Hillyar, with powers from the Viceroy of Peru, accepted by the chief of the troops of Lima, our troops withdrawn, the prisoners restored to the enemy, and the people obliged to acknowledge peace solemnly proclaimed, it became necessary to assist the invaders to whom it was then impossible

* Order of the 30th April, 1810.
† Orders of the 6th October, 1809, and 29th March, 1810.
‡ Orders of 10th July and 27th June, 1809.
‖ Cedule of 1st January, 1809, and orders of 31st April, 1810.
§ Orders of the 13th and 19th July, 1819.

to move, and accept their nullity as an apology for their remaining employed in treasons at Talca, which place was to have been evacuated in thirty hours. They had hardly left our city and crossed the Maule, when Guinza pressed every spring to make up his losses; he recruited, assembled, and disciplined another army, which he spread in the province of Conception. In the recruiting he spent all the money which was destined, through him, to repair the losses sustained by the inhabitants; he laid hands on all the funds; he appointed judges; and, in a word, he set up for lord and master of that same ground which he had agreed to evacuate in two months, until the arrival of Osorio, who renewed hostilities, and threatened to put every thing to fire and sword unless we surrendered at discretion,* and opened our bosoms to the proclamations and pardons of his vizier.† It was too late to trust in the caresses of the lion who concealed his claws under the folds of the standard of war; we knew the consequences of the pardons granted in Mexico, Venezuela, Quito, Huanneo, and Upper Peru. These summonses excited our alarm; but in what circumstances, when with the views of the restoration of Ferdinand to the throne, we had just received his decree annulling the regency, the Cortes, their orders and constitution, and maintaining the established authorities in both hemispheres.

We did not wish to call upon these satellites of tyranny for their right to spread devastation in the country, but only for the right that supported their present aggression, and converted another time their *royal* army into a *national* army. If they had impudence enough to become the sport of a versatile Government, was that a reason why the people should deliver themselves to the sword and implicated designs of their assassins? You cannot any longer name the constitution as an authority; (which, by the by, did not give you any right or claim to obeisance, any more than a constitution, however beneficial and admirable, made by Joseph Napoleon, would have given him over the peninsula.) Ferdinand has reassumed his sceptre, and torn to pieces that celebrated act. And now by what new act have the Americans re-established the authority of the son of Maria Louisa, which, being null in its origin, he had himself abdicated and lost by repeated and subsequent acts of infamy and cruelty?

Allow us to recall to remembrance the scenes of the Escurial, Aranjuez, and Bayonne. In 1807 Ferdinand is declared a traitor to his father, and unworthy of succeeding to the crown. In 1808 the scene changes at Aranjuez, and Charles the Fourth, used with violence by the same faction which was stifled at the Escurial, cedes the crown to the son, proclaimed amidst the disturbances of the court. The old pupil of Godoy escapes to France, to seek the protection of the Emperor, who, in the conferences of Bayonne, causes the diadem to be restored, in order to accept it himself, and place it on the head of his brother Joseph.

This kingly-comic transaction has been represented to us by the Central Junta and Regency, under the veil of exalted exclamations tending to move all our sensibility in behalf of the misfortunes of that youth in whose party they were engaged. And thence it is that they despatched executive orders to America to apprehend the parent King and his suite, in case they appeared on these coasts, and to remit them to Spain under arrest.‡ That tender enthusiasm, imposed upon us by our compassion and hopes, being subsided, who can discover less violence in the renunciations of Bayonne than in that of Aranjuez? Was the presence of Bonaparte more imposing to Ferdinand, than the presence of a mob at the gates of his palace to Charles the Fourth? The Bourbons have abandoned the nation against the will of the people, and by this act they have lost even those obscure rights upon which their dynasty was raised. A nation left without a chief, on account of their domestic quarrels, could not belong to those emigrants. Ferdinand, from Valençay, could not keep in his hand the extremity of the noose, or, speaking more properly, of the chain which fastens America.

When Spain declared war against Denmark, they said in their manifesto: "If this Power is oppressed, and subject to the will of Napoleon, Spain declares her war as against a province of France."‖ Why do they not hold the same language with respect to Ferdinand, a prisoner, or rather willingly given up to the disposal of the Emperor? Will the world ever forget the base, horrid, and sacrilegious denunciation by which he betrayed the Baron de Kolly, engaged in saving him from the castle, with the intervention and credentials of George the Third?§ Considering as false the report of Mr. Bertheny, the commander of that fort, in which he states that Ferdinand in his communication dared to assert "that England continued to shed blood on his name, deceived by the false idea that he was forcibly detained there;" supposing even that his letter to Napoleon, requesting him to adopt him for his son, should be a fabrication, (accusations of which he has not cleared himself,) is not the infamy of such denunciation sufficient to deprive the informer of the character of *a prince*? How do they dare to bind us with that oath, taken without our consent, to oblige our consciences in an epoch full of perplexities and tumultuous afflictions, at the sight of promises which have never been complied with, and in circumstances that have long ago ceased to exist? But for the commissioners engaged in the destruction of America, the theatre never changes; their object is to annihilate her; and it is the same for them to commit hostilities in the name of the constitution, as in the name of the despot who tramples under foot that same constitution which they came to announce to us.

Such has been the conduct of Osorio in Chili; it is necessary to repeat it; he enters with the sword in one hand and the code in the other. We show him (and he knew it himself beforehand) that it has been annulled by Ferdinand; with the same facility he fights for the law, or for the enemy of the law. Can justice, a virtue invariable and constantly the same in all times and climates, be supported upon contradictory bases and discordant interests? No. It was not justice that gave to the tyrant the victory of the 2d of October, 1814. It was not justice that suggested to him to set fire to the hospital where our wounded soldiers were. It was not justice that fired the gun on the victims who fled for refuge to the churches of Ramagua. Justice did not authorize the violences by which the sanctuary of religion and innocence was polluted. Justice did not put in their sacrilegious hands the vases of priesthood to be used in their bacchanalias. Justice did not cover with blood the roads from Talcahuana to the capital, that these traces of death might serve to show the way to the head-quarters of the Sicaris, where our most respectable citizens, wandering in the mountains, were obliged to present themselves, to be transported to the rock of Juan Fernandez. Justice did not sharpen the knife which stuck the nine persons murdered in the prisons, under pretence of a supposed conspiracy, without any other trial than the ferocity of the perpetrators of the catastrophe of Quito. It is not justice that has cast into the casemates¶ so many deserving persons, who have been snatched from their families, without any form of trial, and are now lamenting their orphanage; and the refusal of an exchange of prisoners, the vizier of Peru sacrificing the fate of his own mercenaries rather than to ameliorate the fate of our fellow-citizens. It was not justice that erected the four scaffolds, for the recreation of the coward modern Baptos,** and which he ordered to be immediately taken away from the public square, at the news of the triumph of the 12th of February, 1817, the anniversary of which day we celebrate. (Aracabuco.)

* Summons of the 20th of August, 1814, from Chillan.
† Proclamation and pardon of the Viceroy of Lima, 14th March.
‡ Cedule of the 12th of August, 1808, and orders of 1st of March, 1809, and 26th of June, 1810.
‖ Manifesto of October 4, 1809.
§ Vide the documents in the work El Espanol, No. 2, May 30, 1810.
¶ Horrible dungeons in the Callao of Lima.
** Marco, successor of Osorio, is not less remarkable for his cruelties than for his effeminacy, resembling that of the Baptos, so much despised in ancient Greece. The mentioned tyrannical acts are recorded judicially in our archives.

Justice granted to Chili that day of glory and splendor, well satisfied that by two years and a half of sufferings we had atoned for our undue tolerance, and our blindness in not knowing that by tolerance we betrayed the sacred *rights* of our *country*, belied the necessity of *independence*, and the sincere wish of the people, that proclaimed it with so much the more eagerness that they had just learned, at the school of tyranny, that independence is the only desirable end of this bloody struggle of seven years; that the inability and impotence of our aggressors, and of the despot they serve, had become evident; that the idol and his name had tumbled to the ground; and that we ought not any longer to be guilty of the meanness of invoking him, when Spain herself, after being chilled by his ingratitude on his reascending the throne, tears herself in the convulsion of a paralysis that carries her to her last consumption.

Such is the state of that unfortunate nation, rendered less miserable by the fierceness of the monster than by the obstinate tenacity of keeping her engaged in this destructive struggle, in which, after losing all the acquisitions of the first conquest, she will remain excluded forever from the sole relations with which she might have repaired the losses of twenty-five years. Spain existed by America; now she receives nothing from her, and she is obliged to strain her funds to fight her. Nobody can she seduce now, in the state of poverty which devours her. Should a miraculous effort enable her to send over some gladiators, these men cannot be indifferent to the reluctance of abandoning their native soil to descend to the grave at such a distance from their cradle, and they will be convinced that they are engaged in an undertaking in which any ephemeral triumph will hardly make them resemble the bird cutting the air, which closes again after it has passed. Morillo, with the best army that Spain has sent out, and with all the other divisions, is a proof of it. Whilst they occupy a place, the insurrection rages in others; and, finally, all the disseminated mass of the conquerors comes to be consumed in the centre of the conflagration. The combustion is universal, the space is immense, and the fire of the revolution inextinguishable. We will not belong to an insignificant nation when we do not want for any thing, and who, being in want of us, only seeks to kill us. We will not belong to a nation unfaithful in her promises, violating her contract, and contradictory in her principles, who intends to affirm these pretensions of her decrepit usurpation; and of a dynasty divested by itself even of the appearances of right, and make us responsible to the rest of our brethren nobly emancipated, to the improvement of the age, which venerates liberty as the goddess of civilization; to our posterity, who, from the sign of his future existence, awaits for the happy turn in which they are to enter without trouble in the enjoyment of days of order, honor, and peace, their fathers bought for them with their blood; to all human kind who can now rely with secure and abundant places of refuge in these regions, blessed by the Creator, and formerly shut by proud ambition to the hospitality of men unwilling to become slaves; to nature, who placed in our minds the sense of choice and merit incompatible with slavery; and, finally, to Heaven itself, who has unfolded the list of the nations, and has pointed out the place we were to occupy in the rank of the independants.

Chili has obeyed its call. The solemn act of the 1st of January, 1818, is the expression of the individual vote, and the result of all private determinations. She has not deferred her revolution until the convocation of a Congress, difficult to assemble in the effervescence of war; she has dictated herself the measure which, in all circumstances, would have been sanctioned by her representatives, faithful to the trust and confidence of their constituents. When the latter will depute them, the representatives will ascend the altar of the law invested with all the plenitude of sovereignty required to proclaim it. This epoch is getting nearer as the expiring remnants of our enemies fly terrified. In the mean time, to defend the magna charta, every citizen runs spontaneously to arms. A veteran army of twelve thousand brave men, and the enlisting of the militia, without exemption, are the pledge and the eternal foundation of our independence.

Free people of the universe! you who behold the basis of your sovereignty secured by this new monument of justice upon which Chili has raised its own, decide, in this fatal struggle, between humanity and the vain spirit of domination; teach Spain that the former is the origin and object of every Government, and, ask her then who is to give up? By uniting your vows to ours, you will stop the blood which overflows vigorous America, and draws the last breath of expiring Spain. If you are touched by our destinies, convince her of her impotence, and of the mutual advantages of our independence; let her be affected by her own evils, and by those we have suffered during three centuries; inspire her with a comparative feeling on her fate and ours; and when, calculating candidly the consequences that threaten her, she lays down her arms, and sacrifices to justice and liberality the illusions which precipitate her to her ruin, assure her, on our honor, that generous Chili will open her heart to the friendship of her brethren, and participate with them, under the glorious empire of the laws, in all the benefits of their immutable independence.

BERNARDO O'HIGGINS.

Directorial Palace of Chili, *February* 12, 1818.

Miguel Zanartu, *Secretary of State.*

REPORT OF MR. POINSETT ON THE CONDITION OF SOUTH AMERICA.

Mr. Adams to Mr. Poinsett.

Sir: Department of State, Washington, *October* 23, 1818.

I am directed by the President of the United States to request of you such information, in relation to the affairs of South America, as your long residence in that country, and the sources of intelligence from thence which have remained open to you since your return, have enabled you to collect, and which you may think it useful to the public to communicate to the Executive Government of this Union.

I have the honor to be, &c.

JOHN QUINCY ADAMS.

J. R. Poinsett, Esq., *Charleston, South Carolina.*

Mr. Poinsett to Mr. Adams.

Sir: Columbia, *November* 4, 1818.

In conformity with the request of the President of the United States, contained in your letter of the 23d of October, I have the honor to transmit to you such information as I possess in relation to the affairs of South America.

I regret that my absence from Charleston, where most of my documents are, does not allow me to enter more into detail, and to give a fuller description of those countries.

As the Executive will doubtless have received from the commissioners ample information with regard to the recent occurrences at Buenos Ayres and Chili, I have only brought down the events of the revolution to the period

of their arrival at Buenos Ayres. In the course of this narrative I have confined myself to facts; for I thought it unnecessary to dwell on the motives which induced the creoles to shake off the Spanish yoke. The oppression under which they labored, the severe and absurd restrictions upon their commerce and industry, are too notorious to require a comment; and the situation of the mother country not only justified but rendered it necessary for them to establish for themselves an internal government.

By letters which I have received since the return of the commissioners from Buenos Ayres, I learn that the Portuguese forces are in possession of the principal places on the eastern shore of the Uraguay, and of the country between the Parana and Uraguay. Their advanced posts extend to the Corrientes. The royal forces in Upper Peru are posted at the defiles of Jujuy, and are in possession of the country above Salta. The forces of Buenos Ayres, under the command of Belgrano, are at Tucuman. By the last victory gained by the patriots of Chili on the plains of Maipu, the royalists have been driven within the fortifications of Talcahuana.

I have the honor to be, with great respect, sir, your most humble and obedient servant,

J. R. POINSETT.

To the Hon. JOHN QUINCY ADAMS, *Secretary of State.*

The government of Spanish America is confided to the Council of the Indies. Their authority over the colonies is unlimited; they are the source of all favor, and have the presentation to all civil and ecclesiastical appointments; they constitute likewise a court of appeal from the decision of the audiences.

The viceroy is commander-in-chief, governor, intendant of the province where he resides, and president of the royal audience, and other tribunals. As commander-in-chief he is assisted by a council of general officers, and as governor by an assessor and legal counsellors. He assists with great ceremony at the session of the royal audiences, which tribunal watches his conduct, and has a legal control over his actions; and he in turn renders an account to the Council of the Indies of the public acts and private conduct of the members of the audience. The viceroy is not allowed to trade or to form any connexion with the people of his Government, and it was not customary for him to enter any private house. The laws of the Indies, which in theory are calculated to protect the colonists and Indians from oppression, grant him almost regal powers, but restrain the arbitrary exercise of them by the responsibility attached to any abuse of authority. At the expiration of his office a commission is appointed to inquire into his past conduct, and all people, including the Indians, are called upon to prefer charges against him, and state any grievance or vexation they may have experienced during his administration. This residencia, as it is called, has become an unmeaning ceremony. The royal audience, which is the supreme court in the colonies, is composed of the viceroy, who is the president, of a regent, three oidores, two fiscals, a reporter, and an alguazil.

The law lays both them and their families under the severest restrictions, and the president is enjoined to watch their conduct, and to receive and transmit to the King an annual statement of their acts.

They constitute the last court of appeal in America. The viceroy is recommended to consult them in all emergencies of the state, but is left at liberty to act as he thinks proper. Where the authority of the president interferes with their decisions, they may remonstrate, but his will is executed. They have the privilege of corresponding directly with the King, and may make any representations they think proper on the conduct of the viceroy.

When the functions of the viceroy are suspended by sickness or death, the regent is his legal representative.

Of the Cabildo we have already spoken. Besides the alcaldes of this body, there is a criminal judge. The city is divided into barrio or quarters, and each quarter has an alcalde de barrio or justice. There are likewise justices of the peace, or lieutenants of justice, as they are called, whose jurisdiction extends over a certain district of country. They are accountable to the governor, and are appointed for two years.

The military and clergy claim their *fuero*, that is, the right of being judged by their peers, and an *esprit du corps* generally screens the culprit from justice.

The spirit of litigation pervades all classes, interrupts the harmony of society, and destroys the confidence and affection which ought to reign in families and among near connexions. The lawyers are a numerous body; and the practice is not, as in the United States, an open appeal to impartial justice, but the art of multiplying acts and of procrastinating decisions until the favor of the judge is secured by influence and bribery.

The ecclesiastical jurisdiction belongs exclusively to the King and Council of the Indies. The Pope has ceded all his pontifical rights except that of issuing bulls of confirmation, and even these are limited to the candidate presented by the King of Spain.

The bishop, assisted by a fiscal and a provisor, forms the highest ecclesiastical tribunal; the business is transacted by the provisor, and the bishops assist only in cases which concern ecclesiastics of rank. The ecclesiastical tribunals have cognizance in all cases of a spiritual nature, and which concern ecclesiastics, and in all questions arising from pious donations and legacies. The ecclesiastical fuero or privileges are extensive; it is sometimes (although very rarely) mixed, as when the plaintiff is an ecclesiastic and the defendant a layman, the cause is tried by a secular tribunal, and *vice versa*.

Buenos Ayres has a chapter consisting of a dean, a sub-dean and chapter, and a certain number of prebendaries.

The parishes are served by rectoral curates, and doctrinal curates officiate in the Indian settlements and villages, which are divided into doctrinas. The former derive their revenue from the fees of baptism, marriage, and interments, which the latter are forbidden to receive, but have an allowance from the treasury. Priests have been frequently employed in the administration of the public affairs, and have had great influence over the minds of the people, and a powerful agency in subduing and attaching them to the sovereign of Spain.

The zeal of the missionaries in this part of South America effected more than the arms of the first adventurers, who, after they had conquered the country, were repeatedly cut off by insurrections of the natives, roused to desperation by their rapacity and oppression.

The conquest of Paraguay by the Jesuits; their large establishments on the Uraguay; the privileges granted them by the King in order that they might prove their assertion that, if left to themselves, and not intruded upon by the Spaniards, they would subdue the Indians of that extensive territory, and convert them to the Catholic faith; their rigid policy in detecting and sending out of their limits any one whom curiosity or interest might have tempted to trespass on their territory; the rapid subjection and conversion of the tribes on the Uraguay and Paraguay, who were incorporated with the Guaranis Indians; their submission to the organization of the Jesuits, who distributed the day into periods of work, recreation, and devotion, and established, after the manner of the Monrovians, a common magazine for the reception of the produce of their industry, and dealt out to them, according to the number of members in a family, the necessary articles of food and clothing; the frequent attacks made upon them by the unsubdued tribes, and the depredations committed by the Mamalukes, the lawless inhabitants of the Portuguese frontier and of Saint Pablo; the jealousy excited by the flourishing state of these settlements about the period of the expulsion of the Jesuits from Europe; the resistance made to the decrees sent against them from Spain, and the final destruction of their power and confiscation of their possessions, are facts frequently treated of, and in the hands of every one.

There is a fund still devoted to the propagation of the Christian faith and to the payment of missionaries, who transfer the converted Indians to the doctrinas, where they are placed under the charge of doctrinal curates.

In the jurisdictions of Moxos and Chignitors there are some missionary settlements, where the missionaries enjoy nearly the same privileges which were formerly extended to the Jesuits, but they are not animated with the same zeal or by the same ambition, and the progress of civilization has been very slow in those countries. The missionaries are forbidden to exact any compensation from the Indians for the performance of any Catholic rite, but this regulation, like all the excellent and philanthropic laws instituted by the Council of Indies to protect the wretched Indians from the rapacity of the Europeans, is evaded by a shameful traffic in images, rosaries, and scapularies, and by receiving presents and exacting work from the Indians, notwithstanding the laws expressly exempt them from that obligation.

In the first conquest of these countries, the Spaniards profited by the feuds which they found existing among the different nations of Indians; they brought them into the field against each other, and the first adventurers were successively their allies and conquerors.

The Indians were sold into captivity, and thousands perished under the hard treatment of their inhuman masters, until the noble efforts of Las Casas and other friends of humanity drew the attention of the Spanish court to their sufferings. Commissioners were then despatched from Madrid to inquire into these abuses, and to suggest the means of reforming them, and of alleviating the condition of the Indians. The first attempt at amelioration was the Repartimientos de Indios, by which they were divided among the Spaniards, who had the profits of their labor, without a right of property in their persons. Next, the encomiendas, by which they were placed under the superintendence and protection of the Spaniards. The encomendero was bound to live in the district which contained the Indians of his encomienda, to watch over their conduct, instruct and civilize them, to protect them from all unjust persecutions, and to prevent their being imposed on in trafficking with the Spaniards. In return for these services they received a tribute in labor or produce. The abuse of these protecting regulations followed closely their institution.

The encomiendas were granted to Spaniards who never were in the country. The Indians were hired out, and the most exorbitant tribute was exacted of them. In order to check these abuses, it was decreed that the amount of tribute received from encomienda should not exceed two thousand dollars, the surplus to be paid into the treasury. They were made inalienable, and reverted to the Crown. All these regulations were found ineffectual to secure the Indians against the rapacity of the encomenderos and encomiendas were abolished. The Indians were next confided to the care and protection of the missionaries and of doctrinal curates. The last regulation in their favor gave them magistrates of their own choice, superintended, however, by a corregidor, to prevent the Indian alcaldes from committing excesses in the exercise of their authority.

In the viceroyalty of Peru the Indians were subject to a tribute to the Crown, levied on males only, from the age of ten to fifty. It was collected by the corregidor, who had the power of exempting such as were unable, from sickness or bad seasons, to make up the sum. They could enter into no legal contract or sale, without the consent of the corregidor, or make any conveyance of real estate. Their lands were sometimes seized and sold to satisfy the tribute, and in that way only could a transfer be made, or a legal title be obtained for Indian lands. The Indians were burdened with a personal service to the Crown, called the mita; this was a conscription raised among those subject to the tribute, in order to work the mines of Potosi. Thousands of these unfortunate people were marched every year to Potosi; and although the period of service was only eighteen months, they were attended by a numerous train of friends and relations, who, on the eve of their entering the mines, sang melancholy dirges, and, sounding a horn in solemn strains, mourned over them with all the ceremonies which they used to evince their sorrow on the death of a relative. Their wives and children remained with the conscripts, who harassed by a long march, seldom resisted more than a year the excessive labor and noxious air of the mines. The Indians of Peru have the appearance of habitual melancholy, and still wear mourning for the destruction of their Incas. According to an ancient prophecy, they expect to be one day delivered from their oppressors by a descendant of the Incas, who is to revive the former glory of the nation. They are prohibited from carrying any weapon, or from exercising any trade which might render them familiar with the use of fire-arms. This law has been so strictly executed, that the unsubdued tribes are not dangerous enemies, and for more than a century have not disturbed the tranquillity of the Spanish settlers; and the attempts made by the civilized Indians to recover their former independence have been more easily defeated. The Indians hand down from father to son the remembrance of their wrongs, and constantly watch some opportunity to revenge them.

The insurrection in 1778 was the most formidable known since the conquest, and laid in ruins some of the finest towns of Upper Peru. Oruro was totally destroyed, and La Paz lost the greater part of its inhabitants by famine, whilst it was blockaded by the Indians. Had they known the use of fire-arms, the whole of the white population of those provinces would have been destroyed. The revolutionary Government, immediately on its installation, released them from the service of the mita, which was the most obnoxious to them, and from the vassalage in which they were held by their magistrates. The tribute was continued from necessity, as it afforded a revenue which could not be relinquished at this period. In 1814 they were relieved from the payment of the tribute, and have taken an active part in favor of the creoles.

The Intendant of the province is the chief of every branch of the administration of finance; he is assisted by an assessor, who reports on all questions of law. The Intendant may reject his decision, and either determine on his own responsibility, or consult another lawyer. The tribunal de cuentas, over which he presides, consists of a contador mayor and a treasurer; they examine and verify all accounts. There is, moreover, a supreme court of finance. This court, of which the Intendant is president, is composed of the regent of the royal audience, (chief justice,) the contador mayor, the treasurer, and the solicitor of the tribunal of accounts. These members, when their sentences are appealed from, do not assist at the session. The customs are collected by an administrator of the customs and a treasurer. Their accounts are received by the tribunal de cuentas.

By the Spanish colonial laws the taxes were levied on the product alone. The alcavala was reduced to five per cent. on every transfer of property and every contract of sale. The retail dealer generally paid a composition, which was calculated annually on the value of their stock.

The almoxarifazgo is a duty on entry, and varies from fifteen to five per cent; the corso is a duty of two per cent. applied to support the guarda-costas; and the consulate one and a half on imports and exports. This last goes to defray the expenses of the consulado or board of trade. There is an excise on distilleries. The pulperias, or small grocery stores, pay, independent of the alcavala, a certain sum per annum, about thirty-five dollars, for license to retail liquors. A fund was formerly derived from the sale of lands, and from the royal domains. The treasury receives the rents of vacant bishoprics and prebendaries until the new dignity is in possession, and the half-yearly product of all offices. Notaries, attorneys, receivers of the customs, tax-gatherers, excise officers, &c., pay a fine to the Crown in proportion to the value of their office. Ecclesiastics pay the amount of the first month of their benefice.

All articles seized on account of illicit trade, after paying the duties, are divided among the informer, the Intendant, the captors, and the Crown. The bull areas and cockpits belong to the King. A considerable revenue is derived from stamps; the highest cost six dollars; and all deeds and titles, as also papers signed by chief officers of the administration, must be written on this paper. If the instrument cannot be contained in a single sheet, the rest is written on a stamped paper of a dollar. Contracts and wills must be written on stamped paper, which costs one dollar and a half the sheet. Every document presented in the courts of law must be on stamped paper of ——— the sheet; and all petitions presented by the poor, and by Indians, must be written on stamped paper of the sixteenth of a dollar.

The paper, ready stamped, was sent from Spain, and was renewed every two years.

For some time the treasury received one-fifth of the product of the mines. It was afterwards reduced to one-tenth.

The mint affords a further revenue by the exclusive sale of quicksilver, and by coining.

The monopoly of tobacco is another article of revenue. The administrador de tabaco grants licenses to cultivate, and establishes shops to retail tobacco. These estancos, as they are called, are kept by persons who receive a certain per centage on the sales, and who give security to account for all the tobacco put into their hands. The other monopolies, salt, cards, &c. &c., are not productive. The post office is in the hands of Government, and yields a considerable revenue.

The Indians who were subdued paid a capitation tax. It included all males from ten to fifty years of age, and amounted to between five and seven dollars. This tribute was collected by the corregidor, who had the power of dispensing with the payment, when, from indisposition or bad seasons, the Indian was supposed to be deprived of the means of acquiring the amount. They could enforce it by the sale of their lands. The only legal purchase of lands belonging to Indians was at these sales; in every other transaction they were considered as minors; and no contract or bargain was valid until it received the sanction of the corregidor.

The ecclesiastical dominion of the Spanish American colonies was yielded by the bull of Alexander VI. to the sovereign of Spain. Tithes were established in America by Ferdinand and Isabella in 1501; and in 1541 Charles V. ordained that the proceeds of the tithes should be divided into four parts; one to be appropriated to the bishop; another to the chapter; and out of the other two, that they should set aside two-ninths for the King, three for building and repairing churches, and the remaining four-ninths for the payment of curates and officiating ecclesiastics. This regulation continues in force, and the tithes are farmed and sold in each province to the highest bidder.

The sale of the bulls of the crusade produces a very considerable revenue. The general bull is bought by all the faithful, and is divided into classes, according to the rank and fortune of the purchaser. Viceroys and their wives pay fifteen dollars; the chief dignitaries, civil, ecclesiastical, and military, and all possessed of fortunes exceeding twelve thousand dollars, pay five dollars; all possessed of fortunes exceeding six thousand dollars, pay one and a half dollar; all other persons pay thirty-one and a half cents. The virtues of this bull are various; but the most useful is the dispensation from fasting on Fridays, and almost all lent. The bull to eat milk and eggs is likewise divided into classes; the first costs six dollars; the second three dollars; the third one and a half dollar, and the fourth thirty-eight cents.

The bulls of composition are bought by those who have obtained money or goods by unlawful means. All classes pay two and a half dollars for this bull.

The bull for the dead lessens the term, or entirely releases the soul from purgatory; the first class costs seventy-five cents, and the second twenty-five cents.

The bulls of the holy crusade are printed on very coarse paper, and the name of the purchaser is written at full length.

In the viceroyalty of Buenos Ayres the ninths of the sale of bulls, and the administration of the confiscated lands of the Jesuits, formed a branch of the revenue, under the title of temporalidades.

The following tables present the state of the treasury of Buenos Ayres, from January, 1811, *and subsequently to January*, 1812.

Remaining in the treasury from		Received.	Paid.	Balance in hands.
Temporalidades,	$8,456 4½	$4,706 5½	$9,163 2½	$399 7½
Tobacco,	12,386 6½	11,115 4½	14,352 1½	9,149 1½
Post office,	1,842 3¾	3,601 3½	3,947 2¾	1,456 5
Custom-house,	100,571 5½	161,738 6½	159,068 7½	103,241 4½
From the royal hacienda,	21,177 4¾	119,933 1¼	238,529 1¼	2,581 4½
				$116,828 6¾

February, 1811.

Temporalidades,	$17,007 4½	$5,663 4¾	$17,814 4¾	$4,856 4½
Tobacco,	25,027 1½	14,393 1	27,033 3½	12,386 6½
Post office,	4,274 6½	1,525 7	2,158 1½	1,842 3¾
Custom-house,	144,141 6½	105,832 1¾	149,095 6½	100,878 1¾
Royal hacienda,	12,775 0½	235,959 7¾	227,557 3½	21,177 4¾
Balance in hand, March 1, 1811,	-	-	-	$141,141 4¾

A summary view of the trade of Spanish America will complete this exposition of their colonial policy.

It is scarcely necessary to recapitulate all the vexatious imposts with which the Spanish Government oppressed the internal commerce of the kingdom. Of all these, the alcavala was the most destructive of the national prosperity. It consisted of a duty varying from six to four per cent. upon every transfer of property, and every contract of sale. The millones was an excise on the prime necessaries of life, and was generally compounded for with the Government by the municipalities; in consequence of which, the magistrates established public magazines, at

which all taxed commodities were to be purchased; and such as were found to have any articles of monopoly, not obtained from the magazines, were prosecuted with the utmost rigor. Almost all these regulations, with the royal monopolies of brandy, cards, lead, saltpetre, sulphur, gunpowder, sealingwax, quicksilver, salt, and tobacco, were extended to the colonies, where their pernicious effects were more sensibly felt than in the mother country. The trade between Spain and the colonies was confined to particular classes in both countries, until Charles V. allowed all his Castilian subjects to fit out expeditions from the principal ports of Spain; but exacted, under the penalties of death and confiscation, that they should return to the port of Seville, which became the emporium of the American trade. The personal influence of the inhabitants increasing with their wealth, they induced the Government to withdraw the permission to clear out from other ports. In 1720, when the navigation of the river was impeded by sand-bars, and became unfit to admit vessels of burden, the monopoly, with all its advantages, was transferred to Cadiz. Twenty-seven vessels were fitted out for the annual supply of Peru, Chili, and Terra Firma; and every three years twenty-three were despatched to Mexico and the northern provinces. The colonists were prohibited from trading with foreigners, or with Spanish vessels, not included in their periodical fleets, and also from trading with each other. Peru could not receive supplies from Mexico, or Buenos Ayres from Terra Firma. No Spaniard could interfere with the trade of the interior, nor could any colonist embark his goods to Spain on his own account. A board of trade, established at Seville in the sixteenth century, regulated the extent, assortment, and distribution of the periodical cargoes. No person could load or land articles from the return cargoes without a license from this board. The galleons could not touch at any port, or break bulk on their passage out or home. The triennial supplies could only be distributed over the northern colonies, and the annual galleons were appropriated to the settlements of the south. These were extremely limited, it being supposed that the Crown had an interest in making the same amount of duties fall upon a small supply of goods, that the duties might be more easily levied, and that the colonist might be made to pay the whole. The duties were levied in the form of direct customs on the goods exported, or of fees and dues for licenses on tonnage. An impost was laid on the bulk of the articles shipped, without regard to their nature or value. The indulto was a duty on the produce imported from the colonies, and fixed anew by Government every time the fleets returned from America. The declining state of the Spanish manufactories, and the inability of the mother country to furnish the necessary supplies of goods, obliged the Council of the Indies to use foreign articles, but they forced them to pass through the hands of the merchants of Seville, and afterwards of Cadiz. The profits of the monopolists of Cadiz were one hundred and seventy per cent. on goods bought in America, and two hundred and fifty on goods sold there. The import and export duties were exorbitant. Colonial produce bore a very high price in Spain; and the colonists purchased the necessary articles with this monstrous accumulation of profits and charges. Ulloa mentions that, in Quito, a pound of iron sold for a dollar, and one of steel for one dollar and fifty cents. The contraband trade was, in consequence, very extensive; but although this gave the colonists a more abundant supply, it did not diminish the prices; the profits of the smugglers always bearing a proportion to the risk of entering the goods, and to the profits of legal commerce.

In 1740 expeditions separate from the periodical fleets were permitted to sail from the American colonies to ports formerly debarred all direct intercourse with Spain. The high prices paid by these registered ships for licenses amounted to a heavy duty on exports. In 1748 the permission was extended to other ports, but was soon restored exclusively to Cadiz. In 1764 regular packet boats were first established, and sailed from Corunna to the chief ports of America. Although permitted to trade, their cargoes were limited in extent, and to Spanish produce. They were obliged to sail from and return to Corunna. In 1765 the trade of the windward colonies was laid open to several ports of Spain. The palmeo was commuted to a duty of six per cent. on exports, and ships were cleared without licenses. The grant which had already included Louisiana was extended in 1770 to Yucatan and Campeachy. In 1766 the cotton trade was opened to Catalonia duty free, and in 1772 to the other provinces. In 1774 colonial produce, duty free, was permitted to be imported into several ports of Spain. In 1778 the ordinance of 1765 was extended to Buenos Ayres, Chili, and Peru, and soon after to Santa Fé and Guatemala. This last ordinance granted some abatement of duties to vessels laden with Spanish produce, and to the precious metals, which had hitherto paid an enormous duty of entrance. The jealousy of extending the benefits of their trade to foreigners yielded to the necessity of supplying the colonies with slaves. The Spaniards were incapable of conducting this traffic, and for a certain time it was in the hands of a class of merchants in France. By the treaty of Utrecht, the asiento was transferred to Great Britain. The contraband trade which the English mingled with the importation of slaves brought on a war, and put a stop to this foreign monopoly. The slave trade was then transferred to a private company, whose entrepot was Porto Rico. The total failure of this company obliged the Government to take the supply into their own hands; and the incapacity of the Spanish merchants to conduct this complicated trade forced them to contract with a British commercial house for an annual supply of three thousand slaves. For one year the Philippine company introduced into Buenos Ayres nearly four thousand slaves. In 1789 the slave trade with the islands and with Caraccas was thrown open to Spaniards and foreigners. Several exclusive companies have been formed since the commencement of the eighteenth century, but the Philippine company alone survived the restrictions and extravagant duties imposed on their trade by the Government. The profits of this company are represented to have been very inconsiderable, not exceeding three or four per cent. On the 12th of October, 1778, the Council of Indies issued a decree of free commerce. The vessels were to belong exclusively to Spaniards, and to be of national construction; all the officers and two-thirds of the crew to be Spanish. This decree confined the free trade to a few ports; but subsequent regulations extended the privilege to all the chief ports in Spain. The ports of the colonies were divided into major and minor ports; and some privileges were granted to the latter in order to encourage them. The exports from Spain were divided into three classes: the articles of the growth and manufacture of the mother country were called free articles, and paid nine and a half per cent. duty; the second class consisted of articles only of the manufacture of Spain, and paid twelve and a half per cent. duty; the third class included all foreign goods shipped to the colonies through Spain; they paid fifteen per cent. entry into Spain, seven per cent. export, and seven per cent. entry into America; and with the maritime alcavala, the consulate, and other charges, the duties amounted to thirty-three and a third per cent. In 1778 the exports to the colonies were made in one hundred and seventy ships, were worth 74,000,000 of reals vellon, and paid 32,000,000 duty. The imports of the same year were made in one hundred and thirty ships, valued at 74,000,000, and paid nearly 3,000,000 duty. In 1778 the value of exports was 500,000,000, and of imports 804,500,000, and the duties exceeded 55,000,000. In Buenos Ayres the receipts of the customs in 1791 were $336,532; 1792, $468,850; 1793, $423,623; 1794, $407,984; 1795, $310,858. The average of five years was $389,569. It appears that in 1796 the exports to Buenos Ayres amounted to $2,853,944, and the imports from that port to $5,058,882. The latter consisted of 874,593 ox hides, 43,752 horse hides, 24,436 skins, 46,800 arrobas, (25 pounds,) 771 arrobas of vacuna wool, 2,254 arrobas of common wool, 291 guanaco wool, 11,890 goose wings, 451,000 horns, 3,223 cwt. of copper, 4 cwt. of tin, 2,541 tanned hides, 222 dozen of dressed sheep skins, 2,128 cwt. of jerked beef, and 185 cwt. of cured pork, valued at $1,076,877, and the remainder, 2,556,304, in gold and silver. In the year 1802, after the peace of Amiens, the receipts in Buenos Ayres were $857,702.

Shortly after the war broke out between England and Spain, the invasion of these provinces by Sir Home Popham opened a new era in the trade of Buenos Ayres. This officer, on his return to England, wrote a circular to the merchants, setting forth the extensive and lucrative market opened by this conquest to the trade of the British empire. The want of markets in Europe at that period, and the exaggerated picture of commercial advantages presented by Sir Home Popham, occasioned great speculation to be made to the river Plate, and large convoys of merchantmen accompanied the expeditions of Sir Samuel Auchmuty to Montevideo, and of General Whitlocke to Buenos Ayres. Montevideo, during the short time it remained in the hands of the English, afforded a very limited market, and the total failure of General Whitlocke's expedition obliged the merchants to return to England without having made any considerable sales. The loss experienced on this occasion was attributed altogether to the defeat of General Whitlocke; and an opinion still prevailed among the merchants in London, that the markets of Spanish America, if opened to their trade, would enable them to bear the loss of the commerce of the continent, and to be at least equal to that in the United States. After the British troops had evacuated the provinces of La Plata, the clamors of the people obliged the viceroy to open the ports to neutrals. Some Americans traded to the river Plate, but the high duties and restrictions discouraged the commercial spirit even of our own countrymen. The trade was very limited, and principally carried on by English and Spanish capital, covered by the American flag, and the goods were introduced by bribery, or by favor of the viceroy. The revolution in Spain put a stop to another attempt of the British to obtain possession of these colonies. The deposition of the Spanish authorities, and the establishment of the Junta in Buenos Ayres, again opened the ports of the river Plate to the British flag. Eager to realize their former dreams of commercial prosperity, a large capital was immediately turned into this channel. Entirely ignorant of the consumption of the country, and of the wants of the inhabitants, they overstocked the market with every article of British manufacture. The quantity of merchandise brought into these ports during the first six months was equal to the former consumption of six years; and skates and warming pans were seen dangling in the shops of Buenos Ayres and Montevideo. The former exorbitant duties continued to be levied with so little regard to justice, that frequently the merchants not only lost the prime cost and freight of the articles, but had a further sum to pay for duties; and several petitions were presented, praying to be allowed to abandon the goods in satisfaction of the duties. The monthly receipts of customs in Buenos Ayres, during the year 1810, sometimes exceeded two hundred thousand dollars, and the aggregate of that year was two million two hundred and ten thousand dollars. From the state of the market in Buenos Ayres, the merchants in England were ruined by the slowness of the returns; and many found it necessary to instruct their agents to make any sacrifice, and to sell at any price. Sales at auction, to an immense amount, were consequently made below the first cost of the articles. The effect of these sales was to reduce the price of all English manufactures; and I afterwards saw English prints and calicoes retailed in the shops of Mendoza, a distance of three hundred leagues from the coast, below the retail price in London. The English agent, who received his per centage on the sales, and the Spanish or native consignee, whom the law obliged him to employ, were enriched, but the principals in England failed. Frequent attempts were made to prevail upon the Government of Buenos Ayres to simplify the manner of collecting their duties, and to establish a tariff of their own, independent of the absurd and complex regulations of Spain. A more liberal system was, with difficulty, extorted from them. The monopolies were abolished. The obligation to employ a Spanish or native consignee was done away, and foreign merchants permitted to enter their ships and dispose of their cargoes in their own name. At the commencement of the revolution the exportation of silver was permitted on payment of five per cent. duty. It was afterwards prohibited; but the Government, finding it impossible to prevent its being smuggled from the country, again permitted the exportation, increasing the export duty to six per cent. for coined silver, and twelve per cent. for uncoined silver; two per cent. for coined gold, and eight per cent. for uncoined gold, and an additional half per cent. on both for the consulate. The mines of Potosi have not been worked to any considerable amount since the revolution. The specie exported is brought chiefly from Chili, and amounts to about three millions of dollars annually. The British frigates on this station are relieved every six months, and, since the year 1810, have carried to England nearly ten millions of dollars. This money was shipped partly on account of individuals, and partly on that of the British Government. Their agent in Buenos Ayres, the consul general, bought the specie at a premium, chiefly from the Spanish merchants, who were anxious to remove their funds from America. In 1813 the Government published the following criminal regulations, which remained in force for some time. The Government, being anxious to regulate the duties, and to establish the order of their collection in the custom-houses within the territories of the United Provinces, in the manner most convenient to the general interests of commerce, and do away all former abuses, to proportion the imports to the nature, necessity, and value of the articles of commerce, as far as the extraordinary demand and present situation of the treasury will admit, and to furnish the merchants with a clear and exact statement of the duties to be paid, in order that they may, in no event, be involved in doubts and perplexity, which might intimidate their enterprise, or retard the progress so important to the public prosperity, have decreed, with the previous concurrence of the Permanent Council of the Sovereign Assembly: First. From the 1st day of January, 1814, twenty-five per cent. shall be collected on all manufactures and foreign articles, except those hereafter specified, as the only duty of entry, to be calculated on the current market prices at the time of their extraction from the warehouse. Secondly. For this purpose, the merchants will present the invoices, with the prices affixed, which the officers of the customs shall examine, in order to calculate the duties. Thirdly. In case the prices fixed by the merchant be not regulated on the market price, the officer of the customs shall signify it to him; and, should any dispute arise, two arbiters shall be named, one by each party, and a third chosen by them, in order to decide thereon. Fourthly. Foreign wines and brandies, oil, ready made clothes, boots and shoes, and furniture, thirty-five per cent. Fifthly. Muslins and hats, fifty per cent. Sixthly. Crockery and glass, fifteen per cent. Seventhly. The following articles are free of all duties: quicksilver, machinery and instruments for mining, and those of the sciences and arts, all implements and tools of trade, books and printing presses, as likewise boards and all sorts of lumber; saltpetre, gunpowder, flints, fire-arms, and sabres and swords for the use of cavalry. Published in the Ministerial Gazette, and signed by Nicholas R. Pena, Juan Sarrea, Gervasia Antonio Posadas, (*Manuel*) *José Garcia, Secretary.*

The market of Buenos Ayres continues to be overstocked with English goods, but their merchants are now better acquainted with the wants of the inhabitants; ponchos, rugs, saddles, bits, lassos, balls, and, in short, every article formerly supplied by their domestic manufactures, are now brought from England. The Guernsey and Jersey traders bring French and German goods, which are preferred to English. Furniture, cordage, canvass, naval stores, paper, liquors, and strong black tobacco, find a ready sale, and will bear the duties. All goods mentioned in the seventh commercial regulation are in constant demand. China and India goods sell well, and the British merchants resident in Buenos Ayres have lately despatched three ships, direct to India and China, from the river of Plate. The principal returns are hides, tallow, horses, vacuna wool, skins, feathers, bark, copper, gold, and silver. Hides pay twenty per cent. export duty, and all the other articles, except the precious metals, fourteen per cent. The commerce of Chili offers great advantages to the traders to China and to the East Indies. It is a well known fact that specie is almost our only medium of trade with those countries, which not only deprives

the merchant for many months of the use of a large sum, but obliges him often to collect dollars at a premium; whereas, if the ports of Chili were used as a scala, the goods suited to that market, such as furniture and French and German manufactures, are obtained in the United States at a credit, and the returns received in Chili in copper and silver. In Chili the mines of silver are the most productive ever wrought. The mineral of those discovered within the last three years in the province of Guasco yielded a most extraordinary product of silver, which, compared with that of Potosi, is as forty to fourteen. It is not ascertained whether these rich mines extended to any great depth.*

Furs might be obtained if there was any encouragement to collect them. Traders might station small detachments along the coast and on the islands, to procure seal skins, an article of great demand in China, and very abundant in these seas. All instruments of trade and manufactures are introduced into both countries free from duty. During the last war between Russia and England, a press was erected in Valparaiso for the purpose of packing hemp, and large quantities of that article were sent to England. In the event of the intermediate ports, as they are called, *(puerto intermedios,)* Arica, Arequipa, &c., being opened to a free trade, it is probable that Upper Peru will be supplied through that channel. The distance is not so great, and the roads are better than those to the Atlantic ports. The trade of Chili has hitherto been confined to Lima and Buenos Ayres. The viceroyalty of Lima was supplied with grain from the ports of Valparaiso and Talcahuana, and the returns made in sugar, fossil salt, rice, and cotton. The trade between Buenos Ayres and Chili was carried on by caravans of carts from Buenos Ayres to Mendoza, at the foot of the Andes, and from thence on mules to Santiago. The principal articles sent across the continent by the merchants of Buenos Ayres were European dry goods and the herb of Paraguay. They received in return the sugar of Lima, copper, and gold and silver.

In the hands of freemen who were sensible of its advantages, and under an enlightened Government, Chili, from the number and variety of its productions, which yield the raw material of every sort of manufacture, has within itself the means of greatness; and, from the number of its harbors and great extent of coast, might carry on an extensive and lucrative commerce with the intermediate ports, with the viceroyalty of Lima, the Philippine islands, the East Indies, and China.

The commercial regulations of these countries have been so frequently altered, that it is difficult to say what they now are. This uncertainty discourages commercial enterprise, even more than exorbitant duties.

The geographical division of the viceroyalty of Peru.

The viceroyalty of *Peru* extends 365 leagues north and south, from 3 degrees 35 minutes of south latitude, and 126 leagues east and west, between 63 degrees 56 minutes and 70 degrees 18 minutes from the meridian of Cadiz.

The bay of *Tumbez* separates it on the north from the kingdom of Granada. The river of Loa on the south from the desert of Atacama, and the kingdom of Chili. The Cordillera of Vilacota, in 14 degrees south, separates it from Buenos Ayres. On the east it is bounded by an immense desert, and on the west by the Pacific ocean. The face of the country is extremely unequal; bordering on the coast it is a barren, sandy desert, with a few small but fertile valleys, and in the interior are the lofty mountains and deep valleys of the Cordillera. The temperament varies, therefore, in the same latitude. In the habitable parts of the mountains the thermometer of Reaumur varies from 3 degrees below 0 to 9 degrees above. At Lima, and generally along the coast, the constant variation of the thermometer is from 13 degrees to 23½ degrees. The productions of Peru follow the nature of its different climates. Wine, oil, and sugar are the most valuable productions of the coast; corn and wheat of the valleys; and bark and cocoa of the mountains.

The annual product of the mines is valued at 4,500,000 dollars.

The population of the viceroyalty is calculated at 1,076,997 souls.

It is divided into seven intendancies, comprehending 51 districts; the latter governed by subdelegates responsible to the intendant, who is under the direction of the superintendent general, a dignity always invested in the viceroy.

The viceroyalty contains five dioceses.

Lima, the capital of Peru, is situated in 12 degrees 2 minutes 51 seconds south latitude, and 70 degrees 50 minutes 51 seconds longitude, and was founded by Don Francisco Pizarro in 1535.

Notwithstanding the frequent earthquakes which destroyed the city in the years 1586, 1630, 1655, 1687, and 1764, Lima occupies an area of ten miles circumference, including the suburb of San Lazaro. The population amounts to 52,627 inhabitants: 292 clergy, 991 religious monks and friars, 572 nuns, 84 beatas, 17,215 Spaniards and white creoles, 3,912 Indians, 8,960 negroes, and the remainder intermediate classes mixtures of the others.

The intendancy of Lima comprehends 74 doctrinas, (curacies,) 3 cities, 5 towns, and 173 townships; population 149,112 souls: 431 clergy, 1,100 religious, 572 nuns, 84 beatas, 22,370 Spaniards and Spanish creoles, 63,180 Indians, 13,747 mestizoes, 17,864 mulattoes, and 29,763 slaves. It is divided into eight districts in the following order:

Cercado de Lima.—This district comprehends 14 curacies, 1 city, and 6 townships, and contains a population of 62,910 souls: 309 clergy, 991 religious, 572 nuns, 84 beatas, 18,219 Spaniards and Spanish creoles, 9,744 Indians, 4,879 mestizoes, 10,231 free people of color, and 17,881 slaves. The principal produce is fruit, honey, sugar, and vegetables, which are consumed in the capital to the amount of 500,000 dollars per annum.

Canete.—This district comprehends 7 curacies, 1 city, 1 town, and 4 townships. It is inhabited by 12,616 souls: 15 clergy, 19 religious, 465 Spaniards and Spanish creoles, 7,025 Indians, 737 mestizoes, 992 free people of color, 3,363 slaves: produces sugar, grain, and some nitre; annual value, 350,000 dollars.

The district of *Ica* comprehends 10 curacies, 1 city, 2 towns, and 3 townships. Inhabitants 20,576: 22 clergy, 72 religious, 2,158 Spaniards and Spanish creoles, 6,607 Indians, 3,405 mestizoes, 4,305 free people of color, 4,004 slaves. A copper mine is wrought in this district, which also produces brandy, olives, and some sugar, and manufactures glass and soap; annual value, 588,742 dollars 4 rials.

Yaugos comprehends 7 curacies and 25 townships. It is inhabited by 9,574 souls: 12 clergy, 13 Spaniards and creoles, 8,005 Indians, 93 mestizoes, and 1,451 free people of color: produces cattle and sheep; annual value, 20,200 dollars.

Huarochiro comprehends 11 curacies and 35 townships, and is inhabited by 14,024 souls: 25 clergy, 220 Spaniards and Spanish creoles, 13,084 Indians, 591 mestizoes, 19 free people of color, and 84 slaves. The produce of this district is grain and cattle, and it possesses rich silver mines; annual value not ascertained.

* In Potosi, a caxon of ore yields from fourteen to twenty marks of silver, and in Guasco seventy marks have been extracted from a caxon, but the average product is forty marks.

Canta comprehends 9 doctrinas and 54 townships, and is inhabited by 12,133 souls: 20 clergy, 57 Spaniards and Spanish creoles, 10,333 Indians, and 1,723 mestizoes: produces Indian corn, potatoes, and cattle; annual value, 20,103 dollars.

Chancay comprehends 9 doctrinas, 2 towns, and 28 townships, and is inhabited by 13,945 souls: 18 clergy, 15 religious, 969 Spaniards and Spanish creoles, 7,510 Indians, 1,081 mestizoes, 759 free mulattoes, and 3,604 slaves: produces grain, sugar, and cattle; annual value, 465,504 dollars 4 rials.

Santa comprehends 7 doctrinas and 14 townships, and is inhabited by 3,334 souls: 10 clergy, 279 Spaniards and Spanish creoles, 873 Indians, 1,237 mestizoes, 108 free mulattoes, and 827 slaves: produces sugar, grain, and cattle; annual value, $245,000.

Intendancy of Cuzco.—The city of Cuzco, capital of the former Incas, is situated in 13 degrees 32 minutes 20 seconds south latitude, 65 degrees 15 minutes 20 seconds longitude. It was founded in the eleventh century by Manco Capac, and taken possession of by Francisco Pizarro in 1534. The population is estimated at 32,082 souls: 89 clergy, 436 religious, 166 nuns, 113 beatas, 16,122 Spaniards and Spanish creoles, 14,254 Indians, 203 negroes, and the remainder mestizoes and mulattoes.

The intendancy of Cuzco comprehends 102 doctrinas, 1 city, 2 towns, 131 townships, inhabited by 216,382 souls: 315 clergy, 474 religious recluses, 166 nuns, 113 beatas, 31,828 Spaniards and Spanish creoles, 159,105 Indians, 23,104 mestizoes, 993 free mulattoes, and 283 slaves.

Cercado del Cuzco comprehends 8 doctrinas, 1 city, inhabited by 32,082 slaves, 89 clergy, 436 religious recluses, 166 nuns, 113 beatas, 16,122 Spaniards and Spanish creoles, 14,254 Indians, 646 free mulattoes, 203 slaves, the remainder mestizoes: produces grain, and manufactures some woollen and cotton stuffs.

Abancay.—This district comprehends 9 doctrinas and 8 townships, inhabited by 25,259 souls: 33 clergy, 1,937 Spaniards and Spanish creoles, 18,419 Indians, 4,739 mestizoes, 50 free mulattoes, 81 slaves: produces sugar, cotton, grain, and cocoa; annual value, $350,000.

Aymaraes comprehends 16 doctrinas and 34 townships, inhabited by 15,281 souls: 24 clergy, 1 recluse, 4,474 Spaniards and Spanish creoles, and 10,782 Indians: produces various kinds of dyes, raises cattle, and manufactures some woollen stuffs; annual value, $145,000.

Culca and Lares comprehend 5 doctrinas and 6 townships, inhabited by 6,199 souls: 13 clergy, 347 Spaniards and Spanish creoles, 5,519 Indians, and 320 mestizoes: produce grain, cotton, red pepper, cocoa, and manufacture some woollen stuffs; annual value, $176,239.

Urabamba comprehends 6 doctrinas and 4 townships, and is inhabited by 9,250 souls: 22 clergy, 35 religious, 835 Spaniards and Spanish creoles, 5,164 Indians, and 3,194 mestizoes: produce grain, cocoa, and a variety of fruits; annual value, $89,098.

Colabambas comprehends 13 doctrinas and 14 townships, and is inhabited by 19,824 souls: 19 clergy, 186 Spaniards and Spanish creoles, 18,237 Indians, and 1,382 mestizoes: produces Indian corn and grain; annual value, $20,000.

Pararo comprehends 9 doctrinas and 19 townships, inhabited by 20,236 souls: 20 clergy, 1 recluse, 2,331 Spaniards and Spanish creoles, 15,034 Indians, 2,733 mestizoes, and 117 free mulattoes: produces grain and cattle, and manufactures linen cloth; annual value, $96,471.

Chumbibilcas comprehends 11 doctrinas and 12 townships, and is inhabited by 15,973 souls: 27 clergy, 4,471 Spaniards and Spanish creoles, and 11,475 Indians: produces grain, and manufactures linen cloths; annual value, $18,600.

Tinta comprehends 11 doctrinas and 13 townships, and is inhabited by 36,968 souls: 27 clergy, 324 Spaniards and Spanish creoles, 29,045 Indians, 5,420 mestizoes, and 152 free mulattoes: produces grain and ships, and manufactures linen cloths; annual value, $152,309½.

Quispicanchi comprehends 10 doctrinas and 16 townships, and is inhabited by 24,337 souls: 25 clergy, 1 recluse, 37 Spaniards and Spanish creoles, 19,947 Indians, 4,306 mestizoes, and 21 free mulattoes: produces grain, cattle, wool, and salt, and manufactures linen cloths; annual value, ———.

Paucartambo comprehends 4 doctrinas and 8 townships, and is inhabited by 12,973 souls: 16 clergy, 764 Spaniards and Spanish creoles, 11,229 Indians, 957 mestizoes, and 7 mulattoes: produces wood and cocoa; annual value, $390,972.

Intendancy of Arequipa.—The city of Arequipa is situated in 16 degrees 13 minutes 20 seconds south latitude, 66 degrees 6 minutes 30 seconds longitude. Its population is estimated at 23,988 souls: 50 clergy, 225 religious, 162 nuns, 5 beatas, 15,737 Spaniards and Spanish creoles, 1,515 Indians, 4,129 mestizoes, the remainder mulattoes and negroes.

The intendancy of Arequipa comprehends 60 doctrinas, 2 cities, 2 towns, and 8 townships, inhabited by 136,801 souls: 326 clergy, 284 religious, 126 nuns, 5 beatas, 39,357 Spaniards and Spanish creoles, 66,609 Indians, 17,797 mestizoes, 7,003 free mulattoes, and 5,258 slaves.

Cercado de Arequipa comprehends 11 doctrinas, 1 city, and 2 townships, inhabited by 37,721 souls: 93 clergy, 325 religious recluses, 162 nuns, 5 beatas, 22,687 Spaniards and Spanish creoles, 5,929 Indians, 4,908 mestizoes, 2,477 free mulattoes, and 1,225 slaves: produces grain, wine, brandy, sugar, cotton, and oil; annual value, $636,800.

Camana comprehends 7 doctrinas and 8 townships, inhabited by 19,052 souls: 34 clergy, 9 religious recluses, 5,005 Spaniards and Spanish creoles, 1,249 Indians, 1,021 mestizoes, 1,747 free mulattoes, and 887 slaves: produces wine, sugar, and oil; annual value, $300,000.

Condesuyos comprehends 9 doctrinas and 18 townships, and is inhabited by 20,145 souls: 35 clergy, 3,603 Spaniards and Spanish creoles, 12,011 Indians, 4,358 mestizoes, 34 free mulattoes, and 44 slaves: contains gold mines, and produces cochineal and grain; annual value, $26,458.

Collaguas comprehends 16 doctrinas and 10 townships, and is inhabited by 13,905 souls: 40 clergy, 212 Spaniards and Spanish creoles, 11,872 Indians, 1,417 mestizoes, 335 free mulattoes, and 29 slaves: produces grain and wool, and manufactures some woollen stuffs; annual value, $70,100. The silver mines in this district yield annually 34,000 marks.

Moquequa comprehends 6 doctrinas and 6 townships, and is inhabited by 28,279 souls: 53 clergy, 29 religious recluses, 5,596 Spaniards and Spanish creoles, 17,272 Indians, 2,916 mestizoes, 887 free mulattoes, and 1,526 slaves: produces grain and wine; annual value, $705,000.

Arica comprehends 7 doctrinas, 1 city, and 26 townships, inhabited by 18,776 souls: 44 clergy, 21 religious recluses, 1,585 Spaniards and Spanish creoles, 12,870 Indians, 1,977 mestizoes, 985 free mulattoes, and 1,294 slaves: produces wine, grain, cotton, and oil; annual value, $160,500.

Tarapaca comprehends 4 doctrinas and 12 townships, inhabited by 7,923 souls: 27 clergy, 509 Spaniards and Spanish creoles, 5,406 Indians, 1,200 mestizoes, 528 free mulattoes, and 253 slaves: produces wine and some grain; annual value, $81,400. The silver mines of this district produce annually 72,462 marks.

The intendancy of Truxillo.—The city of Truxillo is situated in 8 degrees 5 minutes south latitude, and 72 degrees 44 minutes longitude, founded by Francisco Pizarro in 1535; population, 5,790 souls: 133 clergy, 60 religious recluses, 129 nuns, 1,263 Spaniards and Spanish creoles, 274 Indians, 704 mestizoes, 1,000 negroes, and the rest mulattoes. The intendancy of Truxillo comprehends 87 doctrinas, 5 cities, 2 towns, and 142 townships, population 230,967 souls: 460 clergy, 160 religious recluses, 162 nuns, 19,098 Spaniards and Spanish creoles, 115,647 Indians, 76,949 mestizoes, 13,757 free mulattoes, and 4,725 slaves.

Cercado de Truxillo comprehends 10 doctrinas and 6 townships, population 12,032 souls: 144 clergy, 60 religious, 129 nuns, 1,434 Spaniards and Spanish creoles, 4,577 Indians, 1,549 mestizoes, 2,357 free mulattoes, and 1,582 slaves: produces sugar, rice, oil, cotton, and various gums; annual value, $31,756.

Lambayeque comprehends 20 doctrinas and 7 townships, population 35,192 souls: 62 clergy, 27 religious, 2,299 Spaniards and Spanish creoles, 22,333 Indians, 5,448 mestizoes, 3,192 free mulattoes, and 1,831 slaves: produces grain, saffron, sugar, tobacco, and cotton; manufactures some cotton and woollen stuffs, soap, &c.; annual value, $397,799.

Puira comprehends 12 doctrinas and 14 townships, population 44,491 souls: 61 clergy, 18 religious, 2,874 Spaniards and Spanish creoles, 24,797 Indians, 10,654 mestizoes, 5,203 free mulattoes, and 884 slaves: produces grain, cotton, and some indigo; abounds with cattle; annual value, $72,686.

Cazamarca comprehends 17 doctrinas and 26 townships, population 62,199 souls: 23 clergy, 50 religious, 33 nuns, 7,835 Spaniards and Spanish creoles, 29,692 Indians, 22,299 mestizoes, 1,875 free mulattoes, and 328 slaves: produces grain and cotton; abounds in cattle; and manufactures cotton and woollen stuffs; annual value, $———.

Chota.—Not able to ascertain any correct information respecting this district; possesses rich mines.

Huamachuco comprehends 8 doctrinas and 23 townships, population 38,150 souls: 64 clergy, 2,273 Spaniards and Spanish creoles, 17,117 Indians, 18,367 mestizoes, 250 free mulattoes, and 79 slaves: produces grain and cocoa, and manufactures linen cloths; annual value, $57,853.

Pataz comprehends 3 doctrinas and 13 townships, population 13,508 souls: 11 clergy, 3 religious, 987 Spaniards and Spanish creoles, 4,627 Indians, 7,678 mestizoes, 194 free mulattoes, and 8 slaves: produces grain and sugar, and abounds in cattle; annual value, $35,264. The gold mines of this district yield 250 pounds per annum, and the silver 500 marks; value of both, $35,500.

Chachapoyas comprehends 17 doctrinas and 60 townships, population, 25,398 souls: 34 clergy, 11 religious, 1,396 Spaniards and Spanish creoles, 12,504 Indians, 10,954 mestizoes, 486 free mulattoes, and 13 slaves: produces tobacco, bark, sugar, and cocoa.

Intendancy of Huamanga.—The city of Huamanga is situated in 13 degrees 1 minute south latitude, and 68 degrees 6 minutes longitude; population 25,970 souls: 25 clergy, 42 religious, 82 nuns, 169 Spaniards and Spanish creoles, 20,373 Indians, 4,382 mestizoes, and the remainder mulattoes and negroes.

The intendancy of Huamanga comprehends 50 doctrinas, 1 city, and 134 townships, and is inhabited by 111,559 souls: 176 clergy, 45 religious, 82 nuns, 5,378 Spaniards and Spanish creoles, 75,284 Indians, 29,621 mestizoes, 943 free mulattoes, and 30 slaves.

Cercado de Huamanga comprehends 3 doctrinas and 2 townships, and is inhabited by 25,970 souls: 25 clergy, 42 religious, 82 nuns, 169 Spaniards and Spanish creoles, 20,373 Indians, 4,372 mestizoes, 30 slaves, the rest free mulattoes: possesses some manufactures; annual value, $34,268.

Anco comprehends 1 doctrina and 4 townships, inhabited by 2,022 souls: 9 Spaniards, 1,744 Indians, 269 mestizoes: produces sugar and coffee; annual value, $18,795.

Huanta comprehends 7 doctrinas and twenty townships, and is inhabited by 27,337 souls: 45 clergy, 3 religious, 219 Spaniards and Spanish creoles, 19,981 Indians, 10,080 mestizoes, and 9 free mulattoes.

Congallo comprehends 10 doctrinas and 31 townships, and is inhabited by 12,474 souls: 31 clergy, 62 Spaniards and Spanish creoles, 10,011 Indians, 2,363 mestizoes, and 7 free mulattoes: produces grain and cattle.

Andahuaylas.—This district comprehends 10 doctrinas and 18 townships, and is inhabited by 12,020 souls: 20 clergy, 3,000 Spaniards and Spanish creoles, 5,000 Indians, 4,000 mestizoes: produces grain and sugar; annual value, $74,384.

Lucanas comprehends 14 doctrinas and 44 townships, and is inhabited by 15,727 souls: 27 clergy, 862 Spaniards and Spanish creoles, 12,700 Indians, 2,076 mestizoes, and 60 free mulattoes: produces grain and cattle.

Parinacochas comprehends 14 doctrinas and 16 townships, population 16,011 souls: 28 clergy, 1,057 Spaniards and Spanish creoles, 8,475 Indians, and 6,451 mestizoes: raises cattle, and manufactures cotton stuffs; annual value, $56,000.

Intendancy of Huancavelica.—The town of Huancavelica is situated in 12 degrees 53 minutes south latitude, and 68 degrees 46 minutes longitude: population 5,156 souls: 21 clergy, 18 religious, 560 Spaniards and Spanish creoles, 3,803 Indians, 731 mestizoes, and the remainder mulattoes and negroes.

The intendancy of Huancavelica comprehends 22 doctrinas, 1 city, 1 town, and 86 townships, and is inhabited by 30,917 souls: 81 clergy, 18 religious, 2,341 Spaniards and Spanish creoles, 23,899 Indians, 4,537 mestizoes, and 41 slaves.

Cercado de Huancavelica.—This district comprehends 4 doctrinas and 6 townships, inhabited by 5,146 souls: 21 clergy, 18 religious, 560 Spaniards and Spanish creoles, 3,803 Indians, 731 mestizoes, and 13 slaves.

Angaraes.—This district comprehends 5 doctrinas and 25 townships, inhabited by 3,245 souls: 23 clergy, 219 Spaniards and Spanish creoles, 2,691 Indians, 309 mestizoes, and 3 slaves: produces sugar, grain, and cattle; annual value, $85,000.

Tayacaza comprehends 5 doctrinas and 22 townships, inhabited by 13,161 souls: 21 clergy, 1,394 Spaniards and Spanish creoles, 9,020 Indians, and 2,726 mestizoes.

Castroverreyna comprehends 8 doctrinas and 35 townships, inhabited by 9,365 souls: 16 clergy, 168 Spaniards and Spanish creoles, 8,385 Indians, 771 mestizoes, and 25 slaves: produces grain and cattle; annual value, $76,000.

Intendancy of Tarma.—The town of Tarma is situated in 12 degrees 33 minutes 49 seconds south latitude, and 69 degrees 29 minutes longitude; population 5,538 souls: 2 clergy, 361 Spaniards and Spanish creoles, 1,878 Indians, 3,244 mestizoes, the rest mulattoes and slaves.

The intendancy of Tarma comprehends 79 doctrinas, 1 city, 2 towns, and 203 townships, inhabited by 201,259 souls: 229 clergy, 127 religious, 15 beatas, 15,939 Spaniards and Spanish creoles, 105,187 Indians, 78,682 mestizoes, 844 free mulattoes, and 236 slaves.

Cercado de Tarma comprehends 13 doctrinas, 1 town, and 45 townships, and is inhabited by 34,491 souls: 32 clergy, 1,681 Spaniards and Spanish creoles, 18,821 Indians, 14,300 mestizoes, and 77 free mulattoes: produces grain and bark; annual value, $8,315. The mine of Yauricocha yielded, in 1793, $2,016,703. Rent of the crown for Diezmos and Cobos, $231,283.

Xauja comprehends 14 doctrinas, 1 town, and 16 townships, inhabited by 52,286 souls: 32 clergy, 84 religious, 1,713 Spaniards and Spanish creoles, 28,477 Indians, 21,922 mestizoes, and 58 slaves.

Cazatambo comprehends 13 doctrinas and 56 townships, and is inhabited by 16,872 souls: 31 clergy, 504 Spaniards and Spanish creoles, 10,500 Indians, 4,808 mestizoes, 629 free mulattoes: produces grain and cattle; annual value, $30,000.

Conchucos comprehends 15 doctrinas and 19 townships, and is inhabited by 25,308 souls: 40 clergy, 2 religious, 1,384 Spaniards and Spanish creoles, 9,899 Indians, and 13,983 mestizoes: produces grain, and possesses mines, but which are not very productive; annual value, $73,476.

Huamalies comprehends 8 doctrinas and 30 townships, inhabited by 14,234 souls: 18 clergy, 593 Spaniards and Spanish creoles, 8,957 Indians, 4,625 mestizoes, and 43 slaves: produces bark, cocoa, and cattle; annual value, $53,420.

Huaylas comprehends 12 doctrinas and 20 townships, inhabited by 40,822 souls: 67 clergy, 11 religious, 3,604 Spaniards and Spanish creoles, 20,935 Indians, 15,971 mestizoes, 138 free mulattoes, and 96 slaves.

Huanuco comprehends 4 doctrinas, 1 city, and 7 townships, inhabited by 16,826 souls: 9 clergy, 30 religious, 15 beatas, 6,160 Spaniards and Spanish creoles, 7,598 Indians, 3,075 mestizoes, and 39 slaves: produces bark and cocoa, and exports a small quantity of silver; annual value, $45,094.

Panatahuas.—Military government of Callao and of the archipelago of Chiloe.

Number of Indians for the collection of tributes levied on males from 10 to 50 years of age.

Males,	314,863	Amount of tributes,	$885,586 0
Females,	304,327	Of the common hospital fund,	25,852 7
	619,190		911,438 7
Exempt from age, sex, and rank,	473,615	Pensions, expenses, &c.,	374,052 4
Contributing,	145,575	Nett rent,	$537,386 3

Duties.

Imposts into Callao 6 per cent. alcavala, and 3 per cent. customs; woollen exports 3 per cent.

The interior commerce pays 6 per cent. alcavala.

Alcavala were first levied in Peru, in the year 1596, at 2 per cent. until the year 1771, when they were increased to 4 per cent. In the year 1777 they were increased to 6 per cent. The expenses of collecting the customs at Lima exceeds $50,000.

Table of the commerce between the ports of Spain and Callao.

	IMPORTATION.			EXPORTATION.		
Years.	Spanish effects.	Foreign effects.	Total value.	Gold and silver.	Produce.	Total.
1781,	$114,952 7½	$309,230 3	$424,183 3			
1782,	566,128 1	633,435 3	1,199,653 4			
1783,	695,295 7	1,049,348 4	1,744,644 3	$443,306 0	$177,766 7	$561,067 5
1784,	1,020,434 1	2,073,530 4	3,093,964 5	16,152,916 4¼	968,290 2½	17,121,206 6
1785,	2,318,448 1	3,727,267 4	6,045,715 5	7,144,325 2	732,587 4	7,877,912 6
1786,	6,136,067 4	7,630,681 7	13,766,749 3	8,285,659 7¼	882,807 1	9,168,467 0
1787,	3,870,200 7	2,911,898 1	6,782,099 1	4,518,246 3	906,022 0	5,424,268 3
1788,	1,557,904 0	1,194,066 7	2,751,967 1	5,463,973 1	579,160 2	6,043,133 3
1789,	1,209,196 5	1,460,226 3	2,669,423 0	2,449,945 6	523,080 0	2,972,575 6
1790,	2,297,964 4	2,465,499 2	4,763,461 6	5,220,387 2¾	448,095 1	5,668,482 3
	$19,786,677 5½	$23,455,186 4	$43,241,862 7	$49,678,305 1	$5,158,809 1½	$54,837,114 3

In the moneys exported is included $3,562,000, sent by the Royal Philippine Company.

Importation,	$43,241,862 7
Exportation,	54,837,114 3
Balance in favor of exports,	$11,595,251 4

The excess of exports was occasioned by the war. Four ships arrived in 1779 and sailed in 1784, occasioning the great export of that year, $17,121,206 6.

The kingdom of Chili is comprised within the narrow strip of land which extends east and west from the summit of the Cordilleras de los Andes to the Pacific ocean, and stretches along the coast north and south, from the river Salado and the desert of Atacama to the straits of Magellan. From the chain of frontier posts (which begin at Arauco, on the coast, and extend to the Cordilleras) to the town of Valdivia, the country is in possession of the warlike tribe of Araucanians, who still remain independent; and from Osorno, south, it is inhabited by the various tribes of Patagonia, whose territories have not been explored.

The population of Chili, by the census taken in 1791, was found to be 750,000 souls. From the strong motives of concealment, as the census is taken for the purpose of proportioning the taxes according to the population of each district, the population of Chili cannot be estimated at less than one million.

The distance from the Cordilleras to the Pacific ocean is thirty leagues, between the latitudes of 25 degrees and 36 degrees south; and 40 leagues, between 36 degrees and 43 degrees south.

The country comprised between the 25th and 43d degrees of south latitude may be considered the length of the kingdom of Chili, it being unsettled, and even unexplored, farther south.

From the Cordilleras de los Andes to the Pacific, the inclination is so great, that all the rivers flow with the rapidity of torrents, and are therefore not navigable. They serve to irrigate the valleys, and render them the most

fertile in the world. The climate makes this method of cultivation absolutely necessary; for from the Salado to the Itata, that is, from 25 degrees to 36 degrees of south latitude, not a cloud is to be seen above the horizon from the month of November to the month of May. The atmosphere, during this period, is perfectly clear, and the dews are scarcely perceptible, nor is the heat oppressive. The proximity of the Andes tempers the air, and the mercury fluctuates between 70 degrees and 80 degrees of Fahrenheit, and rarely rises to 85 degrees. Thunder storms, so frequent on the east of the Andes, are unknown in this part of Chili. Winter commences in the month of May; the cold is mild, and the rains gentle, and unattended with wind. The rains of the winter fertilize the hills, and the plains, which cannot be irrigated, during that season afford pasture for the cattle. The spring commences in September, and the face of nature in Chili is then peculiarly beautiful. The hills are verdant, and covered with innumerable flowering shrubs; and the plains present to the eye a carpet of flowers. The abundance of water and the peculiarity of climate enable the inhabitants to raise all the fruits of the earth in great perfection. The wheat which is cultivated in the valleys is of excellent quality, and the product seldom less than forty times the seed; sometimes ninety; and, on the best land, even one hundred. Indian corn is likewise cultivated, and produces abundantly. Barley is raised in great quantity for the use of horses and mules, which, in the winter, are fed on this grain, mixed with chopped straw, as in Arabia and old Spain. Hemp and flax grow luxuriantly. Cotton is here and there cultivated for their domestic manufactures; and there is one sugar plantation. The climate and soil are well adapted to the culture of sugar; but they have been long accustomed to get that article from Lima, in exchange for their wheat, and are not disposed to change their ancient habits. Rice, likewise, would grow on their low lands, but it is brought from Lima.

South of the river Itata the climate varies. Rains are frequent in the summer, and, in the winter, are attended by storms of wind. The grape is chiefly cultivated in these districts, and the wine is better than where the vineyards are irrigated.

The olive grows luxuriantly throughout all Chili, and the oil is of the first quality.

On the banks of the river Maule, and on all the rivers south of 35 degrees 17 minutes, there is excellent timber, and the whole country abounds with forests of a thorny minosa, which makes good charcoal, and is in general use for fuel.

In the neighborhood of Talcahuana, within 500 yards of the sea, there is a fine vein of sea-coal, which has been used by our whaling ships.

The kingdom of Chili was governed by a president and captain-general, who was amenable only to the Council of the Indies, and was assisted by an audiencia, or supreme court. His powers were the same as the Viceroys of Lima and Buenos Ayres.

There were two bishoprics in Chili: that of Santiago comprehended the territory from the river Salado to the Maule; and the bishopric of Conception included the country from the Maule to the island of Chiloe. The presidency was divided into districts (*partidos*) governed by a subdelegate. Copiapo, the most northern, was the first conquered by the Peruvians, under the Incas, who extended themselves subsequently to the banks of the Maule.

The Spaniards followed the track marked out by the enterprise of this extraordinary people, and, passing along the edge of the Cordilleras, descended into Chili by the mountains of Copiapo. This district extends from the Cordilleras to the sea. On the south it is separated from the viceroyalty of Lima by the desert and district of Atacama, and extends north seventy leagues to the district of Guasco. The town of Copiapo is situated in 26 degrees 50 minutes south latitude, twenty leagues from the coast. It is small and inconsiderable; for the only part of this district capable of cultivation is the narrow valley which extends from the Cordilleras to the town, the river losing itself in the sands between the town and the ocean. South from the Hospederia de Yerba Buena extends a desert tract, (*travirsia*,) about thirty leagues to the borders of Guasco.

La Caldera Copiapo, the port, is situated in 26 degrees 1 minute south latitude.

The wine of Copiapo is much esteemed, and is of excellent flavor, but has not body to keep any length of time.

The district of *Guasco* extends from the Cordilleras to the sea, and from that of Copiapo to the district of Coquimbo, occupying a line of coast of thirty leagues extent. The principal town is small, and situated about sixteen leagues from the sea.

The mines of gold in this district have been abandoned, but those of copper produce annually eighteen to twenty thousand quintals. The King exercised the right of purchasing copper at seven and a half dollars per quintal, payable in Santiago. In consequence of this monopoly, the miners preferred disposing of it to the smugglers, who gave them fourteen dollars, in goods. The mines of silver discovered in this district in 1811 are the richest ever known; the veins which have been hitherto wrought are near the surface of the earth, and have yielded the extraordinary product of forty marks, and sometimes even seventy marks, to the caxon of ore.*

The port of *Guasco* is formed by two rocks, running out from the island of Carnero, and Point Expedition. It is situated in 28 degrees 26 minutes south latitude, and 75 degrees longitude west of Cadiz.

The district of *Coquimbo* extends from the Cordilleras to the sea; it bounds north on Guasco, and extends fifty leagues south, to the district of Cuzco. The capital, La Serana, commonly called Coquimbo, is situated in 29 degrees 54 minutes south latitude, on the south bank of the river Coquimbo, within half a league of the coast. The land slopes gradually from the town to the sea, and, being meadow, forms a lawn of never-failing verdure. The town is regular and well built, and is surrounded with gardens, which produce all the tropical fruits in great perfection. The inhabitants are remarked for their urbanity and hospitality to strangers, and the climate is equal and temperate.

The river Coquimbo waters the valley of Hualque, the most fertile part of the district; and the Liman, which is a large stream, waters the country above and below the juntas of Guamalata.

The gold mine of Talca, which is situated in this district, is very productive. The copper of Coquimbo is esteemed the best in the world, and contains a small portion of gold. The French formerly imported this copper through Spain, and extracted the gold from it. Mining is carried on by voluntary labor; the mita, or conscription of the unfortunate Indians to toil in the mines, was never practised in Chili.

The port of *Coquimbo* is formed by the head lands of Teatimos and Pelicanos, and is one of the best known, and the most secure of the Pacific. It is situated in 29 degrees 54 minutes south latitude.

The district of *Cuzco* extends from the Cordilleras to the sea, and from Coquimbo, south, to the district of Petorca. Rozas is the principal town.

The river Chaupo fertilizes this district; near where it falls into the sea is a large lake, abounding with fish.

* The method of estimating the product in Potosi, Chili, and generally in Peru, is by the caxon of ore, which contains fifty quintals of one hundred pounds each. The mark of silver is eight ounces of eight ochavas, each ochava of seventy-five grains. The caxon of ore at Guasco produces forty marks, or three hundred and twenty ounces of silver. In Potosi, fourteen marks is the average, or one hundred and twelve ounces; and in Guanaxuato, the richest mines of Mexico, the average is four ounces the quintal, or two hundred ounces the caxon.

The district of *Petorca* extends from the Cordilleras to the sea, and from Cuzco, its northern boundary, south, to Quillota. The capital is Petorca, sometimes called Santa Ana de Bribiesca. This district possesses gold and copper mines, and is watered by the rivers Longotama and Ligua. On the banks of the latter stands the town of San Domingo de Rozas, and near it the settlement of Placilla. There is a large Indian town in the valley, called Valle Hermoso.

The port of *Valparaiso* is situated in 33 degrees 1 minute 45 seconds south latitude. It is the most frequented in Chili, although open to the north and northeast, and to northwest winds, which blow with great violence in the winter, accompanied with a heavy sea.

The town extends around the bay, from the castle of St. Antonio, for nearly a mile, and is separated from the Almendral (a suburb of Valparaiso) by a low beach. The houses are irregularly scattered over the sides of steep hills, which rise abruptly from the shore, and extend along the ravines of St. Augustin, St. Francisco, and Gomez, the ground being very broken and rugged. The country near the town is very barren, and all the supplies are drawn from Quillota. That abundant district furnishes, at a very cheap rate, supplies for the vessels that frequent Valparaiso. Stock of every description, fruit, potatoes, vegetables, and excellent biscuit, may be bought at a very moderate price. The best water is brought from the Almendral, at some trouble and expense.

Until the late revolution, the only commerce from this port was with Lima; between forty and sixty cargoes were brought annually, consisting of fossil salt, sugar, rice, cotton, and a coarse cotton manufacture called toculle; and the returns made in wheat, hemp, beef and tallow, hides, &c.

The population of Valparaiso, including the Almendral, does not exceed 6,500 souls.

The district of *Quillota* is bounded north by Petorca, south by the district of Melipilla, east by that of Aconcagua, and west by the Pacific ocean. The principal town, San Martin de la Concha, commonly known by the name of Quillota, is situated on the south bank of the river Quillota, near the river of Olcancagua. The streets diverge from the principal square, and intersect each other at right angles; and the houses are commodious and well built. The town occupies a great space, each house having a garden adjoining, where the inhabitants raise vegetables and fruit for the supply of Valparaiso.

From the summit of an adjoining hill the eye embraces a highly rich and variegated prospect of the town, interspersed with groves and gardens, and surrounded by extensive artificial pastures, principally of lucerne; and of the fields intersected by canals from the river, and cultivated in wheat, corn, hemp, and flax. The cultivation in every part of Chili, as has been before observed, is conducted by irrigation; and the Aconcagua here affords a plentiful supply of water. The climate is mild and healthy, and the inhabitants lively and hospitable. There are mines of gold and copper in this district, although not wrought; and they make oil and wine. Petorca and Cuzco are included with Quillota, for all the purposes of government.

The port of *Herradura de Quintero*, in 32 degrees 47 minutes 33 seconds south latitude, and a little north of Valparaiso, is one of the best and safest harbors in these seas, being very extensive, with deep water and clean anchorage. At the Punta de las Ventamas is a good watering place, with abundance of wood; and the country is beautiful and fertile.

The road direct to the capital is so rugged and mountainous that this advantageous port has been neglected.

Any wind that permits you to approach the coast will carry you in; and, at the anchorage, you have only to avoid the shoal of Tortuga.

The district of *Melipilla* is bounded north by that of Quillota, south by the river Maipu, east by the district of Mapocho, and extends west to the Pacific ocean.

The chief town, San José, commonly called Melipilla, is beautifully situated near the north bank of the broad and rapid river of Maipu, which furnishes the means of irrigating an extensive and well cultivated country. The road to Valparaiso formerly passed through this town. The whole district is well settled, and highly cultivated in wheat, barley, Indian corn, and vines. It is watered by the rivers Maipu and Mapocho; on the latter is situated the small but flourishing town of San Francisco del Monte, the environs of which, for a considerable distance, are a vast garden, interspersed with orchards and vineyards. The convent of St. Francisco is endowed with extensive possessions. A little below the town the Mapocho falls into the Maipu; and near the outlet of the latter is the bay of St. Antonio, in 33 degrees 30 minutes south latitude. It is open to the north, and very insecure.

The district of *Mapocho* occupies an extensive plain at the foot of the Andes, being bounded on the north by Santa Rosa, south by the river Maipu, east by the Cordilleras, and west by Melipilla.

The city of Santiago de Chili is situated in this district, and was founded on the 12th of February, 1541, by Don Pedro de Valdivia, on the south bank of the Mapocho, in 33 degrees 31 minutes south latitude. He at first called the country overrun by his arms after his native province, Estramadura, and the capital Santiago de Estramadura; but it soon lost this title in the original name of Chili. Santiago contains 40,000 inhabitants; it was founded on the lands belonging to the Ulmen, or Cacique Guelingala, whose jurisdiction extended from the river Chuapa on the north, to the river Maule on the south, and east and west from the Cordilleras to the sea. The plain on which the city is situated extends along the foot of the Andes, certainly to the line, and I believe quite to the isthmus of Panama, north, and south to the straits of Magellan. This is the only uniform level in Chili; from hence to the coast the descent is very rapid, and broken by irregular mountains and valleys. On the eastern extremity of the city rises the small rocky hill of Santa Lucia, formerly called the mountain of Guelon. These insulated hills are frequently seen on the great plain of Chili.

Santiago is divided into four quartels. The ministers of the royal audience were chiefs of quartels, and an alcalde, or magistrate in each, attended to the police, and reported to the chief.

The Cabildo, or municipal council, is composed of a royal standard-bearer, (who carries the standard of Santiago on the festival of that saint,) an alguacil, alcalde of the province, two regidores, and fiel executors, which are permanent offices, and are sold to the highest bidder; and so fond are the people of distinction, that they are purchased at a high price. These choose two ordinary alcaldes, or magistrates of the province, who have jurisdiction in ordinary cases, and whose duty it is to keep the peace.

The tribunal of commerce is composed of a prior, two consuls, an assessor or syndic, and nine counsellors. These are chosen every two years, and have jurisdiction in all commercial causes. They have a fund arising from internal taxes and from fees; and are charged nominally with every thing relating to commerce and to the superintendence of roads and harbors.

A broad road extends round the south side of the town, like the boulevards in Paris, and separates it from the suburbs, which are extensive and well built. There are several handsome churches and convents in this canada, or boulevard, and a large canal carries a stream of water along the south side of it. North from the principal square a wide street leads to the bridge over the Mapocho, which is built of stone and brick, and stands on nine lofty arches. The view from it along the banks of the Mapocho, and towards the Andes, is very picturesque; and the inhabitants resort to this bridge in the summer afternoons, to enjoy the refreshing air from the mountains. The river is broad and shallow, and in the summer flows in several channels; but in the spring of the year, when swollen

by the melting of the snows, it rises to the height of the arches, and has at times overflowed, and laid half the city under water. A dike has been built along the banks of the river, to protect the city from these inundations. It is a solid wall about five feet thick, with a parapet.

For the ecclesiastical government of the city, the town is divided into four curacies, viz: the Cathedral, Santa Ana, San Isidro, and San Lazaro. The jurisdiction belongs exclusively to the bishop, who is assisted by an ecclesiastical cabildo, composed of the canons, and presided by the proviso, who is the chief of the ecclesiastical court, and the director of the convent of nuns. There are seven nunneries and seven convents of monks in Santiago.

The monks of San Juan de Dios have two large hospitals: one for men, with the church of San Juan de Dios attached to it, in the suburbs of the canada; and one for women, annexed to the chapel of San Borja. These orders have all vast estates, both in lands, which they farm themselves, and which are always well cultivated, and in mortgages, which they hold to a great amount.

The district of *Santa Rosa* is separated from Alconcagua on the north by the river of Alconcagua, on the south it borders on the district of Mapocho, east on the Cordilleras, and west on Quillota. Its capital, Santa Rosa de los Andes, is situated on the road from Santiago to Mendoza.

The district of *Rancagua* is bounded north by the Maipu, which separates it from that of Mapocho, south by the Cachapoal, which divides it from Colchagua, and it extends east and west from the Cordilleras to the sea. The capital of this district, Santa Cruz de Triana, commonly called Rancagua, is in 34 degrees south latitude, 26 leagues south of Santiago. It stands near the north bank of the Cachapoal, which, after its confluence with the Tinguiririca, takes the name of Rapel. This is a very fertile district, exporting grain, and cattle, and fruits. There are several gold mines which have been abandoned, but the silver mine of Copana is still very productive.

The district of *Colchagua* extends east and west from the Cordilleras to the sea, and from the river Cachapoal on the north to the districts of Curico and Maule on the south. Colchagua is very fertile and well cultivated; the principal export is wheat; some gold and copper has been found in this district. The warm mineral springs of Canquenes are situated in the mountains of Colchagua, and are much frequented by the inhabitants of Santiago during the summer. San Fernando, the capital, is situated on the north bank of the Tinguiririca.

The district of *Curico* extends from the Cordilleras to the sea. It borders north on the district of Colchagua, and south on that of Maule. The Villa de San José de Buena Vista, more commonly known by the name of the district, is the capital.

The district of *Maule* extends from the Cordilleras to the sea. It borders north on Curico, and on the south is separated from the Isla de Maule, and from Canquines, by the broad and rapid river Maule. The banks of this river are covered with timber, and there is a ship-yard at Bilboa, near its mouth. The entrance of the river is obstructed by a bar. Talca is the principal town of this district. There are still some lavaderos for gold in Maule; the mountain of Chibats, near Talca, has been very productive.

The district of the *Isla de Maule* extends from the Cordilleras to the district of Canquenes. It is bounded on the north by the river Maule, and south by the district of Chillan. The town of Linaras is situated in this district, between the rivers Gutagan and Longavi, and the town of Parral is on the south of Longavi.

The district of *Canquenes* extends from the Isla de Maule, its eastern boundary to the Pacific ocean. It borders north on the river Maule, and south on the district of Itata. The chief town, La Mercedes de Manso, commonly called Canquenes, is situated on the stream of Tutubin. The town of Bilboa, at the mouth of the Maule, is in this district.

The district of *Chillan* extends from the Cordilleras to the district of Itata, and bounds north on the Isla de Maule. The town of San Carlos is situated between the Longavi and the Nuble; and Chillan, the capital, between the Nuble and the Chillan, in 35 degrees 56 minutes south latitude, and 71 degrees 5 minutes west longitude. This town is well built, and is ornamented by several churches and convents. The monks of Chillan own almost all the lands in this district, which is very fertile and productive. There is a manufactory of woollen cloths at Chillan.

The district of *Itata* borders east on that of Chillan, west on the sea, and north on the district of Canquenes. The fine river of Itata flows through this district. The chief town of Itata is Cuelemu. Quirique is likewise situated in this district, which is famous for the excellence of its wine.

The district of *Rere* extends from the Cordilleras to the district of Puchacay. It borders north on Itata, and south on the military frontier posts. The chief town is San Luis Gonzaga, formerly known by the names of Buena Esperanza, and Estancia del Rey.

The district of the *Isla de la Laxa* is comprised in the strip of land between the rivers La Laxa and Biobio, and is surrounded by the Cordilleras of the Andes: it is very fertile and productive. Los Angeles is the chief town, and has a citadel, being one of the frontier posts. There are three passes in the Cordilleras from this district: Antuco, Villacura, and Cuinco, which are fortified against the Indians.

The district of *Puchacay* borders east on that of Rere, west on Conception, south on the river Biobio, and north on the Itata. The chief towns in this district are Hualqui and Florida. The country is rugged and mountainous, but produces good wheat and wine.

Concepcion de Chile. This district borders east and north on that of Puchacay, on the south it is bounded by the river Biobio, and extends on the west to the Pacific. The city of Conception was founded by Don Pedro de Valdivia in the year 1550, and was built in the valley of Penco; it was repeatedly destroyed by the Araucanians, and rebuilt by the Spaniards on the same spot. After the earthquake, in November, 1774, which laid the city in ruins, the present city of Conception was built about three leagues south of the former position, on the Mocha. This town is the see of a bishop, whose jurisdiction extended from the river Maule to the southern extremity of Chili. There is a small town erected on the ruins of the former capital, called Penco.

Talcahuana, in the bay of Conception, is situated in 36 degrees 41 minutes 50 seconds south latitude, and in 66 degrees 53 minutes 30 seconds west longitude from Cadiz. This is the largest and most secure port on the coast of Chili; it is protected on the north by the island of Quiriquina. The channel between the north point of Quiriquina and the point of Loberia is the best entrance to this bay, and is called Boca Grande; the other channel, or Boca Chica, has sufficient depth of water; but a shoal, which runs out in a westwardly direction from the island, renders its approach more dangerous. The best anchorage is at the southwestern extremity of the bay, opposite the town of Talcahuana. There is good anchorage under the south side of the island of Quiriquina. There is a chain of military posts, extending from the Pacific to the Cordilleras. The first is Arauco, on the seacoast, where there is a small bay, a few leagues south of Talcahuana; San Pedro, on the south side of Biobio, opposite the town of Conception; Talcamavida, a small fort; Yumbel, a fortress, with a small, well built town; Mesavida, a fort; San Carlos, a town defended by a fort; Santa Barbara, a fortress, situated in the passage of the Cordilleras, by which the Indians called Pehuenches pass into Chili, to traffic with the Spaniards. The river Biobio was settled as the boundary of the Araucanians at the peace of Negrete. This river falls into the sea in 36 degrees 50 minutes south latitude.

The territory occupied by the warlike tribes of Araucania is divided into four provinces, which they call Meli Guatalmaipu; it extends from 36 degrees 50 minutes south latitude, to the river Totten, in 39 degrees south latitude,

and from the Cordilleras de los Andes to the Pacific ocean. These provinces are divided by lines running north and south. The first, Languen Maipu, or the district of sea, is Araucania proper, and is inhabited only by that warlike nation. The Spanish fortresses of Arauco, San Pedro, Colcura, Tucapel, formerly stood in this district: they were all abandoned at the conclusion of the peace, except San Pedro. The bay of Arauco is a tolerable roadstead, and the port of Caruero, at the mouth of the river Canten, affords shelter to the shipping on the coast. A chain of mountains separates the district of Languen Maipu from that of Lelbun Maipu, which occupies an extensive plain, extending from the base of the mountains, in a westwardly direction, to Yuapire Maipu. The only town, or rather fortress, which the Spaniards now possess in this district, is Santa Juana. They were driven from the ports of Millapoa, Santa Cruz de Coza; and evacuated the fortress of Purin, which was situated 15 leagues from the sea, and 40 leagues south of the Biobio. They were forced to abandon the city of Imperial, which they had built on the banks of the river Canten, about 12 leagues from the sea.

The district of *Yuapire Maipu* extends along the plain at the foot of the Andes. Nacimiento, Mallien, Corve, Chacayco, Quechireguas, and Guangua, were situated in this district. The Spaniards now occupy only the fortress Nacimiento, on the south side of the Biobio, between the rivers Bergara and Tubunlen. The missionary settlements on the river Malloa, and those on the Tolpague and Maguehue, have been abandoned.

The district of *Pive Outalmaipu* is situated in the Cordilleras de los Andes, and is inhabited by the Pehuenches, whose territory extends from the fortress of Santa Barbara, and occupies the valleys of the Cordilleras. This Outalmaipu formerly extended from the river Maule, and the Pehuenches occupied the passes of the Maule Longari. A few still remain about the sources of the rivers Retamel, Renegado, and Alico. They now chiefly reside in the valleys of Antuco, Vellacura, Cuinco, and about the sources of the river Totten.

The *Huilli Maipu* is the district of country south of the river Totten from the Andes to the sea. It includes the eastern valleys of the Cordilleras. The Huilliches divide this extensive Outalmaipu into four districts. The first is Totten, and extends from the south bank of that river to the river Valdivia, and from the eastern side of the Andes to the sea. The second district stretches along the coast from the river Valdivia to the archipelago of Chiloe. The inhabitants are called the tribe of Cuncos. The third district occupies the plains from the Cordilleras to the province of the Cuncos, and extends north and south from the river Valdivia to the river Sin Fondo, in 44 degrees south latitude. The inhabitants of this district are called Outa Huilliches. The last division extends south from the river Sin Fondo, as far as is known of the northern continent, and is inhabited by Huayguenes. The Spanish authorities represent this country as thinly inhabited by a wandering, wretched, and barbarous people.

The town of *Villarica*, on the Totten, has been abandoned by the Spaniards; and the fort of San José of Mariguina was destroyed by the Indians.

The fort of *Cruseo*, on the river of the same name, is still occupied by the Spaniards.

There are three missionary settlements: one at Totten el Baxo, called San Francisco del Solano; one at Niebla; and one called San Antonio de Guanahue, on the south bank of the river Callacalla, or, as it is called by the Spaniards, the river Valdivia. There is a missionary settlement in the province of the Cuncos, and another twenty leagues to the east of the city of Valdivia, called Nuestra Señora de Pilar.

There are several lakes in these districts at the foot of the Andes. The river Valdivia takes its rise from the lake of Guanegue; Rio Bueno from the lake of Ranco. At the head of the lake which gives rise to the river Chico, there are warm sulphurous springs. Expeditions have been sent from Valdivia to explore the lakes of Puyegue and Llayguihue, and to discover the remaining inhabitants of Villarica and Osorno, who are reported to have taken refuge near these lakes after the destruction of their towns. These expeditions failed in their object. The last party ascended the volcano of Ribahanco, but gave no particular account of that mountain.

Mehuin is a roadstead, situated in 39 degrees 26 minutes south latitude, and 67 degrees 7 minutes 30 seconds longitude west of Cadiz. It is only frequented by small vessels, or by ships driven to leeward of Valdivia by the south wind. It is formed by the island of Silla and the point of Sembrados.

The island of *La Mocha* is separated from the continent by a channel six leagues wide. The centre of the island is in 38 degrees 22 minutes 25 seconds south latitude, and 67 degrees 45 minutes 30 seconds longitude west of Cadiz.

There are two anchorages on the coast of La Mocha: one near the southeast point, called the Anogadira, in six or seven fathoms; here there is a good landing; the other is near English creek, in thirteen fathoms water. This island affords an abundant supply of wood and water, and is well stocked with goats and horses.

The island of *Santa Maria* is separated from the continent by a channel 4,391 toises wide. The centre of the island lies in 37 degrees 3 minutes 41 seconds south latitude, and 67 degrees 22 minutes longitude west of Cadiz. There is a harbor on the north side of the island, and one on the south. The latter is the most secure, and possesses the advantage of a safe landing at the Punta de Aguada, where supplies may be obtained of water, wood, apples, quinces, celery, and sorrel.

The archipelago of *Chiloe*, with some inconsiderable settlements on the opposite shore, constitutes the province of Chiloe, which is attached to the viceroyalty of Lima. The Chilotes, as the inhabitants of this province are called, are of diminutive stature; and, as far as my observations extended, the cold, bleak climate of the southern hemisphere has the same effect on the growth of animals and plants as that of the north. The inhabitants subsist principally by fishing; they navigate these stormy seas in piraguas, boats of ten and fifteen tons, made of plank, bound together with twisted fibres, and the seams pitched over. The robal abounds in the bays and harbors; it is salted, and sent to Lima. They manufacture excellent camlets, coarse woollen stuffs and ponchos, which they dye with a great variety of colors. Their principal trade is in boards and lumber, which they send to Lima, and receive fossil salt, brandy, herb of Paraguay, sugar, and dry goods.

The city of *Valdivia* is situated on the south bank of the river Valdivia, about five leagues from the sea. It was founded by Don Pedro de Valdivia in 1552, and was destroyed by the Araucanians in 1599. In the year 1639 the Dutch landed at this place, and attempted to rebuild the town; but the decided hostility of the natives forced them to abandon their purpose. The ensuing year a Spanish squadron, which had been fitted out to expel the Dutch, entered the bay of Valdivia. The town was rebuilt and fortified. It is now a frontier fortress, and is the presidio for criminals, who are transported here from Peru and Chili. It was attached to the presidency of Chili, from whence it received an annual supply of money, clothing, and provisions. An annual ship supplied the inhabitants with sugar, the herb of Paraguay, brandy, and dry goods, and carried off boards and lumber. The settlements are extended to Rio Bueno, where they pasture some cattle and raise vegetables.

The port of Valdivia is situated in 39 degrees 49 minutes 17 seconds south latitude, and 67 degrees 19 minutes 15 seconds longitude west of Cadiz. The entrance is well fortified. The bay of Corral is the best anchoring ground.

Osorno was founded by Don Garcia, while governor of Valdivia. It is situated in the Huilli Maipu, in 41 degrees south latitude, six leagues south of Rio Bueno, and on the banks of the river Canogas. This town was destroyed by the Indians; and the towns of Carel Maipu and Calbuco were founded by the fugitives. Osorno was rebuilt in 1796 by the Captain General O'Higgins, and is now a flourishing settlement. The town of San José de Alcudia was built at the same time, in the plains of Molino, on the north bank of Rio Bueno, about ten leagues from Osorno.

A road was opened from Valdivia to the archipelago of Chiloe, by the garrison of Valdivia and a party of Indians. They began at Raygue, and in a little more than three months completed the road to the fort of Maullin, the last Spanish settlement on the continent to the south, and situated opposite the north point of the island of Chiloe. The island of Caylin, in 43 degrees 34 minutes south latitude, opposite the lofty peak of the Corcobado, is inhabited by some few Spanish descendants.

The river of *La Plata*, called by the natives Parana Quasu, (Great Parana,) was discovered by the Spaniards, under the conduct of Don Juan Dias de Solis, in the year 1516.*

The earliest establishment appears to have been made on its shores in 1526, by Sebastian Cabot, a Venetian navigator in the service of Spain; and the town of Buenos Ayres to have been first settled in 1535, by Don Pedro de Mendoza. After being twice destroyed by the Indians, it was rebuilt in 1580, and has flourished since that period. Buenos Ayres was at first annexed to the Government of Paraguay, and afterwards made dependent upon the viceroyalty of Lima and the audiencia of Charcas. In the year 1776 the provinces of Buenos Ayres, Paraguay, and Cuyo were united under the government of a viceroy. In 1778 the provinces of Upper Peru were added to the viceroyalty of Buenos Ayres. It extended on the north to the frontiers of the Brazils, and to the viceroyalty of Lima, where it bounded on the provinces of Carabaya, Cuzco, and Chucuito, and westwardly on the river Desaguedero and the province of Arica. It included the district of Atacama, which extends along the Pacific ocean from Arica to the desert of Atacama. On the west it was separated from Chili by the Cordilleras de los Andes, and extended south to the straits of Magellan.

By the decree of 1778 this viceroyalty was divided into eight intendencias; each intendencia was subdivided into partidos or districts.

The intendancy of *Buenos Ayres* includes the town of Santa Fé, situated between the river Salado and the Parana, in 31 degrees 46 minutes south latitude. Corrientes, situated on the east side of the Parana, near its junction with the Paraguay, in 27 degrees 33 minutes south latitude. The military government of Montevideo, situated on the northeast shore of the river of La Plata, in 34 degrees 54 minutes 48 seconds south latitude, and in 56 degrees 9 minutes 15 seconds longitude west of Greenwich. The territory of the eastern shore of Uraguay, or Banda Oriental, together with the thirty towns of Guananis missions on the river Uraguay, which formerly belonged to the Jesuits, and the territory of the Rio Negro, in Patagonia, which is occupied by a chain of military posts extending from Luxan to the port of Rio Negro. Buenos Ayres, the capital, is situated in 34 degrees 25 minutes 26 seconds south latitude, and in 58 degrees 31 minutes 13 seconds west longitude. It is the see of a bishop, and includes thirty-four curacies.

The principal articles of export from Buenos Ayres are hides, tallow, horns, skins, bark, vacuna wool, copper, and the precious metals. Buenos Ayres is supplied with salt, from the salt lakes in Patagonia, by annual caravans.

The intendancy of *Paraguay* extends on the north and eastern bank of the river Paraguay to the river Corrientes, which falls into the Paraguay, and to the mouth of the Jaura, in 16 degrees 34 minutes 22 seconds south latitude; on the east to the Brazils; on the south to the river Parana, from its confluence with the Paraguay to the river Guasupraro, which falls into it a little to the west of the town of Candelaria; thence the line runs to the mountains of Santa Ana, including the towns of Candelaria, Santa Ana, Loreto, San Ignacio Mini, and Corpus. This intendancy embraces the districts of Candelaria, Santiago, Villarica, Curuguati, and Villareal. Paraguay is the see of a bishop, and includes twelve vicarages. The exports from this intendancy are sugar, cotton, tobacco, and the herb of Paraguay, commonly called matte, from the calabash in which it is served. The two last are the principal articles.

The capital town, Assumption, is situated in 25 degrees 16 minutes 46 seconds south latitude.

The intendancy of *Cordova* extends to the district of Tucuman on the north, west to the intendancy of Buenos Ayres, and on the east is bounded by Paraguay. It includes the districts of Mendoza, San Juan, San Luis, and Rioja.

The town of Cordova is the capital, and is situated in 31 degrees 15 minutes south latitude. Mendoza is situated on a river of the same name, at the foot of the Cordilleras, in 33 degrees 31 minutes 17 seconds south latitude. The principal articles exported from this intendancy are grain, fruits, wine, and brandy. The bishopric of Cordova includes 8 vicarages.

The intendancy of *Salta* extends on the north to the district of Tarija in Potosi, on the south to Cordova, west to the Cordilleras, and east to the Grand Chaco. The districts of this intendancy are Tucuman, Santiago del Estero, Catamarca, Jujuy, Nueva-Ovan, and Puna. Salta, the capital, is situated in 24 degrees 30 minutes south latitude.

San Miguel, the chief town of the district of Tucuman, is situated in 27 degrees 10 minutes south. The principal trade of this intendancy consists of horses and mules.

The intendancy of *Potosi* extends on the north to the districts of Yamparaes and Tomina, in Charcas; south to the district of Jujuy, in Salta; it reaches west to the Pacific ocean, and is bounded on the east by Cochabamba. The districts of this intendancy are Porco, Chayanta, Chicas, Tarija, Lipes, and Atacama, which last is separated from the province of Arica by the river Loa, and from Chili by the desert of Atacama. The precious metals constitute the principal exports from this intendancy.

Potosi, the capital town, is situated on the north side of the celebrated mountain of that name, in 19 degrees 50 minutes south latitude, and 66 degrees 16 minutes west longitude. From the year 1736 to 1800, the tenths from the produce of the mines in Potosi amounted to $18,618,917.

The intendancy of *Charcas*, sometimes called the presidency of Charcas, from being the seat of a royal audiencia, or supreme court, extends north to the intendancy of La Paz, south to Potosi, west to the Desaguedero, and east to the intendancy of Cochabamba. This intendancy comprehends the districts of Yamparaes, Tomina, Pelaya, and Oruro. Charcas is an archbishopric, and contains fourteen vicarages.

* The Portuguese claim the northern shore of the river La Plata by right of discovery, and the Spanish authors are so very contradictory in their dates of the first voyage to that river as to make it doubtful to an impartial reader. They generally agree that the gold and silver which Sebastian Cabot procured from the Guanani Indians, in the year 1526, had been taken from some Portuguese adventurers who were returning from Peru; and that in 1535 Pedro de Mendoza found a party of Portuguese on the northern shore of the La Plata. The Portuguese accounts attribute the first discovery and settlement of that territory to their countrymen, Alexis and Diego Gavica. In the year 1680 the Portuguese formed a settlement on the northern shore of the river, and erected the fort of Colonia del Sacramento directly opposite Buenos Ayres; the same year they were driven out of it by the Spaniards, but it was restored by the provisional treaty of 1681. In 1705 Colonia was again wrested from the Portuguese, and was restored to them by the peace of Utrecht, in 1715: whereas Montevideo and Maldonado were not settled by the Spaniards until the year 1724. Colonia was besieged and taken by the Spaniards in 1762, but was again given up by the treaty of Paris of 1763. The Portuguese were not entirely driven from their possession on the northern shore of the river until the year 1777, and the right of territory has remained a subject of dispute ever since. Commissioners have been appointed, and have frequently met, but have not been able to settle the claims of their respective courts. To the long residence of one of these unsuccessful commissioners, Azara, we owe an excellent work on the zoology of these countries.

The capital, Chuquisaca, called also La Plata, is situated in 19 degrees 25 minutes. This intendancy abounds in minerals, salt, sulphur, &c.

The intendancy of *La Paz* extends north to the provinces of Carabaya and Cuzco, in the viceroyalty of Lima, south to Charcas, west to the provinces of Chucuito and Arica, and on the east is bounded by the government of Moxos and the intendancy of Cochabamba. The districts of this intendancy are Sicarica, Pacages, Omasuyos, (to which is annexed the island of Titicaca, in the lake of Chucuito,) Laricaxa, Chulumani, and Apolabamba. The bishopric of La Paz comprehends thirteen vicarages.

La Paz, the capital of the intendancy, is situated in 16 degrees 50 minutes south latitude. The chief produce is the Peruvian bark and an herb called cocoa, which the Indians and creoles chew, and are very fond of. It is an article of export to the other provinces.

The intendancy of *Cochabamba* extends on the north to the Government of Moxos, south it is bounded by the intendancies of Charcas and Potosi, west by Charcas and La Paz, and east by the river Paripiti, which separates it from the government of Chiquitos. The districts of this intendancy are Santa Cruz de la Sierra, Valle Grande, Mezque, Elisa, Arque, Tapacari, Hayopaya, and Sacaba. The bishopric of Santa Cruz de la Sierra comprehends three vicarages and four curacies. Cochabamba is the most fertile of all the intendancies, and is called the granary of Upper Peru. Orepesa, the capital, is situated in 17 degrees 2 minutes south latitude.

The military government of Chiquitos extends north to the mountains of Tapacures, which divide it from Moxos; south to the mountains of Zamucas; west to the district of Santa Cruz de la Sierra; and is bounded on the east by the lake Xarayes. This government is inhabited principally by Indians. There are some missionary settlements among them.

The military government of *Mozos* is very extensive. Separated from Cochabamba by the Cordilleras, it extends south to Chiquitos, and east to the frontiers of the Brazils. It is divided into three districts—Moxos, Baures, and Pampas; and is inhabited by the tribes of Raches, Sirionos, Solostros, and Juracares, among whom are some missionary settlements.

There are several small harbors and roadsteads in the river of La Plata. Maldonado, situated on the north shore, is not far from the capes, and is said to be the best part of the river. The next, the port of Montevideo, is exposed to the southwest winds, which sweep over the plains of Buenos Ayres, and blow with incredible violence.

There are several inconsiderable roadsteads between Montevideo and the Ensenada de Barragan, the first good harbor on the southwestern shore of the river. This port is easy of access, and is protected on every side. The only objection to ships lying there, in preference to the insecure roadstead opposite the town of Buenos Ayres, is the low swampy land which surrounds Barragan, and renders the roads always bad, and in the winter almost impassable. There was a deduction of four and a half per cent. from the duties on goods landed at this port, in order to defray the expense of transportation to Buenos Ayres.

There is a small stream about two miles below Buenos Ayres which is navigable to Baraceas. From hence lighters convey the cargoes to the outer roads.

The entrance of this creek is obstructed by a bar, and, during the prevalence of westerly winds, there is not water enough for the lighters to pass. This circumstance often occasions great detention in loading.

The tides extend a great distance up the river, but their duration depends upon the winds. Indeed, the currents are so very uncertain, and run with such rapidity, that it is advisable to heave the log with a lead attached to the line.

The city of *Buenos Ayres* is built on the south shore of the river, and extends along the bank nearly three miles. The streets intersect each other at right angles, dividing the town into solid squares of one hundred and fifty yards each. The houses are generally two stories high, and are built with terrace roofs. The city is defended by a fort, and is ornamented by convents, nunneries, churches, and the buildings formerly appropriated to the royal monopolies. The population of Buenos Ayres and of the adjacent country was estimated at about 70,000 souls.

The climate is healthy and temperate. The northerly winds, when moderate, last for several days, and have the effect of the sirocco on the feelings. When violent, this wind seldom lasts longer than twenty-four hours, shifting to the south and southeast, with rain and thunder. These storms are invariably terminated by a pampero, or southwest wind. The west and west-northwest winds blow with great violence, but are not frequent. During the prevalence of the southwesterly winds the atmosphere is remarkably dry, and the electric fluid acquires very great activity. On passing the low ridge which skirts the river, the eye extends over an immense plain, spotted with a few settlements and enclosures of the cylindrical opuntia, which attains a great height in this climate. Orchards of peach trees are cultivated to supply the town with fuel. The trees are planted very close to each other, and are kept low, so as to resist the force of the winds, which tear up larger trees.

The uncultivated plains in the vicinity of the city are overgrown with the wild artichoke. This wood grows with such luxuriance that, in the great scarcity of fuel, it is used to heat stoves and ovens.

These plains or pampas extend one hundred and sixty leagues in a west course from Buenos Ayres. They resemble very much the steppes of the south of Russia. Both exhibit the same boundless, unbroken expanse, the same fertility of soil during the rainy season, and dry, parched appearance in the heat of summer; the total absence of trees; the streams few, flowing with a sluggish current, and brackish to the taste; the lakes and ponds of both incrusted with salt: this mineral efflorescence on the surface of the soil in some places giving it the appearance of being covered by a hoar frost. The character of the inhabitants adds to the resemblance. The Querandis, or Indians of the pampas, are Nomades, living in temporary huts and tents on the borders of the rivers; and, when they have exhausted the pasture on one spot, roving with their herds and flocks to where it is abundant. The small deer of the pampas resembles the antelope of the steppes, and the spur-winged thegel is common to both. On these plains animal putrefaction scarcely goes on at all. On the borders of the rivers, and in low, wet places, the entrails of animals putrefy, but on the high land animal substances will dry up. This is the case in some parts of Spain and Portugal; but at Buenos Ayres, where fuel is so scarce, this drying quality in the air enables the inhabitants to burn in their furnaces and kilns the flesh and bones of animals. Sheep were formerly dried, stacked, and sold at two dollars and a half the hundred for these purposes.

From the mildness of the climate, and the abundant pasture afforded by the extensive plains of Buenos Ayres, the cattle originally brought from Spain have become so numerous that they furnish the chief support of the inhabitants; this is, perhaps, the cause of the miserable state of the interior of this country. It is not uncommon to see a proprietor of a league square of land owning several thousand heads of cattle, and sheep, and horses, living in a miserable hut, and having the bare necessaries of life. His house is covered with hides; his furniture is made of the same materials. His yard is enclosed by a few stakes, bound together with thongs; and he may be seen, with his herdsmen, seated by a fire, cutting off slices of beef from a spit stuck in the ground, and eating it without bread or salt.

In the vicinity of Buenos Ayres there are some very productive farms; and wheat and corn are raised in great abundance by simply scratching the ground with a wooden plough, and harrowing in the grain by drawing over it

a hide filled with earth. Even in the centre of the plains there are some spots cultivated in grain, but the distance from a market prevents their raising more than sufficient for their own consumption. The eastern shore of the river of the Uraguay, including the shore of La Plata, abounds with cattle, and most of the inhabitants are shepherds; where the land is cultivated, it has been found very productive, and this territory was the most valuable of the intendancy of Buenos Ayres. Paraguay is an agricultural province, and the domestic manufactures supply all the wants of the inhabitants. The effects of the government of the Jesuits are still felt in this country. The people generally receive the rudiments of education, and are very subordinate to their leaders. They were organized into regiments of militia, and it is said that Paraguay can bring into the field upwards of 40,000 men. Many of the provinces of Upper Peru possess mines, and the population is divided between the wealthy proprietors, the speculators, and those who work in the mines; and here is to be found all the corruption and misery which are inseparable from this species of gambling.

Cochabamba and some other provinces are agricultural, and the inhabitants are active and intelligent. During the time Upper Peru was in the power of the royalists, the spirit of the revolution has been kept up in these provinces by the guerrillas of Cochabamba.

In the city of Buenos Ayres property is equally divided; there are no very large proprietors, no entailed estates, and but little property in mortmain; the inhabitants are generally well informed, and their intercourse with foreigners has given them habits of industry.

There is very little mixture of blood in Buenos Ayres, and there are only three castes—the creoles, Indians, and negroes. Notwithstanding this port was for some time the entrepot of the African trade, very few slaves remained at Buenos Ayres, and the Government has been able to emancipate them without any serious injury to society.

Previous to the late revolution, the means of education were withheld from the creoles. It is true that there were colleges at Cordova, Chuquisaca, and Santiago de Chili, where the student was taught Latin,* law, and theology; but they were prohibited from reading any book that could enlarge their views, or give them an idea of their civil or political rights. Every work that bore the stamp of genius was prohibited by the inquisition.

It was considered sinful to read any book marked with the censure of the church, and was deemed an act of piety to denounce any one who was known to possess such a work.

When this restraint was removed, they read eagerly the theories of speculative politicians, and the controversies and attacks on the Christian religion, published at the commencement of the French revolution; they saw the monstrous absurdity of the doctrines which had been taught them, and they too often stopped there, and became sceptics in religion, and in politics wild and theoretical; their legislators were ignorant of the principles of political economy, and the common maxims of the science of legislation.

In the first Government, the executive and legislative powers were vested in the deputies of Buenos Ayres; next, in an assembly of all the deputies from the chief towns. This assembly transferred their executive powers to a Junta of three, and styled themselves the Sovereign Assembly, declaring the executive and magistrates subordinate to them; the executive refused to acknowledge their sovereignty, and published an estatuto or provisional constitution. By this constitution, one member of the executive resigned his office at the expiration of every six months, and no one could act as president for a longer period. The new members were to be elected by an assembly composed of the municipality of the representatives of the towns, and of a considerable number of citizens elected by the people of the capital, according to the manner to be hereafter prescribed by this Government. The Government formed a high court of appeal; they decreed the liberty of the press, and the security of individuals from illegal arrest. These decrees have been renewed by each successive Government; but the people of these countries never have enjoyed the freedom of the press or individual security. This Junta took the title of the Superior Provisional Government of the United Provinces of the river of La Plata, in the name of Ferdinand VII. Pamphlet No. 1 contains the constitution and the decrees. Shortly after this estatuto was published, the assembly was dissolved; after dissolving another assembly, this Government was abolished, and a Supreme Director chosen. The Congress afterwards assembled and confirmed this form of government; and the same men who voted to deprive the president of the first Junta of all distinctions, and whose fears were excited by his having an escort of twenty-five dragoons, have vested the Supreme Director with regal power, and have given him a guard of three hundred select cavalry.

In all these changes the people have borne but little part. In a capital containing upwards of 50,000 inhabitants, not more than five or six hundred have ever voted; and the town meetings which generally decided the change of rulers, and often the form of government, were rarely composed of more than two or three hundred, sometimes of less than one hundred persons. Since the commencement of the revolution, there has been a constant struggle for power between the capital and the provinces.

Buenos Ayres has hitherto maintained the ascendency, from the superior intelligence of the inhabitants, and from having within itself the means of carrying on the war. The duties on imports and exports furnish the principal resources of the Government, and the leaders of the revolution are for the most part citizens of Buenos Ayres. The provinces are governed by a commander appointed by the executive of Buenos Ayres. Paraguay first revolted from this dependence on the capital, and, from the commencement of the revolution to the present day, has been governed by its own chiefs; they are not at war with Buenos Ayres, but have no connexion nor hold any communication with that Government. They, too, have tried a great many political experiments, and their present form of government is copied from the ancient Roman; it consists of a senate and two consuls. Francia, the principal leader in the revolution, is said to govern that country despotically. As in Buenos Ayres, the constitutional restrictions have been found a feeble check to the arbitrary exercise of military power.

The inhabitants of the eastern shore of La Plata have refused to submit to the capital, and have successfully opposed the arms and negotiations of Buenos Ayres; their character is represented as turbulent and daring, but they are warlike and enthusiastically attached to their leader, Artigas, who contends for independence, both from the Government of Spain and from that of Buenos Ayres. No Government has ever been organized on the territory of the eastern shore, owing to the dissensions between the capital and the provinces. The people of Peru have not taken a very active part in the revolution, and many creoles were to be found in the royal armies; the influence of the clergy contributed for some time to this state of things. By the Spanish laws, the high offices in the convent were divided alternately between the European and the creole monks. The church being the only road to preferment open to the creoles, they crowded into it; but this alternative balanced their influence. The European monks sent from Spain were chosen from amongst the most zealous and intelligent, and from the pulpit and in the confessional chair successfully inculcated the doctrines of divine right, and of unqualified submission to the King, and, above all, of implicit belief in the infallibility of the clergy.

* The practice of the law in these countries was not, as in the United States, an open appeal to impartial justice, but the art of multiplying acts and procrastinating a suit until the favor of the judge was secured by bribery or influence.

The Government of Buenos Ayres abolished the alternative, and banished some of the most intolerant of the European monks and clergy. The creoles who have taken orders are enthusiastic in favor of the revolution, and have been highly useful to that cause in the interior provinces. The influence of the clergy in the city of Buenos Ayres appears to be at an end. The condition of the people of Chili is different from that of any other of the Spanish colonies; the country is, for the most part, in the hands of large proprietors, who let out their lands to tenants upon the conditions of personal service, and of the payment of a moderate rent in produce. As the landlord may, at will, drive the tenant from his farm, or augment the rent, according to the increased value, the farmers are deterred from improving their houses or land, and content themselves with raising what is necessary to pay the landlord and to subsist their families. Most of the large estates are grazing farms, and the personal services of the tenants consist principally in tending the cattle. They are expected, however, at all times to be ready to obey the orders of their landlord. Many of these estates are entailed, and all of them incumbered with some legacy to the church. More than half the property in Chili is in mortmain. With few exceptions, the clergy have been opposed to the revolutions in each of the districts. In Chili there is a regiment of militia cavalry, well mounted, and armed with lances. These regiments are under the control of the colonel, and have, in every instance, followed him to the field, and fought for the cause he espoused. Unfortunately, this country has been divided into violent and irreconcileable factions by two powerful families, the Carreras and Larrains, both equally anxious to liberate their country from the yoke of Spain, and both using every means in their power to obtain the command.

In Lima there has been no revolutionary movement. The landed estates are in the hands of large proprietors, and are cultivated by slaves. They are fearful that any attempt to change the form of government would be attended by a loss of their property; and, from the great number of blacks and mulattoes in this viceroyalty, the contest would probably terminate in the same manner as the revolution of St. Domingo.

Buenos Ayres and Chili have been virtually independent for the last eight years, and the effect upon the character and condition of the people has been highly beneficial. The human mind appears to have risen with elasticity from the weight of tyranny which had so long oppressed it, and to have improved rapidly in the arts, in knowledge, and in all the comforts and enjoyments of life. These are benefits which will not be surrendered without a desperate struggle. Their forces are numerous, well organized and disciplined, and, were the provinces united, they possess the means of defending themselves against the efforts both of Spain and Portugal. Their dissensions and ambition render them, in the opinion of some, unworthy to be free; but let us recollect that the virtues which adorn society and brighten the page of history are the offspring of freedom and science, and that, when a people have been for centuries kept in subjection by ignorance and superstition, the first effort to burst their fetters will call into action the most violent of the human passions, and hurry men to commit the greatest excesses. The course of such a revolution will be too often stained by cruelties and crimes, and will almost inevitably terminate in a military despotism. From the mild and intelligent character of the creoles of South America, there is every reason to hope that, when emancipated from Spain, and relieved from these present difficulties, they will follow the bright example of the United States, and establish a government of laws.

From the year 1580, when the city of Buenos Ayres was permanently settled, until the year 1778, the history of these countries comprises only a series of domestic vexations from the despotism of viceroys, of privations from monopolies and commercial restrictions, and of sufferings from wars foreign to their interests. In the year 1778 the Indians of the provinces of Upper Peru made an ineffectual attempt to shake off the Spanish yoke. They assembled in great force, and, under the command of Tupac Amaru, a descendant of the Incas of Peru, plundered and destroyed a great many small towns. They twice laid siege to the city of La Paz, but, being without fire-arms, or ignorant of the use of them, they were repulsed with great loss. After a hopeless contest of three years, they were defeated by the combined armies of Buenos Ayres and Lima. Tupac Amaru, who had been proclaimed Inca, fell into the hands of the conquerors, and, together with the principal leaders of the revolt, was put to death with the most cruel torments. This decisive action put an end to the insurrections of the Indians of Peru, and these colonies remained tranquil until the sudden invasion of the English in 1806.

Sir Home Popham, aware of the disposition of his Government to obtain a footing in the Spanish colonies, and well informed of the defenceless state of Buenos Ayres, determined to make an attack upon that city. Instead of returning direct to England from the Cape of Good Hope, he entered the river La Plata; and, to the astonishment and consternation of the inhabitants, General Beresford landed a few miles below the city of Buenos Ayres, with two thousand men. The viceroy, Sobremente, was panic struck; arms were distributed to the militia, who, ignorant of their use, ran out without order to look at the enemy, and General Beresford marched into the city, and took possession of the citadel without opposition. Don Juan Martin Pueyrredon was the only officer who, at the head of a company of hussars, harassed the enemy's march.

Sir Home Popham returned to England with the fleet, and General Beresford did every thing that could be expected from a brave and generous commander to reconcile the inhabitants, and to secure his conquest. These officers had calculated only the facility of surprising the town, and had overlooked the difficulty of keeping possession of an enemy's country with a small force, at so great a distance from their resources. The inhabitants were irreconcileably opposed to the British. The Chevalier de Liniers, a French emigrant in the service of Spain, passed over to the eastern shore of the river, and excited the inhabitants to arms; and the viceroy, who had fled to Montevideo, assembled a small force, the command of which was given to Liniers; he crossed the river, and was joined by all the inhabitants of Buenos Ayres who could escape the vigilance of the British sentinels.

The English commander, being summoned to surrender the town, signified his determination to defend himself to the last extremity. General Liniers, at the head of his regular forces, immediately commenced the attack, and soon drove the garrison into the fort, where they were forced to capitulate.

The British general officers were sent on their parole to Luxan, a small town twelve leagues from Buenos Ayres, and the rest of the prisoners were marched into the interior.

The emancipation of the Spanish colonies appears to have been a favorite project of Mr. Pitt. The ex-Jesuit Don Juan Pablo Viscardi Gusman, a native of Arequipa, and an enthusiast in favor of the liberty of America, had frequent conferences with that minister, and, in his answers to a series of inquiries presented to him, gave a favorable view of the facility with which a revolution might be effected in that country. He afterwards published in London an eloquent appeal to his countrymen, exhorting them to shake off the yoke of Spain. During the administration of Mr. Adams, some proposals on this subject are said to have been made to our Government by the British ministry, which were not acceded to. In 1797, a disposition to emancipate their country was manifested by the inhabitants of the Caraccas, and was encouraged by General Picton's proclamation, issued from the island of Trinidad.

In 1801, Mr. Pitt's eagerness to open this market to the trade of Great Britain induced him to aid the untimely and ill-planned expedition of Miranda; and it appeared at the trial of Sir Home Popham that the administration had countenanced the attack on Buenos Ayres.

From the little opposition experienced by the British troops on this expedition, and from the facility with which Buenos Ayres had been occupied, the plan of emancipating these colonies appears to have been relinquished, and the conquest of all the Spanish possessions in America determined upon by the British cabinet. This change of policy may be inferred from comparing the proclamation of Sir Thomas Picton, published at Trinidad by order of Mr. Dundas, minister of His Britannic Majesty for Foreign Affairs, dated 26th of June, 1797; and the instructions given in 1807 to Generals Whitlocke and Crawford. The former encourages the inhabitants "to resist the oppressive authority of their Government;" and declares that "they may be certain, whenever they are in that disposition, to receive all the succors to be expected from His Britannic Majesty, be it with forces or with arms and ammunition, to any extent; with the assurance that the views of His Britannic Majesty go no further than to secure to them their independence, without pretending to any sovereignty over their country, nor even to interfere in the privileges of the people, nor in their political, civil, or religious rights."

The instructions of the right honorable Mr. Windham, Secretary at War, to Generals Whitlocke and Crawford, were in a different spirit. The first was to proceed with the forces under his command to the river of Plate, and to take possession of Buenos Ayres in the name and behalf of His Britannic Majesty. He is ordered not to introduce into the Government any alteration, except in the appointment of individuals, whose change should be found necessary; nor to give any assurance that they shall not be given up to Spain at the conclusion of the present war.

General Crawford was to proceed to the river La Plata, subject to the orders of General Whitlocke. Thence, as it was supposed that his forces would not be required after the reduction of Buenos Ayres, he was directed to pass round Cape Horn, and take possession of Valparaiso. He is ordered to *discourage all hopes of any other change in the condition of these countries than that of transferring their dominion to the Crown of Great Britain.*

The generals on the Atlantic and Pacific are instructed to establish a line of military posts across the continent. Their operations are limited strictly to these points, whatever prospects of easy conquest may be held out from the defenceless state of Peru, as an untimely movement might defeat the ulterior operations intended against those countries. These instructions are to be found among the official documents annexed to the report of General Whitlocke's trial, published in 1808.

The following extracts from General Whitlocke's defence will show the effect of this policy upon the inhabitants of Buenos Ayres, and will give the opinion of the commanders of that expedition, with respect to the means of defence:

"It was known that the people were divided into factions, and that various causes had rendered a large proportion of the inhabitants ripe for revolt; and great numbers were anxiously looking to a separation from their mother country as the only means of availing themselves of the natural advantages of their local situation. It was therefore naturally concluded that people who feel themselves oppressed rather than protected, as excluded, by restrictions founded upon a narrow and selfish policy, from many commercial advantages, would gladly change their government; and if it were once established in a military post in the country, the above causes would make it easy to open an extensive intercourse with the inhabitants, and new channels for trade and commerce.

"It was supposed that the character of this country* for liberality and good conduct towards those who came under our dominion insured us the good wishes of the greater part, and the co-operation of a large proportion, at least, of the community. The public hopes and expectations were raised to the highest pitch, and no suspicion existed that it was possible for the greatest part of the population of South America to entertain any other than a just feeling of attachment to our Government; still less that it was possible that such a rooted antipathy could exist against us as to justify the assertion (the truth of which has been proved to demonstration) that we had not, when I arrived in South America, among the inhabitants, one single friend in the whole country. Whether the opinion of the illustrious statesman,† now no more, who had so frequently turned his thoughts towards South America, had led him to contemplate the propriety of establishing military posts there, or the co-operating only with those who would gladly have followed the example of North America, and availed themselves of our assistance in establishing their independence, I have no means of knowing; but experience has shown that any other course of proceeding than that last mentioned, even if most successful, and almost in proportion to success, must have had the effect of placing us at a greater distance than ever from our ultimate objects, those of friendly intercourse and trade with the country.

"It is supposed in my instructions, that, after effecting my first object, I might safely part with a proportion of the force under my command, and retain only about eight thousand, which, it was supposed, must, in any case, in addition to such troops as I might raise in the country, be amply sufficient to conquer and keep possession of the country; for such had been the misrepresentations to Government upon this subject, that it was supposed that a considerable force of this description might with safety be established. I was directed, as the court will have observed, to use precaution as to the raising of this local force, and particularly to take care that one-third of each rank of officers should be British, and to select the description and classes out of which it was to be framed; but, subject to these precautions, it was conceived, and so stated in my instructions, that much aid might be derived from this source towards securing His Majesty's possessions in that quarter, and avoiding, at the same time, the necessity of too large a demand on the regular forces of this country, (I use the very words of the instructions.) Such, as the court will have seen, was the impression in this country on my appointment to the command.

"What was the actual situation of the country on my arrival?

"I naturally resorted to the very able and experienced officer who commanded at Montevideo, and who had diligently employed himself in acquiring every possible information upon this subject. I found that, in the course of his operations against Montevideo, and after its capture, he had every reason to believe that the people were, without exception, inimical to us; that, previous to the surrender of Montevideo, he could place no confidence in any information he received; and that, after its capture, a sullen silence pervaded every rank. But he also found reason to believe that, however inimical they were to us, they were still more so to their present Government; for, upon reports arriving at Montevideo, which afterwards proved false, of the abolition of the court of audienza, the setting aside of the King's authority, and not hoisting the Spanish colors, those who had appeared hostile and inveterate now pressed him to advance a corps to Buenos Ayres, and assured him that, if he would acknowledge their independence, and promise them the protection of the English Government, the place would submit.

"The party in power were mostly all natives of Spain, in the principal offices of church and state, and devoted to the Spanish Government. The second party consisted of natives of the country, with some Spaniards settled in it. The disposition of the mother country had made them most anxious to shake off the Spanish yoke; and though, from their ignorance, their want of morals, and the barbarity of their dispositions, they were totally unfit to govern themselves, they aimed at following the steps of the North Americans, and erecting an independent state. If we would promise them independence, they would instantly revolt against the Government, and join us with the great mass of the inhabitants. The next consideration was our giving up the footing we had in South America. On this

* Great Britain. † Mr. Pitt.

subject many important considerations presented themselves. First, the situation of the country and the nature of our instructions. It was supposed, from the information received by Government, that the country would be conquered and kept in subjection by eight thousand troops, which was considered as a large force; but the information received by Government upon this subject must have been founded in ignorance of the true state of the country. I found, on my arrival, that the resistance we should have to contend with far exceeded every calculation; not a single friend had we in the country; on the contrary, every inhabitant was determined to exert his individual strength. Upon this subject I rely upon the experience of Sir Samuel Auchmuty, who stated that *double the number of troops* I have mentioned would be required to *conquer* and *keep possession of the country*." On the return of the Viceroy Sobremente from Montevideo, the people refused to receive him, and wished to proclaim Liniers. That officer appeased the tumult, and reinstated Sobremente in his command. The Cabildo, however, deposed him as soon as they heard of the approach of another British expedition, and gave the command to Liniers. They then despatched a deputation to Spain, in consequence of which Sobremente was recalled, and Don Santiago Liniers appointed Viceroy of La Plata.

The advanced guard of the second expedition, under the command of Sir Samuel Auchmuty, landed on the eastern shore of the river La Plata, and laid siege to Montevideo. Soon after, batteries were opened, a breach was made, and the place taken by assault. The main body, under General Whitlocke, arrived in the river Plate on the 9th of May, 1807, and, after remaining at Montevideo until the arrival of General Crawford's division, the British army proceeded up to Buenos Ayres; General Whitlocke, following the example of General Beresford, landed his troops below the town, and experienced incredible difficulty in the transportation of his artillery over the low swampy lands which skirt the borders of the river.

The country people were decidedly hostile, and none could be prevailed upon to serve as guides, or to procure cattle for the army. The columns mistook the road, and the men were almost famished when they arrived before the town. The want of proper accommodations for his troops, and the dread of the rainy season, induced General Whitlocke to order an immediate attack. During the march of the British troops from Ensenada, the inhabitants of Buenos Ayres recovered from their first panic; and dispositions were made to defend the town by cutting ditches across the principal streets, placing the militia on the flat roofs, and securing the entrance of the houses.

Sir Samuel Auchmuty, who commanded one column of attack, entered the upper part of the town, and, after a sanguinary conflict, drove the Spaniards from the square, and took possession of the Plaza de Toros, a large circular building, where the bull fights are held. This position commands the whole town. General Crawford led the column which entered the lower part of the town. He met with little opposition until he had advanced within a few hundred yards of the fort; suddenly a tremendous fire was opened upon the column from the windows. Bombs and grenades were showered down upon the ranks from the roofs of the houses; without petaras, scaling ladders, or even axes, the troops in vain endeavored to break open the doors; and General Crawford, after losing half his force, without being able to make any effectual resistance, retreated into a large church, where he defended himself for some time. The church was exposed to the fire of the fort, and he was at length compelled to surrender at discretion. This decided the fate of the expedition.

General Whitlocke was informed of the capture of General Crawford's columns, and it was intimated to him that, if the attack continued, it would be impossible to protect the prisoners from the rage of the people. Finding that the object of the Government could not be accomplished, he entered into a treaty with Liniers, by which he agreed to evacuate Montevideo, and the territory of the river La Plata, provided he was permitted to re-embark his troops. These conditions were immediately conceded, and the British forces abandoned the shores of La Plata.

The expedition under General Whitlocke, assisted by the disposition of the people, might have secured the emancipation of these colonies, but was not adequate to transfer their dominion to the Crown of Great Britain.

The revolution in Spain changed the destination of a still more formidable expedition fitted out by Great Britain, and intended for the final conquest of these colonies. Monsieur de Chasne, an emissary of Napoleon, arrived in Buenos Ayres in 1808. The viceroy, Liniers, laid his despatches before the audiencia and the Cabildo, and Mons. de Chasne was sent off. He afterwards fell into the hands of General Elio; and, after experiencing the most cruel treatment, was sent back to Buenos Ayres, from whence he was conveyed as a prisoner to Cadiz.

The viceroy, Liniers, issued, about this time, a proclamation setting forth the state of the peninsula, and exhorting the people to remain tranquil, and to follow the fortune of the mother country, whatever might be the issue of the present contest. The same language was held by the regency of Spain. In an address to the Americans, they say, It is not sufficient for you to be Spaniards, unless, whatever be the event of fortune, you also belong to Spain.

General Elio, who had been appointed military governor of Montevideo, had secretly excited the inhabitants of the eastern shore to revolt against the authority of the viceroy. He now accused Liniers of treason, refused to obey his orders, and formed a Junta in Montevideo, on the model of the Provincial Government in Spain. The arrival of Goyeneche, who left Madrid as the emissary of Murat, and afterwards accepted a commission from the Junta of Seville to proclaim Ferdinand VII. in South America, contributed to agitate the public mind, and to encourage the spirit of revolution. The people were invited to take part in the dissensions of the chiefs, and were called upon for the first time to think and to act. Goyeneche landed at Montevideo, where he approved the conduct of General Elio, and assured him that the formation of a Junta would be highly acceptable to the Government of Spain; at Buenos Ayres he applauded the loyalty of Liniers; in the provinces through which he passed on his way to Lima, he advised the establishment of Juntas. At Lima he solicited and obtained the command of the army sent against the Junta of La Paz, and conducted the war against that province in the most sanguinary and impolitic manner.

Notwithstanding the Central Junta of Spain had been recognised by Liniers, and through his influence by the people of Buenos Ayres, that Government listened to the accusations of his enemies, and superseded the only man whose popular character and services to the state could have preserved this colony from immediate revolt.

On the arrival of the new viceroy, Cisneros, Liniers was strongly solicited to retain the command. The military offered to support him; and hopes were entertained by the patriots that the impolicy and injustice of the Spanish Government would drive over to their party this able and popular leader. But Liniers, who appears to have acted throughout with chivalric honor, disappointed their hopes, by privately withdrawing himself from the solicitations of his friends and the persecution of his enemies.

Cisneros did not possess the character or abilities necessary to repress the revolutionary spirit of the people of Buenos Ayres. The decree of free trade, extorted from this viceroy in 1809, increased their intercourse with foreigners; and the ignorance and superstition by which their allegiance had been hitherto secured was fast wearing away; while their conquest of the capital, and their successful defence against the last formidable invasion, without any assistance from the mother country, gave them confidence in their strength and resources.

Shortly after the news of the seizure of the royal family reached the Brazils, manifestoes were published by the Infant Don Pedro, and by the Princess Charlotte, the sister of Ferdinand VII., and the consort of the present King of Portugal, setting forth their right to the Spanish dominions in America. They were accompanied by letters

addressed to the viceroys and governors of provinces, and were circulated from Mexico to Buenos Ayres. The first scheme of the revolutionists was formed upon these pretensions.

They proposed to deliver up the country to the Princess Charlotte, expecting to retain the administration in their own hands; and intending, at some more fortunate period, to assert their entire independence.

They despatched an agent, with their proposals, to Rio de Janeiro. The princess accepted their offer, upon condition that they should admit a Portuguese garrison into Buenos Ayres. As this measure would have defeated the plan of the revolutionists, the negotiation was dropped.

The first revolutionary movement in the viceroyalty of La Plata was made in La Paz; and a Junta was formed in the capital of that intendancy, after the plans of the provisional Juntas of Spain.

The Viceroy of Lima resolved immediately to suppress this party, and despatched Goyeneche, at the head of a large force, into Upper Peru. La Paz was taken, and the members of the Junta, with some of the principal citizens, put to death—the first example of the exterminating fury with which Goyeneche conducted the war in Upper Peru. The failure of the plan to transfer the Government to the Princess Charlotte obliged the leaders of the revolution to adopt more decisive measures. Their intentions were discovered, and it was expected that every means would be used to frustrate them. Their danger obliged them to act with promptness and resolution; and the first attempt of the viceroy to check them was followed by an open declaration on their part. He was peremptorily ordered to resign his command, and, after a short struggle, and a vain appeal to the people, was obliged to comply. Immediately upon his resignation, a meeting of the principal inhabitants was held in the town-hall of Buenos Ayres. In this assembly, the bishop, whose influence had hitherto been unbounded, ventured to oppose the current of public opinion; but his authority was no longer sacred, and his assertions, that the last Spaniard who remained in America ought by right to govern the country, excited such universal indignation, and drew upon him such a torrent of abuse, that he retired to his palace confounded and dismayed.

This assembly, still wishing to temporize, created a provisional Junta, and named the ex-viceroy president; but the people, who had felt their power, refused all compromise, and on the 25th of May, 1810, a Junta was elected from the creoles of Buenos Ayres, and took possession of the command, amidst the universal acclamations of the people.

Every exertion was immediately made to extend the revolution to the interior provinces, and troops were despatched to favor the patriots in Peru and Paraguay.

The ex-viceroy and fiscals endeavored to counteract this plan, and maintained a correspondence with the Spanish authorities in those provinces. As soon as this conduct was known to the Government, they were summoned to the fort, and directly conveyed on board an English cutter, chartered to transport them to the Canaries. The royal audience was at the same time dismissed for contempt of the Junta; and the Cabildo, chiefly composed of Europeans, having, in a secret meeting, sworn allegiance to the regency of Spain, the members were banished, and it was declared by law that no European should hold any public office under the Government of Buenos Ayres.

The Count de Liniers, who had retired to Cordova, assembled a small force, and determined to oppose the progress of the revolution in the interior. Before he had time to strengthen himself, his party was attacked and totally defeated by the troops of Buenos Ayres; and he, with the bishop, the governor of Cordova, and four of the principal officers, fell into the hands of the victors.

Either from the personal enmity of his judges, or from fear of his popularity and extensive influence, which made it equally dangerous, at that early stage of their revolution, to banish or to imprison him, it was resolved in the Junta that Liniers and his accomplices should be put to death, except the bishop, whose sacred character protected him. They were met on the road to the capital by a military commission, and were shot, after being confessed by the bishop, who was forced to witness the execution of his friends.

The expedition to Upper Peru was conducted by a commission; Castelle was the member selected for this important command; he was one of the earliest and most distinguished leaders of the revolution from the Junta of Buenos Ayres.

The Indians were emancipated from the most oppressive services; the auxiliary army, hailed by these unfortunate people and by the creoles as their deliverers, soon occupied the whole territory of the viceroyalty, and the towns were invited to elect deputies to represent them in the Congress about to be held at the capital.

In the mean time, the dissensions natural to a Government composed of one numerous body broke out, and produced those factions which have since divided their councils and distracted the state. They originated in the personal animosities of the president of the Junta* and of the Secretary of State,† a man of violent temper, ardent in his love of liberty, and too conscious of his superior abilities to brook control. As the secretaries had a right to deliberate and vote in the Junta, he was enabled to oppose the president in all his views, and obtained a decree depriving him of all distinction, except that of his presidency when sitting in Junta. On the arrival of the deputies from the provinces, they were admitted into the Provincial Government, and the spirit of party was augmented by this accession of numbers. As they had been received contrary to the opinion of the secretary, who contended that it defeated the intention of the election, which had been to form a deliberative body, the president found no difficulty to procure the secretary's banishment; he was sent on a mission to England, and died on his passage.

The members of the opposition, unable to resist the president's party in the Junta, determined to establish a club in the city, and, by uniting the most factious of the military and citizens, control the measures of Government. Aware of the probable effects of this combination against him, the president had recourse to the most violent and unjustifiable measures to destroy it. On the morning of the 5th of April, 1811, three regiments devoted to his interest were drawn up in the principal square of the city. The corporations were assembled, and the petition was presented to them from two or three hundred peasants, who, in the name of the people, demanded the banishment of the members and officers most inimical to the president. The corporation, awed by the military, reluctantly complied; the obnoxious persons were banished; the club abolished; and a number of the citizens thrown into prison.

This impolitic measure was the commencement of those violent changes which have so frequently retarded the progress of the revolution. The leaders of the army of Peru, which was now encamped on the frontiers of the viceroyalty of Lima, declared against the revolution of the 5th of April, and threatened to turn their arms against its authors. It was thought a necessary measure of precaution on the part of the Junta to introduce discord among the chiefs, and their dissensions finally occasioned the entire defeat of that army, at the battle of Hualqui, when the royalists and patriots mutually accused each other of breaking an armistice. The news of this disaster, which well nigh proved the ruin of their cause, was received with joy by the reigning party in Buenos Ayres, who only saw in it the destruction of a formidable rival.

The Junta of Buenos Ayres had neglected to occupy the important place of Montevideo at the commencement of the revolution; and the Spanish marine, which with equal oversight had been permitted to leave Buenos Ayres,

* Don Cornelio Saavedra. † Moreno.

rendezvoused there, and commenced hostilities against the Junta; they harassed the commerce on the rivers, and blockaded the ports of Buenos Ayres.

On the arrival of General Elio with the appointment of captain general and viceroy of these provinces, he withdrew the blockade, and made an attempt to get possession of the command, either as viceroy or as president of the Junta.

His proposals were treated with contempt by the Government of Buenos Ayres, and he shortly after despatched a small squadron to the Parana, in order to destroy some vessels belonging to Buenos Ayres, which were stationed there for the protection of the trade. This was effected, and the blockade renewed. The British admiral did not consider the authority of the viceroy sufficient to establish a legal blockade, and came down in person from Rio de Janeiro to insist upon the inviolability of the British flag. After some negotiations with General Elio, he gave orders to the commander on this station to protect the entrance of British vessels into all the ports of the river La Plata. The blockade became, therefore, of no effect; and the squadron was employed in ravaging the coast, but returned from time to time to bombard the city.

During these attacks, the Europeans in Buenos Ayres were harassed and mortified. The unmarried were banished, and those who remained were subjected to the most vexatious and humiliating regulations.

In the midst of these transactions, the inhabitants of the eastern shore of the river La Plata had been excited to revolt against the European authorities in Montevideo, and, as General Elio was particularly disliked by them, this was easily effected: they rose in mass, defeated the royalists at Piedras, and drove them within the walls of the town. A small regular force was immediately despatched to aid their operations, and that town was blockaded by land.

The expedition against Paraguay had failed of its object, and had served only to irritate the inhabitants of that province; and although they shortly afterwards expelled their European magistrates, and established a provisional Junta, they have constantly refused all connexion with Buenos Ayres. General Elio, alarmed at the spirit manifested by the people of the eastern shore, and pressed by a besieging army, sent deputies to Buenos Ayres to solicit peace, offering to return to Spain, and stipulating that the town of Montevideo should send a deputy to the Congress of Buenos Ayres, provided it was suffered to remain independent of the Junta. The news of the revolution in Paraguay, which was received at the same time, prevented the Government of Buenos Ayres from acceding to this proposal. Ignorant of the intention of the chiefs of that province, and presuming that they would unite in the common cause, they insisted upon the unconditional surrender of Montevideo. General Elio then applied for assistance to the court of Brazil: that cabinet, in hopes to realize their favorite project, and to obtain possession of Montevideo, immediately granted his request, and 2,500 men were ordered to pass the frontiers. In consequence of this measure, the situation of Buenos Ayres became alarming. From the state of their discipline, the defeat at Hualqui proved a total dispersion of that army, and the forces of Lima successively occupied La Paz, Potosi, and Cochabamba.

The Portuguese troops advanced rapidly to the relief of Montevideo, and great discontent reigned in the capital. In this state of affairs, it was thought advisable that the president should proceed to Peru, in order to collect their scattered forces, and, by his presence, restore the confidence of the inhabitants of the provinces not yet occupied by the enemy. He consented to this arrangement, and appointed to the command of the garrison, during his absence, those men who had served under him in the revolution of the 5th of April, and of whose attachment and fidelity he felt secure. He had scarcely left the capital before a town meeting was assembled, which deposed him; they then named an executive of three,* and declared the Assembly of Deputies a deliberative body. In their eagerness to change, they neglected to secure themselves against the abuse of power.

They intrusted to the executive the right of enacting their own laws, and permitted them to frame a constitution for their own government. The legislative assembly proved an intolerable restraint upon an executive furnished with such powers, and a pretext was soon found to dissolve that body.

The first act of the new Government of Buenos Ayres had been to conclude a treaty with General Elio, by which it was agreed, on the one part, that the troops should be withdrawn from the siege of Montevideo, and that that place, including the eastern side of the river La Plata, should remain under the Spanish authorities; on the other part, that the trade of Buenos Ayres should not be molested, and that the Portuguese forces should retire to their own frontier. On the part of Buenos Ayres, the conditions of this treaty were faithfully executed, and the territory of the eastern shore was immediately evacuated by their troops. General Elio, who had discovered the intentions of the court of Brazil, had been induced to conclude this treaty from fear of so dangerous an ally; but the commander of the Portuguese army, who had been made a party in the treaty without being consulted, declared that he could not act until he received instructions from his court, and proceeded to fortify himself in Maldonado. Having failed in this attempt to obtain possession of Montevideo, without which it was impossible to retain any part of the eastern shore, the Portuguese court sent an agent to Buenos Ayres, and concluded an armistice with that Government; in consequence of which, their troops evacuated the territory of La Plata.

The people of the eastern shore, who dreaded the vengeance of the royalists, to which they had been shamefully abandoned, deserted their homes, drove off their cattle, and followed Artigas, their favorite leader, to the other side of the Uraguay.

Shortly after the return of the army from Montevideo, an unsuccessful attempt was made, by the regiment of patricians, to effect a revolution, and to re-establish their former colonel the first president of the Junta. Although abandoned in the moment of execution by the officers who had excited the revolt, they were not reduced until after a bloody conflict.

As soon as it was known in Spain that General Elio had concluded a treaty with Buenos Ayres, he was recalled; and his successor, General Vegodet, who arrived with reinforcements, recommenced hostilities against the revolutionary Government. The command of the army of Buenos Ayres was intrusted to a member, Don Manuel Sarratea, of the executive, who crossed the river at Santa Fé, and again invested Montevideo.

A Government so constituted as that of Buenos Ayres, without restrictions and without responsibility, could not long command the confidence of the people, or exist in harmony.

The citizens were oppressed, and the rulers were entirely taken up with their own private animosities and disputes. These dissensions, as usual, soon extended their effects to the armies before Montevideo. The inhabitants of the eastern shore separated their forces from those of Buenos Ayres, and the latter caballed against their commander-in-chief, dismissed him, and appointed one of their own choice. The Europeans saw, in these disorders, a favorable opportunity to effect a counter-revolution. A plan was formed to obtain the watchword by surprising the patroles, to seize on the barracks, and, favored by a descent from the squadron of Montevideo, to get possession of the city.

This conspiracy was discovered on the eve of its execution, and thirty of the principal conspirators were tried and executed.

*Chicana, Sarratea, and Passos were the members chosen upon this occasion. The secretaries of this Junta were Rivadavia and Peves.

In October, 1812, deputies arrived from the interior provinces to form a Congress at Buenos Ayres; but differences arising between them and the executive, the Assembly was dissolved on their first session.

The remains of the army of Peru had retired before the victorious troops of Lima, until the want of means to continue their retreat forced them to make a stand at Tucuman. On the 24th September, 1812, an obstinate engagement took place, which, from the active co-operation of the inhabitants of Tucuman, ended in the total defeat of the royalists.

Owing to the dissensions of the Government, the army of Peru was left without the means of advancing, and could not profit by their success. The discontent became general, and the party opposed to the Government seized the opportunity to effect a revolution.

The military, so often the instrument of faction, again lent their aid, and a new executive was appointed by a cabildo abiento, or town meeting. Succors were at length sent to the army of Peru, which enabled General Belgrano to advance and attack the royalists at Salta. In this action, fought in February, 1813, the Spaniards were defeated with great loss; and Belgrano, following up his victory, took Salta by assault, and captured General Tristan, with the remains of the royal army. The prisoners were released on their parole, which they immediately violated, and were again incorporated into the army of Goyeneche. This general had commanded the royal army in Peru since the memorable invasion of La Paz; but being forced to evacuate the territory of Buenos Ayres, by the approach of the victorious army of Belgrano, he was recalled by the Viceroy of Lima.

The viceroyalty of La Plata was again freed from enemies, and the deputies from the provinces and towns once more assembled at Buenos Ayres. They assumed the title of the Sovereign Assembly, and conferred that of supreme executive power upon the former superior Government, which was composed of three persons.* They declared the sole right of making laws to be vested in the Assembly, and the executive to be responsible to them for its acts.

One of the first decrees of the Sovereign Assembly manumitted the offspring of slaves born after February, 1813, and emancipated all slaves that might be brought into the territory of La Plata after that period.

The slave-holders were called upon for every third slave, which were enrolled in the army of the republic. On this occasion many of the inhabitants voluntarily manumitted their slaves, upon condition of their serving during the war; and two regiments, called liberti, were formed of them: they are officered by whites.

Commissioners were sent by the Assembly into Upper Peru, to examine into and report on the state of those provinces and of the army.

Towards the close of the year 1813 the arms of Buenos Ayres met with serious reverses. The general of their forces in Upper Peru was induced, by false intelligence, to attack the army of Lima, although advantageously posted at Vilcapugio, and was defeated with the loss of all his artillery. Being pursued by the enemy, and eager to repair his losses, he risked a second engagement at Ayuma, under the most unfavorable circumstances, in which he was again defeated, and forced to retire below Salta, with the remnant of his army.

The garrison of Montevideo had received supplies and reinforcements from Spain; and, although they had been defeated in a sortie against the besieging army, it was apprehended that a junction might be effected at Santa Fé of the victorious army of Lima with the disposable force in Montevideo. The royal squadron having the command of the river La Plata rendered this movement very practicable.

The party in power seized this opportunity to strengthen the Government. They represented to the Assembly that an executive of three persons could not exert the energy and despatch called for by the present perilous situation of the state, and proposed to vest the authority in one person.

This proposal was warmly discussed in the Assembly; but, the military declaring in favor of the change, a Supreme Director was appointed. The Assembly was prorogued during the pleasure of the Director; and a council of seven, called the Permanent Council of the Sovereign Assembly, was chosen to assist him.

The general who had commanded in Peru was superseded, and orders were given to his successor to collect the scattered remains of that army, and to fortify himself in Tucuman, whilst they determined to direct their whole force against Montevideo. Aware of the importance attached by Great Britain to the trade of these colonies, and expecting to derive great advantages from opposing the commercial spirit of that nation to the jealous colonial policy of Spain, they sent an agent† to London; and even willing, at that time, to secure the favorable mediation of the English court by granting any privileges, they are said to have instructed their agent to declare that Buenos Ayres would rather be governed by a foreign prince than submit unconditionally to Spain.

The same policy induced them to yield to the solicitations of the English minister at Rio de Janeiro, who was desirous of adjusting the differences between Buenos Ayres and Montevideo, and had expressed a wish that the former should acknowledge the regency of Spain, accept the constitution, and send deputies to the Cortes. Commissioners were sent with proposals to Montevideo; but the viceroy, who now contemplated the approaching fall of Buenos Ayres, and considered this measure as a proof of their weakness, refused to receive or treat with them. This result had been foreseen by the Government, and great exertions had been made to fit out a squadron, which might give them the command of the river: some stout merchant vessels had been purchased, which were armed from the batteries of Buenos Ayres and Ensenada, and manned by foreigners; and this fleet, immediately on the return of the commissioners, appeared off Montevideo, this measure did not excite much alarm in that place; it was supposed that armed merchantmen would prove an easy conquest to national ships, and a squadron was immediately despatched to attack and destroy them.

The event did not justify this opinion of their superiority. To their astonishment, and dismay of the garrison of Montevideo, who witnessed the action, the national squadron was entirely defeated; two only escaped into port, and the remainder fell into the hands of the patriots. The viceroy, finding himself pressed by superior forces, both by land and water, now condescended to solicit a peace, which he had but a few days before rejected with contempt; but the Government of Buenos Ayres retaliated his conduct towards them, and refused to receive his commissions, or to open his despatches. He was soon after reduced to the necessity of treating with the general‡ of the besieging army.

It was agreed that the Government of Buenos Ayres should acknowledge the regency, and send deputies to Spain. The town of Montevideo was to be given up; the garrison to be sent to Spain; two thousand men to march out with their arms, field-pieces, and ammunition, and to be encamped until the conditions were carried into execution.

Whilst this treaty was pending, disputes arose between the troops of the garrison and the armed citizens, who were violently opposed to the capitulation.

The viceroy, finding it impossible to suppress these commotions, which threatened the destruction of all parties, ordered the gates to be thrown open, and admitted the army of Buenos Ayres. The two thousand men were permitted to march out with the honors of war; and it was at first supposed that the articles of the capitulation would

*Pena, Perez, and Alvarez, jointly. †Don Manuel Sarratea. ‡Don Carlos Alvear.

be adhered to. They were soon undeceived. The general of the besieging army published a proclamation, in which he declared that, having entered the town before the capitulation had been signed by either party, exposed to a *ruse de guerre*, and to the risk of being attacked, he considered Montevideo to have been surrendered at discretion to the arms of Buenos Ayres. The viceroy was furnished with a vessel to carry him to Spain; but the garrison, consisting of six thousand men, were sent prisoners of war to Buenos Ayres. The persons and property of the inhabitants were respected.

To the honor of Buenos Ayres, they have used their victories with moderation, notwithstanding the irritation which existed between the royalists and the patriots, and that the former have frequently disgraced themselves by massacres in cold blood, and by the barbarous treatment of their prisoners. The troops of Buenos Ayres have never sullied their arms by these sanguinary measures, not even in retaliation.

Montevideo had been defended with the utmost obstinacy for nearly four years, and not less than seven thousand persons perished during the siege, principally by famine and disease. The victors acquired seven thousand stands of arms, five hundred pieces of artillery, and a profusion of warlike stores. An amicable arrangement was made with the inhabitants of the eastern shore, and the troops were withdrawn in order to reinforce the army of Peru. It had been determined to destroy the fortifications of Montevideo, which are formidable, from the place being situated on a very narrow peninsula. It may be considered the key of the river La Plata, and, consequently, of the whole viceroyalty; and once in the possession of an enemy, particularly of a maritime Power, they could not expect to wrest it from them, nor could they defend it long against a regular force.

Moreover, in the present unsettled state of the country, it would prove a powerful engine of faction, and the military governor of Montevideo might dictate to the Government of Buenos Ayres, or involve the country in a civil war. The artillery and stores were to have been moved to Tucuman, to which point the armies might retreat in the event of a formidable and irresistible invasion obliging them to abandon the coast.*

The Limanean army, which had advanced as far as Salta, on receiving intelligence of the fall of Montevideo, retired precipitately upon Potosi. The commanders of that army, led on by the hope of forming a junction with the troops of Montevideo, and of investing Buenos Ayres, in two instances abandoned the strong positions of Oruro and Potosi, which secured to them the possession of Peru, and advanced towards the plains of Tucuman. The first had weakened his army by leaving garrisons in the towns, and particularly in Orepera de Cochabamba, the capital of the most fertile and populous of the interior provinces.

The present commander, to avoid this fault of his predecessor, to which he attributed his defeat in Tucuman, left his rear and flank unprotected, and exposed to the attacks of the Indians and cavalry of Cochabamba, which harassed his retreat. The revolution of Chili partook, in some degree, of the distinctions which mark the character of that people.

The creoles of that kingdom saw and rejoiced in the success of Buenos Ayres. They wished to follow what they considered a noble example, but were restrained by their natural timidity, when the captain general, on some slight denunciation, arrested three of the principal inhabitants of Santiago—Ovalle, Roxas, and Vera.

Ovalle and Roxas were sent to Lima; but Vera, a native of Santa Fé, in the viceroyalty of Buenos Ayres, feigned himself sick, and from the castle of Valparaiso, where he was confined, incited the Chilians to reclaim their countrymen, and to protest against this act of oppression, which he represented as the prelude to a general persecution of the creoles. He excited their fears to such a degree that they gathered courage from despair, and addressed a strong remonstrance to the captain general, which alarmed him, and induced him to recall those gentlemen, whom he had accused of treasonable practices, and of forming plans to separate the colonies from the mother country.

These acts of weakness on the one part, and of firmness on the other, decided the revolution. Encouraged by their success, the people declared themselves openly; in the hopes of freedom, even family feuds were forgotten; all the creoles of distinction in Santiago united, deposed the captain general, and instituted a Provisional Government, which acknowledged and acted in the name of the authorities of Spain.

They soon, however, assumed a bolder tone, and a Congress was assembled, which governed in the name and behalf of Ferdinand VII.

On the 1st of April, 1811, the day appointed for the election of the members for the capital, an attempt was made by some Europeans to restore the ancient Government; an engagement took place in the principal square, which ended in the total defeat of the royalists. The captain general and the royal audience were implicated in this conspiracy, and, in consequence, were banished the kingdom, and retired to Lima.

In the Congress, party spirit soon mingled with all their debates; the provinces of Conception complained that they were not fairly represented, and the affairs of the Government were neglected, in the animosities and mutual accusations of the members.

The command of the artillery was in the hands of a European, who was supposed to be a partisan of the Princess Charlotte of Brazil. The creoles dreaded the power and influence of this man, and the three brothers Carrera resolved to make an effort to wrest from him this important command. The eldest, who was a major in the regiment of grenadiers, had distinguished himself on the 1st of April, and was a great favorite with the soldiery.

They chose the hour of the siesta for the attack, and, at the head of sixty grenadiers, surprised the artillery barracks, and seized the commander.

After this action, some reform was made in the representation, and the Congress commenced business by inviting all who were inimical to the present order of things to retire from the kingdom.

They rendered the clergy inimical to the cause of independence, by forbidding them to receive any money from their parishioners for the performance of their clerical duties, assigning a moderate salary to the curates in lieu of fees. They passed an act manumitting the future offspring of slaves, and declared that all slaves brought into Chili after that period should receive their freedom, after a residence of six months. They opened the ports to commerce, and published commercial regulations.

The places of the alcaldes (members of the Cabildo) were, by the laws of Spain, sold to the highest bidder. They were now made elective. The first Junta, or Executive of Chili, was composed of seven members. The struggle for power between the family of the Carreras and that of the Larrains commenced at this period, after the successful attack on the artillery barracks. The eldest brother was promoted to the colonelcy of the grenadiers, and the youngest to that of the artillery; from the barracks of these officers a remonstrance was addressed to the Congress, which induced that body to depose a Junta of seven, and to appoint an Executive of five. José Miguel Carrera entered into the Government on this occasion.

This Junta did not long endure the control of a legislative body; and the Congress was dissolved on the 2d of December, 1811. Some of the members of the Executive resigned on this occasion, and a new Junta was formed, consisting of three persons, J. M. Carrera, J. Portales, and J. N. Cerda. The members from the southern provinces

* They neglected this precautionary measure, and this important fortress is in the hands of the Portuguese.

protested loudly against this flagrant breach of the privileges of the people; and, upon their arrival in Conception, excited their constituents to oppose the Executive of Santiago, and to take up arms in defence of their rights.

Forces were collected on both sides, and were marched to the banks of the river Maule, which separates Santiago from Conception. Both parties, however, preferred negotiation and intrigue to blows. They retired without coming to action, and Conception, being destitute of resources, was shortly after forced to submit to the capital.

Some attempts having been made by the colonel of grenadiers to awe the Executive into his measures, José Miguel Carrera resigned his office in the Junta, and his father was nominated to supply his place. The brothers were soon after reconciled; a constitution was framed, and offered to the people for their acceptance, and, having been signed by the *military*, the Cabildo, and all the respectable inhabitants, was adopted by the Government. The father resigned, and J. M. Carrera was reinstated in the Junta. A senate was elected, according to a provision of the constitution, and assembled in November, 1812. The first Junta established in Chili had been acknowledged by the regency; and the supply of grain was so necessary to the viceroyalty of Lima, that the intercourse between these countries had not been interrupted by the late changes of Government. But the dissensions which existed between the provinces of Santiago and Conception enabled the viceroyalty to carry into execution a plan for the conquest of the latter.

The garrisons of Valdivia and of San Carlos de Chiloe were landed in the bay of San Vicente, and thence marched to Talcahuana. That post was delivered up to them by some European officers in the service of Chili, and the town of Conception was afterwards taken without opposition. The royal forces were joined by several regiments of militia cavalry, and they soon occupied the whole of the province.

The greatest exertions were made in Santiago to repel this invasion; the three brothers Carrera put themselves at the head of the forces, and the armies met on the banks of the Maule.

A body of five hundred men crossed the broad and rapid river Maule in the night, and surprised the camp of the royalists at Yerbas Buenas. This action deterred them from crossing the river in front of such an enemy, and being baffled in an attempt to turn the flank of the patriot army, they retired towards Conception. The Chilians crossed the river, and overtook the royal forces at San Carlos; an obstinate engagement ensued, in which both parties claimed the victory. The royal army crossed the river Nuble at the dawn of day, and retired to Chillan. J. M. Carrera, leaving his brother at the head of the main body, moved with a detachment towards Conception. The garrison of that place retreated to Talcahuana, and that post was immediately attacked and taken by assault. The army then laid siege to Chillan, which the royalists had strongly fortified. After spending a month before this place, the continued rains of the winter obliged the patriots to retire.

The Executive Junta established themselves shortly after at Talca; from thence they issued a decree new modelling the army. They deprived Carrera of the command, and appointed Don Bernardo O'Higgins general-in-chief. The three brothers immediately withdrew from the army; the two youngest were taken prisoners by the royalists as they were returning to Santiago, and were conducted to Chillan.

The royal forces now marched towards Santiago, crossed the Maule, and occupied Talca. The Chilians followed them by rapid marches, and, crossing the Maule lower down the river, took a position to protect the capital.

This state of things called for a more energetic Government; and, on the return of the Executive to Santiago, the Junta was dissolved, and a Supreme Director appointed.

The royal forces continued to advance, when Captain Hillyar, the commander of the British squadron in the Pacific, proffered his mediation. As it appeared that he was authorized by the Viceroy of Lima, his proposals were accepted by both parties.

It was agreed that the royal forces should evacuate the territory of Chili within two months, and that the Government of Chili should acknowledge the regency and Cortes, and send deputies to Spain to learn the decision of the mother country, to which they agreed to submit. This treaty was signed on the 5th May, 1814, and hostages exchanged by the contracting parties.

Both parties were dissatisfied with this arrangement. The Carreras, who had been excluded from the general amnesty and mutual liberation of prisoners agreed upon by the treaty, escaped from their confinement at Chillan. The youngest brother, Don Luis, upon his return to Santiago, was seized and imprisoned by the Government; and Don J. M. Carrera, after escaping the same fate, entered the capital at the head of some of his partisans. The troops received him with enthusiasm; the Supreme Director was deposed, and a Junta of three established.

General O'Higgins determined to enforce the execution of the treaty, and marched towards the capital. The armies met on the plains of Maipu, and an action was fought, which terminated in favor of the forces of the Junta. The continuation of this civil war was prevented by the unexpected news of the arrival of reinforcements from Lima, and the refusal of the viceroy to ratify the treaty. This intelligence united the armies of Chili, and they marched against the common enemy. The royalists had advanced to the river Cachapoal, which separates the province of Rancagua from San Fernando.

General O'Higgins fortified himself at Rancagua, but was surprised by the royalists, and his forces totally routed.

This decisive action obliged the patriots to evacuate the territory of Chili. They passed the Cordilleras, and took refuge in the province of Mendoza.

In this state of affairs, intelligence of the restoration of Ferdinand VII. reached South America. The Government of Buenos Ayres, notwithstanding they had changed the national flag and cockade, and had coined money with the arms of the republic, had always issued their decrees in the name of Ferdinand VII. It was resolved, therefore, to send a deputy to Spain to proffer their allegiance, on conditions which would secure them in the free exercise and enjoyment of their rights; and hopes were entertained that the present administration would adopt a conciliatory policy towards the colonies, in opposition to the violent measure of the regency. These hopes were disappointed, and their agent returned to Buenos Ayres without effecting his object.

The capture of Montevideo had put into their hands a valuable armament and abundant warlike stores; and the ships, which had contributed so materially to their success, were now employed to harass the commerce of Spain. Some of their cruisers doubled Cape Horn, while others proceeded to intercept the return of Spanish ships off the port of Cadiz.

Don Carlos Alvear, who had commanded the forces of Buenos Ayres at the capitulation of Montevideo, ambitious to conclude the war in Peru, induced the Supreme Director to appoint him general-in-chief of that army, and left Buenos Ayres at the head of a large reinforcement. On the road he was met by the unpleasant intelligence that the officers and troops refused to receive him as their commander, and he returned with his forces to Buenos Ayres. The Supreme Director was glad to resign his title to one who had for some time exercised the chief authority. Alvear was, in consequence, proclaimed Supreme Director in Buenos Ayres; but not being acknowledged in the provinces, or by the army of Peru, the greatest confusion prevailed in the state.

After the conquest of Montevideo, the Government of Buenos Ayres concluded a treaty with Artigas; but, upon their afterwards sending him a commission, he returned it, telling them that he desired his authority from the free

election of the people of the eastern shore; that the inhabitants of that province were willing to be the allies, but would never submit to be the vassals of Buenos Ayres.

The troops which were sent to reduce him to subjection not only failed in their object, but were forced to abandon Montevideo. Artigas, after driving the forces of Buenos Ayres from the eastern shore, crossed the Parana, and took possession of Santa Fé. Two thousand men were despatched to recover this important post; but the officers came to an understanding with Artigas, and turned their arms against the Supreme Director. Under these circumstances, and threatened by a revolt of the citizens, Alvear withdrew his forces from Buenos Ayres, and encamped at a short distance from the city. A town meeting was immediately assembled, which deposed both the Supreme Director and the Sovereign Assembly, and vested the authority in the Cabildo. The city was placed in a state of defence, but Alvear, after some threats, resigned his command, and, with his family, took refuge on board a British frigate then stationed in the river.

The Cabildo then appointed a Junta of Observation, published a new constitution, and elected Rondeau, the general of the army of Peru, Supreme Director. This officer, who had formerly refused to resign his command to Alvear, preferred remaining at the head of the army, and a Supreme Director *pro tempore* was nominated, until he should think proper to assume his command. Another attempt was made to dispossess Artigas of Santa Fé, but the troops of Buenos Ayres were defeated with great loss. General Pezuela, who had fortified himself in Oruro, having received reinforcements from Lima, attacked the army of Peru on the 22d of November, 1815, at Sipisipi, and, after an obstinate engagement, the patriots were forced to retire.

The army of Buenos Ayres retreated to Salta, and the royal forces remained in possession of all the upper provinces of Peru. The people were displeased with the administration of the Supreme Director's substitute, and, assembling tumultuously, they forced him to resign the command: another was appointed, who was soon after treated in the same manner, and the Government was then placed in the hands of a Committee of Safety.

The Congress, which had been convoked according to a provision in the last estatuto, assembled in June, 1816, at Tucuman. They nominated Don Juan Martin Pueyrredon Supreme Director, who immediately repaired to Buenos Ayres and assumed the reins of government. Don Manuel Belgrano, who, since the battle of Velcapugio, had remained in retirement, resumed the command of the army of Peru. The troops received with enthusiasm the general who had so often led them to victory; who had generously distributed to the widows and orphans of those soldiers who had fallen in the battle of Salta the money voted to him by the Government of Buenos Ayres as a reward for that distinguished service; and who had preserved his political integrity amidst the changes of party and the intrigues of faction, and had manifested no other ambition than that of devoting his life and fortune to the great cause in which he was engaged.

An army was assembled at Mendoza to protect that frontier against the royal army which was in possession of Chili, and the command of this force intrusted to San Martin, who had distinguished himself by repulsing, with a small corps of cavalry, a detachment of the royal forces at San Lorenzo, on the Parana.

On the 9th of July, 1816, the Congress published their formal declaration of independence. In December following, the Portuguese troops entered the territory of the eastern shore, which is claimed by that Government. The invading army, after occupying the towns on the frontiers, took possession of Maldonado, and advanced upon Montevideo. This important military post was surrendered to them without opposition.

Artigas, with the desultory forces under his command, opposed in vain the progress of the invaders, but still continued to harass them by every means in his power.

15th Congress.] No. 306. [2d Session.

GREAT BRITAIN—CONVENTION OF OCTOBER 20, 1818.

COMMUNICATED TO THE SENATE, DECEMBER 29, 1818.

To the Senate of the United States: DECEMBER 29, 1818.

I lay before the Senate, for their consideration, a convention signed at London on the 20th of October last, between the United States and Great Britain, together with the documents showing the course and progress of the negotiation. I have to request that these documents, which are original, may be returned when the Senate shall have acted on the convention.

JAMES MONROE.

Mr. Monroe to Mr. Baker, Chargé des Affaires from England.

SIR: DEPARTMENT OF STATE, *July* 18, 1815.

I have the honor to communicate to you a copy of a letter from the collector of the customs at Barnstable to the Secretary of the Treasury, by which it appears that an American vessel engaged in the cod fishery, in longitude 65° 20′, latitude 42° 41′, was warned off by the commander of the British sloop of war Jaseur, and ordered not to approach within sixty miles of the coast; with which order the commander of the American vessel immediately complied. It appears, also, that a similar warning had been given by the commander of the Jaseur to all the other American vessels that were then in sight.

This extraordinary measure has excited no small degree of surprise. Being altogether incompatible with the rights of the United States, it is presumed that it has not been authorized by your Government. I invite your attention to it, in the hope that as you have been charged by your Government with the execution of the late treaty of peace, and are acquainted with its views on all questions connected with it, you will consider yourself authorized to interpose to prevent the progress of an evil which will be so extensively and deeply felt by the citizens of the United States.

I have the honor, &c.

JAMES MONROE.

ANTHONY ST. JOHN BAKER, Esq., &c.

Collector of the Customs at Barnstable to the Secretary of the Treasury.

SIR: COLLECTOR'S OFFICE, BARNSTABLE, *July* 3, 1815.

I think it my duty to inform you that the captain of a vessel regularly licensed for the cod fishery has just reported to this office that on the 19th day of June last, being in longitude 65° 20″, north latitude 42° 41″, about forty-five miles distant from Cape Sable, he fell in with His Britannic Majesty's sloop of war Jaseur, N. Lock, commander, who warned him off, and endorsed his enrolment and license in the words following:

"JUNE 19, 1815.

"Warned off the coast by His Majesty's sloop Jaseur, not to come within sixty miles.

"N. LOCK, *Captain.*"

In consequence of which, the fisherman immediately left the fishing ground, and returned home without completing his fare.

The captain of the fisherman further states that all the fishing vessels then in sight were warned off in the same manner by the said Captain Lock.

I am, sir, very respectfully, your obedient servant,

ISAIAH L. GREEN, *Collector.*

Hon. A. J. DALLAS, Esq.

Mr. Baker to Mr. Monroe.

SIR: PHILADELPHIA, *August* 31, 1815.

I have the honor to acknowledge the receipt of your letter of the 18th ultimo, together with its enclosure, relating to the warning off, to the distance of sixty miles from the coast of Nova Scotia, of some American fishing vessels by His Majesty's brig Jaseur.

This measure was, as you have justly presumed in your note, totally unauthorized by His Majesty's Government; and I have the satisfaction to acquaint you that orders have been given by the naval commanders-in-chief on the Halifax and Newfoundland stations, which will effectually prevent the recurrence of any similar interruption to the vessels belonging to the United States engaged in fishing on the high seas.

I have the honor to be, with the greatest consideration and respect, sir, your most obedient, humble servant,

ANTHONY ST. J. BAKER.

Hon. JAMES MONROE, &c.

Extract of a letter from Mr. Monroe, Secretary of State, to Mr. Adams.

JULY 21, 1815.

Among the acts which we have to complain of with greatest earnestness is a late warning given by the commander of a British sloop of war to our fishermen near the coast of the British northern colonies to retire thence to the distance of twenty leagues. This, it is presumed, has been done under a construction of the late treaty of peace, which, by being silent on the subject, left that important interest to rest on the ground on which it was placed by the treaty of 1783. The right to the fisheries required no new stipulation to support it. It was sufficiently secured by the treaty of 1783. This important subject will claim your early attention. The measure thus promptly taken by the British Government, without any communication with this Government, notwithstanding the declaration of our ministers at Ghent that our right would not be affected by the silence of the treaty, indicates a spirit which excites equal surprise and regret—one which by no means corresponds with the amicable relations established between the two countries by that treaty, or with the spirit with which it has been executed by the United States.

As you are well acquainted with the solidity of our right to the fisheries in question, as well as to those on the Grand Bank, and elsewhere on the main ocean, to the limit of a marine league only from the coast, (for the pretension to remove us twenty leagues is too absurd to be discussed,) I shall not dilate on it, especially at this time. It is sufficient to observe here, that the right of the United States to take fish on the coast of Newfoundland, and on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America, and to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador—in short, that every right appertaining to the fisheries, which was secured by the treaty of 1783, stands now as unshaken and perfect as it then did, constituting a vital part of our political existence, and resting on the same solid foundation as our independence itself. In the act of dismemberment and partition, the rights of each party were distinctly defined. So much of territory and incidental rights were allotted to one, so much to the other; and as well might it be said, because our boundary had not been retraced in the late treaty, in every part, that certain portions of our territory had reverted to England, as that our right to fish, by whatever name secured, had experienced that fate. A liberty of unlimited duration, thus secured, is as much a right as if it had been stipulated by any other term. Being to be enjoyed by one, adjoining the territory allotted by the partition to the other party, it seemed to be the appropriate term. I have made these remarks to show the solid ground on which this right is deemed to rest by this Government, relying on your thorough knowledge of the subject to illustrate and support it in the most suitable manner.

It can scarcely be presumed that the British Government, after the result of the late experiment, in the present state of Europe, and under its other engagements, can seriously contemplate a renewal of hostilities. But it often happens with nations, as well as with individuals, that a just estimate of its interest and duties is not an infallible criterion of its conduct. We ought to be prepared at every point to guard against such an event. You will be attentive to circumstances, and give us timely notice of any danger which may be menaced.

Extract of a letter from Mr. Adams to Mr. Monroe.

LONDON, *August* 15, 1815.

I had mentioned the subject of the slaves in my first interview with him, [Lord Castlereagh,] and he had then expressed an intention to refer it to the commissioners with whom we were then negotiating the commercial convention. But they received no instructions relative to it, and considered their powers as limited to the objects

upon which my colleagues were authorized, conjointly with me, to treat. The day before Lord Castlereagh left town, I spoke to him again concerning it. He had just received despatches from Mr. Baker relating to it, but had not had time to read them, and merely told me that, during his absence, Lord Liverpool or Lord Bathurst would attend to the business of his department. After writing the note, of which the copy is enclosed, I requested an interview with Lord Liverpool, for which he appointed last Saturday; but an accident prevented me from then meeting him. I have renewed the request; but as he was not in town when my note was sent, it may be deferred until after Mr. Bagot's departure.

[NOTE.—The letter referred to in the above despatch is inserted among the papers relating to the deportation of slaves; ante, page 115.]

Extract of a letter from Mr. Adams to Mr. Monroe.

LONDON, *September* 5, 1815.

In compliance with your instructions of July 21, I have this day addressed Lord Castlereagh, claiming payment from the British Government for the slaves carried away from Cumberland island and the adjoining waters, after the ratification of the treaty of peace, and in contravention to one of the express stipulations of that treaty.

My preceding despatches, Nos. 9 and 10, will have informed you of the steps I had taken, by an official letter to Lord Castlereagh, and by a personal interview with the Earl of Liverpool, in relation to this subject, previous to the receipt of your last instructions. The letter to Lord Castlereagh has hitherto remained unanswered; and Lord Liverpool made no attempt to answer either the reasoning of your letter on the subject to Mr. Baker, or the statement of the proof with regard to the meaning of the article, resulting from the manner in which it had been drawn up and agreed to. The substance of what he said was, that, in agreeing to the article as it stands, they had not been aware that it would bind them to restore the slaves whom their officers had enticed away by promises of freedom.

The case of these slaves carried away from Cumberland seems not even to admit of the distinction to which Mr. Baker and Lord Liverpool resorted. Yet the prospect of obtaining either restoration or indemnity appears to me not more favorable in this case than in any others of the same class. If there were any probability that this Government would admit the principle of making indemnity, it would become necessary for me to remark that the list of slaves transmitted to me, and of which I have sent to Lord Castlereagh a copy, is not an authenticated document.

[See ante, page 118, for Mr. Adams's letter to Lord Castlereagh, of September 5, 1815.]

Extract of a letter from Mr. Adams to Mr. Monroe, stating the substance of a conversation with Lord Bathurst.

LONDON, *September* 19, 1815.

The transactions to which your instructions of 21st July have reference, were of a character to excite, in the highest degree, the attention of the Government of the United States. So many simultaneous acts of British officers, at various stations and upon both elements, indicating a marked spirit of hostility, were calculated to inspire serious doubts with regard to the pacific, not to say the amicable dispositions of the British Government; and the latter part of your despatch made it incumbent upon me, under certain contingencies, to take measures, of which nothing that had occurred here had induced me even to think, as precautions which the course of events might render expedient. The commercial convention had shown how excessively difficult it was for British and American plenipotentiaries to agree upon any one point in which the mutual interests of the two countries were involved. It had shown how very few points there were upon which any agreement could be made; and it was evident, from every thing excepting the personal courtesies of the Prince and his cabinet, that the animosities of the condition from which the two nations had lately emerged had very little subsided. I had, however, before the receipt of your despatch, not a suspicion that an immediate renewal of hostilities was contemplated; and even now, although I perceive no reason for flattering myself that any satisfaction will be given us upon any one of our causes of complaint, yet I do not apprehend that any act of open and avowed hostility will be sanctioned by the British Government at the present moment. It must, however, be added, that the most, perhaps the only unequivocal pledge of pacific intentions is the reduction of the fleet, not only to a peace establishment, but to an unusually small one. Your despatch, and the several procedures to which it related, awakened an anxiety that nothing should be omitted which could be of any possible utility to our interests in this quarter.

Having formally renewed the claim for the restitution of the slaves carried away contrary to the engagements of the treaty of peace, or for payment of their value as the alternative, there were other objects which I deemed it necessary to present again to the consideration of this Government. In the first instance, it seemed advisable to open them by a verbal communication; and I requested of Lord Bathurst an interview, for which he appointed the 14th instant, when I called at his office in Downing street. I said that, having lately received despatches from you respecting several objects of some importance to the relations between the two countries, my first object in asking to see him had been to inquire whether he had received from Mr. Baker a communication of the correspondence between you and him relative to the surrender of Michilimackinac; to the proceedings of Colonel Nichols in the southern part of the United States; and to the warning given by the captain of the British armed vessel Jaseur to certain American fishing vessels to withdraw from the fishing grounds to the distance of sixty miles from the coast. He answered, that he had received all these papers from Mr. Baker about four days ago; that an answer with regard to the warning of the fishing vessels had immediately been sent; but, on the other subjects, there had not been time to examine the papers and prepare the answers. I asked him if he could, without inconvenience, state the substance of the answer that had been sent. He said, certainly: it had been that as, on the one hand, Great Britain could not permit the vessels of the United States to fish within the creeks and close upon the shores of the British territories, so, on the other hand, it was by no means her intention to interrupt them in fishing anywhere in the open sea, or without the territorial jurisdiction, a marine league from the shore; and, therefore, that the warning given at the place stated, in the case referred to, was altogether unauthorized. I replied, that the particular act of the British commander in this instance being disavowed, I trusted that the British Government, before adopting any final determination upon the subject, would estimate, in candor, and in that spirit of amity which my own Government was anxiously desirous of maintaining in our relations with this country, the considerations which I was instructed to present in support of the right of the people of the United States to fish on the whole coast of North America, which they have uniformly enjoyed from the first settlement of the country; that it was my intention to address, in the course of a few days, a letter to him on the subject. He said that they would give due attention to the letter

that I should send him, but that Great Britain had explicitly manifested her intention concerning it; that this subject, as I doubtless knew, had excited a great deal of feeling in this country, perhaps much more than its importance deserved; but their own fishermen considered it as an excessive hardship to be supplanted by American fishermen, even upon the very shores of the British dominions. I said that those whose sensibilities had been thus excited had probably not considered the question of right in the point of view in which it had been regarded by us; that they were the sensibilities of a partial and individual interest, stimulated by the passions of competition, and considering the right of the Americans as if it had been a privilege granted to them by the British Government. If this interest was to have weight in determining the policy of the cabinet, there was another interest liable to be affected in the opposite manner, which would be entitled equally to consideration—the manufacturing interest. The question of right had not been discussed at the negotiation of Ghent. The British plenipotentiaries had given a notice that the British Government did not intend hereafter to grant to the people of the United States the right to fish, and to cure and dry fish within the exclusive British jurisdiction in America, without an equivalent, as it had been granted by the treaty of peace in 1783. The American plenipotentiaries had given notice, in return, that the American Government considered all the rights and liberties in and to the fisheries on the whole coast of North America as sufficiently secured by the possession of them, which had always been enjoyed previous to the revolution, and by the recognition of them in the treaty of peace in 1783; that they did not think any new stipulation necessary for a further confirmation of the right, no part of which did they consider as having been forfeited by the war. It was obvious that the treaty of peace of 1783 was not one of those ordinary treaties which, by the usages of nations, were held to be annulled by a subsequent war between the same parties: it was not simply a treaty of peace; it was a treaty of partition between two parts of one nation, agreeing thenceforth to be separated into two distinct sovereignties. The conditions upon which this was done constituted, essentially, the independence of the United States; and the preservation of all the fishing rights, which they had constantly enjoyed over the whole coast of North America, was among the most important of them. This was no concession, no grant, on the part of Great Britain, which could be annulled by a war. There had been, in the same treaty of 1783, a right recognised in British subjects to navigate the Mississippi. This right the British plenipotentiaries at Ghent had considered as still a just claim on the part of Great Britain, notwithstanding the war that had intervened. The American plenipotentiaries, to remove all future discussion upon both points, had offered to agree to an article expressly confirming both the rights. In declining this, an offer had been made on the part of Great Britain of an article stipulating to negotiate in future for the renewal of both the rights, *for equivalents*, which was declined by the American plenipotentiaries, on the express ground that its effect would have been an implied admission that the rights had been annulled. There was, therefore, no article concerning them in the treaty, and the question as to the right was not discussed. I now stated the ground upon which the Government of the United States considered the right as subsisting and unimpaired. The treaty of 1783 was, in its essential nature, not liable to be annulled by a subsequent war. It acknowledged the United States as a sovereign and independent Power. It would be an absurdity, inconsistent with the acknowledgment itself, to suppose it liable to be forfeited by a war. The whole treaty of Ghent did constantly refer to it as existing and in full force, nor was an intimation given that any further confirmation of it was supposed to be necessary. It would be for the British Government ultimately to determine how far this reasoning was to be admitted as correct. There were, also, considerations of policy and expediency, to which I hoped they would give suitable attention, before they should come to a final decision upon this point. I thought it my duty to suggest them, that they might not be overlooked. The subject was viewed by my countrymen as highly important, and I was anxious to omit no effort which might possibly have an influence in promoting friendly sentiments between the two nations, or in guarding against the excitement of others. These fisheries afforded the means of subsistence to multitudes of people who were destitute of any other; they also afforded the means of remittance to Great Britain in payment for articles of her manufactures exported to America. It was well understood to be the policy of Great Britain that no unnecessary stimulus should be given to the manufactures in the United States, which would diminish the importation of those from Great Britain. But, by depriving the fishermen of the United States of this source of subsistence, the result must be to throw them back upon the country, and drive them to the resort of manufacturing for themselves; while, on the other hand, it would cut off the means of making remittances in payment for the manufactures of Great Britain.

I thought it best to urge every consideration which might influence a party having other views in that respect, to avoid coming to a collision upon it. I would even urge considerations of humanity. I would say that fisheries, the nature of which was to multiply the means of subsistence to mankind, were usually considered by civilized nations as under a sort of special sanction. It was a common practice to have them uninterrupted even in time of war. He knew, for instance, that the Dutch had been, for centuries, in the practice of fishing upon the coasts of this island, and that they were not interrupted in this occupation even in ordinary times of war. It was to be inferred from this, that, to interdict a fishery, which has been enjoyed for ages, far from being a usual act in the peaceable relations between nations, was an indication of animosity, transcending even the ordinary course of hostility in war. He said that no such disposition was entertained by the British Government; that to show the liberality which they had determined to exercise in this case, he would assure me that the instructions which he had given to the officers on that station had been, not even to interrupt the American fishermen who might have proceeded to those coasts, within the British jurisdiction, for the present year; to allow them to complete their fares, but to give them notice that this privilege could no longer be allowed by Great Britain, and that they must not return the next year. It was not so much the fishing, as the drying and curing on the shores, that had been followed by bad consequences. It happened that our fishermen, by their proximity, could get to the fishing stations sooner in the season than the British, who were obliged to go from Europe, and who, upon arriving there, found all the best fishing places and drying and curing places pre-occupied. This had often given rise to disputes and quarrels between them, which in some instances had proceeded even to blows. It had disturbed the peace among the inhabitants on the shores; and, for several years before the war, the complaints to this Government had been so great and so frequent, that it had been impossible not to pay regard to them. I said that I had not heard of any such complaints before, but that, as to the disputes arising from the competition of the fishermen, a remedy could surely with ease be found for them, by suitable regulations of the Government; and with regard to the peace of the inhabitants, there could be little difficulty in securing it, as the liberty enjoyed by the American fishermen was limited to unsettled and uninhabited places, unless they could, in the others, obtain the consent and agreement of the inhabitants.

The answer which was so promptly sent to the complaint relative to the warning of the fishing vessels, by the captain of the Jaseur, will probably be communicated to you before you will receive this letter. You will see whether it is so precise, as to the limits within which they are determined to adhere to the exclusion of our fishing vessels, as Lord Bathurst's verbal statement of it to me, namely, to the extent of one marine league from their shores. Indeed, it is to the curing and drying upon the shore that they appear to have the strongest objection. But that, perhaps, is because they know that the immediate curing and drying of the fish, as soon as they are taken,

is essential to the value, if not to the very prosecution of the fishery. I have no expectation that the arguments used by me either in support of our right, or as to the policy of Great Britain, upon this question, will have any weight here. Though satisfied of their validity myself, I am persuaded it will be upon the determination of the American Government and people to maintain the right that the continuance of its enjoyment will alone depend.

Extract of a letter from Mr. Adams to Mr. Monroe.

LONDON, *September* 26, 1815.

I have the honor to enclose a copy of a letter which I have addressed to Lord Bathurst on the subjects referred to in your instructions of 21st July, and concerning which I had, on the 14th instant, an interview with him, the account of which was reported in my last letter. I have not yet received any answer to either of those which I addressed to Lord Castlereagh in relation to the slaves carried away in violation of the first article of the treaty of Ghent.

Extract of a letter from Mr. Adams to Earl Bathurst.

CHARLES STREET, WESTMINSTER, *September* 25, 1815.

In the conference with your lordship, with which I was honored on the 14th instant, I represented to you, conformably to the instructions which I had received from the Government of the United States, the proceedings of several British officers in America, and upon the American coast, marked with characters incompatible not only with those amicable relations which it is the earnest desire of the American Government to restore and to cultivate, but even with the condition of peace which had been restored between the two countries by the treaty of Ghent.

It was highly satisfactory to be informed that the conduct of Captain Lock, commander of the sloop of war Jaseur, in warning American fishing vessels not to come within sixty miles of the coast of His Majesty's possessions in North America, was unauthorized, and that the instructions to the British officers on that station, far from warranting such a procedure, had directed them not even to molest the American fishing vessels which might be found pursuing that occupation during the present year. In offering a just tribute of acknowledgment to the fairness and liberality of these instructions issued from your lordship's office, there only remained the regret that the execution had been so different from them in spirit, so opposite to them in effect.

But, in disavowing the particular act of the officer who had presumed to forbid American fishing vessels from approaching within sixty miles of the American coast, and in assuring me that it had been the intention of this Government, and the instructions given by your lordship, not even to deprive the American fishermen of any of their accustomed liberties during the present year, your lordship did also express it as the intention of the British Government to exclude the fishing vessels of the United States, hereafter, from the liberty of fishing within one marine league of the shores of all the British territories in North America, and from that of drying and curing their fish on the unsettled parts of those territories, and, with the consent of the inhabitants, on those parts which have become settled since the peace of 1783.

I then expressed to your lordship my earnest hope that this determination had not been irrevocably taken, and stated the instructions which I had received to present to the consideration of His Majesty's Government the grounds upon which the United States conceive those liberties to stand, and upon which they deem that such exclusion cannot be effected without an infraction of the rights of the American people.

In adverting to the origin of these liberties, it will be admitted, I presume, without question, that, from the time of the settlements in North America, which now constitute the United States, until their separation from Great Britain, and their establishment as distinct sovereignties, these liberties of fishing, and of drying and curing fish, had been enjoyed by them in common with the other subjects of the British empire. In point of principle, they were pre-eminently entitled to the enjoyment; and, in point of fact, they had enjoyed more of them than any other portion of the empire; their settlement of the neighboring country having naturally led to the discovery and improvement of these fisheries, and their proximity to the places where they are prosecuted; and the necessities of their condition having led them to the discovery of the most advantageous fishing grounds, and given them facilities in the pursuit of their occupation in those regions which the remoter parts of the empire could not possess. It might be added, that they had contributed their full share, and more than their share, in securing the conquest from France of the provinces on the coasts on which these fisheries were situated.

It was, doubtless, upon considerations such as these that, in the treaty of peace between His Majesty and the United States of 1783, an express stipulation was inserted, recognising the rights and liberties which had always been enjoyed by the people of the United States in these fisheries, and declaring that they should continue to enjoy the right of fishing on the Grand Bank, and other places of common jurisdiction, and have the liberty of fishing and of drying and curing their fish within the exclusive British jurisdiction on the North American coasts, to which they had been accustomed while themselves formed a part of the British nation. This stipulation was a part of that treaty by which His Majesty acknowledged the United States as free, sovereign, and independent States, and that he treated with them as such.

It cannot be necessary for me to prove, my lord, that that treaty is not, in its general provisions, one of those which, by the common understanding and usage of civilized nations, is or can be considered as annulled by a subsequent war between the same parties. To suppose that it is, would imply the inconsistency and absurdity of a sovereign and independent state, liable to forfeit its right of sovereignty, by the act of exercising it on a declaration of war. But the very words of the treaty attest that the sovereignty and independence of the United States were not considered or understood as grants from His Majesty. They were taken and expressed as existing before the treaty was made, and as then only first formally recognised and acknowledged by Great Britain.

Precisely of the same nature were the rights and liberties in the fisheries to which I now refer. They were, in no respect, grants from the King of Great Britain to the United States; but the acknowledgment of them as rights and liberties enjoyed before the separation of the two countries, and which it was mutually agreed should continue to be enjoyed under the new relations which were to subsist between them, constituted the essence of the article concerning the fisheries. The very peculiarity of the stipulation is an evidence that it was not, on either side, understood or intended as a grant from one sovereign state to another. Had it been so understood, neither could the United States have claimed, nor would Great Britain have granted, gratuitously, any such concession. There was nothing, either in the state of things, or in the disposition of the parties, which could have led to such a stipulation, as on the ground of a grant, without an equivalent, by Great Britain.

Yet such is the ground upon which it appears to have been contemplated as resting by the British Government, when their plenipotentiaries at Ghent communicated to those of the United States their intentions as to the North

American fisheries, viz: "That the British Government did not intend to grant to the United States, gratuitously, the privileges formerly granted by treaty to them, of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the British fisheries."

These are the words in which the notice, given by them, is recorded in the protocol of conference of the 8th of August, 1814. To this notice the American plenipotentiaries first answered, on the 9th of August, that they had no instructions from their Government to negotiate upon the subject of the fisheries; and afterwards, in their note of 10th November, 1814, they expressed themselves in the following terms:

"In answer to the declaration made by the British plenipotentiaries respecting the fisheries, the undersigned, referring to what passed in the conference of the 9th of August, can only state that they are not authorized to bring into discussion any of the rights or liberties which the United States have heretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the treaty of 1783, by which they were recognised, no further stipulation has been deemed necessary by the Government of the United States to entitle them to the full enjoyment of all of them."

If the stipulation of the treaty of 1783 was one of the conditions by which His Majesty acknowledged the sovereignty and independence of the United States; if it was the mere recognition of rights and liberties previously existing and enjoyed, it was neither a privilege gratuitously granted, nor liable to be forfeited by the mere existence of a subsequent war. If it was not forfeited by the war, neither could it be impaired by the declaration of Great Britain, that she did not intend to renew the grant. Where there had been no gratuitous concession, there could be none to renew; the rights and liberties of the United States could not be cancelled by the declaration of Great Britain's intentions. Nothing could abrogate them but the renunciation of them by the United States themselves.

Among the articles of that same treaty of 1783, there is one stipulating that the subjects and citizens of both nations shall enjoy, forever, the right of navigating the river Mississippi, from its sources to the ocean. And although, at the period of the negotiations of Ghent, Great Britain possessed no territory upon that river, yet the British plenipotentiaries, in their first note, considered Great Britain as still entitled to claim the free navigation of it, without offering for it any equivalent. And, afterwards, when offering a boundary line, which would have abandoned every pretension even to any future possession on that river, they still claimed, not only its free navigation, but a right of access to it, from the British dominions in North America, through the territories of the United States. The American plenipotentiaries, to foreclose the danger of any subsequent misunderstanding and discussion upon either of these points, proposed an article recognising anew the liberties on both sides. In declining to accept it, the British plenipotentiaries proposed an article engaging to negotiate, in future, for the renewal of both, for equivalents to be mutually granted. This was refused by the American plenipotentiaries, on the avowed principle that its acceptance would imply the admission on the part of the United States that their liberties in the fisheries, recognised by the treaty of 1783, had been annulled, which they declared themselves in no manner authorized to concede.

Let it be supposed, my lord, that the notice given by the British plenipotentiaries, in relation to the fisheries, had been in reference to another article of the same treaty; that Great Britain had declared she did not intend to grant again, gratuitously, the grant in a former treaty of peace, acknowledging the United States as free, sovereign, and independent States; or, that she did not intend to grant, gratuitously, the same boundary line which she had granted in the former treaty of peace: is it not obvious that the answer would have been that the United States needed no new acknowledgment of their independence, nor any new grant of a boundary line?—that, if their independence was to be forfeited, or their boundary line curtailed, it could only be by their own acts of renunciation, or of cession, and not by the declaration of the intentions of another Government? And, if this reasoning be just, with regard to the other articles of the treaty of 1783, upon what principle can Great Britain select one article, or a part of one article, and say, this particular stipulation is liable to forfeiture by war, or by the declaration of her will, while she admits the rest of the treaty to be permanent and irrevocable? In the negotiation of Ghent, Great Britain did propose several variations of the boundary line, but she never intimated that she considered the line of the treaty of 1783 as forfeited by the war, or that its variation could be effected by the mere declaration of her intentions. She perfectly understood that no alteration of that line could be effected but by the express assent of the United States; and, when she finally determined to abide by the same line, neither the British nor the American plenipotentiaries conceived that any new confirmation of it was necessary. The treaty of Ghent, in every one of its essential articles, refers to that of 1783 as being still in full force. The object of all its articles, relative to the boundary, is to ascertain with more precision, and to carry into effect, the provisions of that prior compact. The treaty of 1783 is, by a tacit understanding between the parties, and without any positive stipulation, constantly referred to as the fundamental law of the relations between the two nations. Upon what ground, then, can Great Britain assume that one particular stipulation in that treaty is no longer binding upon her?

Upon this foundation, my lord, the Government of the United States consider the people thereof as fully entitled, of right, to all the liberties in the North American fisheries which have always belonged to them; which, in the treaty of 1783, were, by Great Britain, recognised as belonging to them; and which they never have, by any act of theirs, consented to renounce. With these views, should Great Britain ultimately determine to deprive them of the enjoyment of these liberties by force, it is not for me to say whether, or for what length of time, they would submit to the bereavement of that which they would still hold to be their unquestionable right. It is my duty to hope that such measures will not be deemed necessary to be resorted to on the part of Great Britain; and to state that, if they should, they cannot impair the right of the people of the United States to the liberties in question, so long as no formal and express assent of theirs shall manifest their acquiescence in the privation.

In the interview with which your lordship recently favored me, I suggested several other considerations, with the hope of convincing your lordship that, independent of the question of rigorous right, it would conduce to the substantial interests of Great Britain herself, as well as to the observance of those principles of benevolence and humanity which it is the highest glory of a great and powerful nation to respect, to leave to the American fishermen the participation of those benefits which the bounty of nature has thus spread before them; which are so necessary to their comfort and subsistence; which they have constantly enjoyed hitherto; and which, far from operating as an injury to Great Britain, had the ultimate result of pouring into her lap a great portion of the profits of their hardy and laborious industry; that these fisheries afforded the means of subsistence to a numerous class of people in the United States, whose habit of life had been fashioned to no other occupation, and whose fortunes had allotted them no other possession; that to another, and, perhaps, equally numerous class of our citizens, they afforded the means of remittance and payment for the productions of British industry and ingenuity, imported from the manufactures of this united kingdom; that, by the common and received usages among civilized nations, fishermen were among those classes of human society whose occupations, contributing to the general benefit and welfare of the species, were entitled to a more than ordinary share of protection; that it was usual to spare and exempt them even from the most exasperated conflicts of national hostility; that this nation had, for ages, permitted the fishermen of another

country to frequent and fish upon the coasts of this island, without interrupting them, even in times of ordinary war; that the resort of American fishermen to the barren, uninhabited, and, for the great part, uninhabitable rocks on the coasts of Nova Scotia, the Gulf of St. Lawrence, and Labrador, to use them occasionally for the only purposes of utility of which they are susceptible, if it must, in its nature, subject British fishermen on the same coasts to the partial inconvenience of a fair competition, yet produces, in its result, advantages to other British interests equally entitled to the regard and fostering care of their sovereign. By attributing to motives derived from such sources as these the recognition of these liberties by His Majesty's Government in the treaty of 1783, it would be traced to an origin certainly more conformable to the fact, and surely more honorable to Great Britain, than by ascribing it to the improvident grant of an unrequited privilege, or to a concession extorted from the humiliating compliance of necessity.

In repeating, with earnestness, all these suggestions, it is with the hope that from some, or all of them, His Majesty's Government will conclude the justice and expediency of leaving the North American fisheries in the state in which they have heretofore constantly existed, and the fishermen of the United States unmolested in the enjoyment of their liberties.

Mr. Adams to Mr. Monroe.

SIR: LONDON, *October* 31, 1815.

I have the honor to enclose copies of two papers* received from Lord Bathurst, relative to the taking and carrying away of slaves from the United States by the British naval commanders, in violation of the first article of the treaty of Ghent, and also by an abuse of the privileges allowed to a flag of truce.

I have the honor to be, respectfully, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

Mr. Adams to Mr. Monroe.

SIR: LONDON, *November* 8, 1815.

Since I had the honor of writing you last, on the 31st ultimo, I have received from Lord Bathurst a note in answer to my letter to him relating to the fisheries; a copy of which is herewith enclosed. I hope shortly to reply to this note, and perceive nothing in it which can render the rights of the United States to the participation in the fisheries in any manner dubious.

It will be for the Government of the United States to determine whether the negotiation proposed by Lord Bathurst will be advisable; and I pray to be honored with the President's instructions on the subject as soon as possible.

I am, with great respect, sir, your very obedient, humble servant,

JOHN QUINCY ADAMS.

Hon. JAMES MONROE, &c.

Lord Bathurst to Mr. Adams.

FOREIGN OFFICE, *October* 30, 1815.

The undersigned, one of His Majesty's principal Secretaries of State, had the honor of receiving the letter of the minister of the United States, dated the 25th ultimo, containing the grounds upon which the United States conceive themselves, at the present time, entitled to prosecute their fisheries within the limits of the British sovereignty, and to use British territories for purposes connected with the fisheries.

A pretension of this kind was certainly intimated on a former occasion, but in a manner so obscure that His Majesty's Government were not enabled even to conjecture the grounds upon which it could be supported.

His Majesty's Government have not failed to give to the argument contained in the letter of the 25th ultimo a candid and deliberate consideration; and, although they are compelled to resist the claim of the United States, when thus brought forward as a question of right, they feel every disposition to afford to the citizens of those States all the liberties and privileges connected with the fisheries which can consist with the just rights and interests of Great Britain, and secure His Majesty's subjects from those undue molestations in their fisheries which they have formerly experienced from citizens of the United States. The minister of the United States appears, by his letter, to be well aware that Great Britain has always considered the liberty formerly enjoyed by the United States of fishing within British limits, and using British territory, as derived from the third article of the treaty of 1783, and from that alone; and that the claim of an independent state to occupy and use at its discretion any portion of the territory of another, without compensation or corresponding indulgence, cannot rest on any other foundation than conventional stipulation. It is unnecessary to inquire into the motives which might have originally influenced Great Britain in conceding such liberties to the United States, or whether other articles of the treaty wherein these liberties are specified did, or did not, in fact, afford an equivalent for them, because all the stipulations profess to be founded on reciprocal advantages and mutual convenience. If the United States derived from that treaty privileges from which other independent nations not admitted by treaty were excluded, the duration of the privileges must depend on the duration of the instrument by which they were granted; and if the war abrogated the treaty, it determined the privileges. It has been urged, indeed, on the part of the United States, that the treaty of 1783 was of a peculiar character, and that, because it contained a recognition of American independence, it could not be abrogated by a subsequent war between the parties. To a position of this novel nature Great Britain cannot accede. She knows of no exception to the rule, that all treaties are put an end to by a subsequent war between the same parties: she cannot, therefore, consent to give to her diplomatic relations with one state a different degree of permanency from that on which her connexion with all other states depends. Nor can she consider any one state at liberty to assign to a treaty made with her such a peculiarity of character as shall make it, as to duration, an exception to all other treaties, in order to found, on a peculiarity thus assumed, an irrevocable title to all indulgences, which have all the features of temporary concessions.

The treaty of Ghent has been brought forward by the American minister as supporting, by its reference to the boundary line of the United States, as fixed by the treaty of 1783, the opinion that the treaty of 1783 was not abrogated by the war. The undersigned, however, cannot observe in any one of its articles any express or implied

* For these papers, viz: Lord Bathurst's letters of October 24, [25,] 1815, relating to the deported slaves, see ante, page 119.

reference to the treaty of 1783 as still in force. It will not be denied that the main object of the treaty of Ghent was the mutual restoration of all territory taken by either party from the other during the war. As a necessary consequence of such a stipulation, each party reverted to their boundaries as before the war, without reference to the title by which these possessions were acquired, or to the mode in which their boundaries had been previously fixed. In point of fact, the United States had before acquired possession of territories asserted to depend on other titles than those which Great Britain could confer. The treaty of Ghent, indeed, adverted, as a fact of possession, to certain boundaries of the United States which were specified in the treaty of 1783; but surely it will not be contended that therefore the treaty of 1783 was not considered at an end.

It is justly stated by the American minister that the United States did not need a new grant of the boundary line. The war did not arise out of a contested boundary; and Great Britain, therefore, by the act of treating with the United States, recognised that nation in its former dimensions, excepting so far as the *jus belli* had interfered with them; and it was the object of the treaty of Ghent to cede such rights to territory as the *jus belli* had conferred.

Still less does the free navigation of the Mississippi, as demanded by the British negotiators at Ghent, in any manner express or imply the non-abrogation of the treaty of 1783 by the subsequent war. It was brought forward by them as one of many advantages which they were desirous of securing to Great Britain; and if in the first instance demanded without equivalent, it left it open to the negotiators of the United States to claim for their Government, in the course of their conferences, a corresponding benefit. The American minister will recollect that propositions of this nature were at one time under discussion, and that they were only abandoned at the time that Great Britain relinquished her demand to the navigation of the Mississippi. If, then, the demand on the part of Great Britain can be supposed to have given any weight to the present argument of the United States, the abandonment of that demand must have effectually removed it.

It is by no means unusual for treaties containing recognitions and acknowledgments of title, in the nature of perpetual obligation, to contain, likewise, grants of privileges liable to revocation. The treaty of 1783, like many others, contained provisions of different characters—some in their own nature irrevocable, and others of a temporary nature. If it be thence inferred that, because some advantages specified in that treaty would not be put an end to by the war, therefore all the other advantages were intended to be equally permanent, it must first be shown that the advantages themselves are of the same, or at least of a similar character; for the character of one advantage recognised or conceded by treaty can have no connexion with the character of another, though conceded by the same instrument, unless it arises out of a strict and necessary connexion between the advantages themselves. But what necessary connexion can there be between a right to independence and a liberty to fish within British jurisdiction, or to use British territory? Liberties within British limits are as capable of being exercised by a dependent, as by an independent state, and cannot, therefore, be the necessary consequence of independence.

The independence of a state is that which cannot be correctly said to be granted by a treaty, but to be acknowledged by one. In the treaty of 1783, the independence of the United States was certainly acknowledged, not merely by the consent to make the treaty, but by the previous consent to enter into the provisional articles executed in November, 1782. The independence might have been acknowledged, without either the treaty or the provisional articles; but, by whatever mode acknowledged, the acknowledgment is, in its own nature, irrevocable. A power of revoking, or even of modifying it, would be destructive of the thing itself; and, therefore, all such power is necessarily renounced when the acknowledgment is made. The war could not put an end to it, for the reason justly assigned by the American minister, because a nation could not forfeit its sovereignty by the act of exercising it; and for the further reason, that Great Britain, when she declared war on her part against the United States, gave them, by that very act, a new recognition of their independence.

The nature of the liberty to fish within British limits, or to use British territory, is essentially different from the right to independence, in all that may reasonably be supposed to regard its intended duration. The grant of this liberty has all the aspect of a policy temporary and experimental, depending on the use that might be made of it, on the condition of the islands and places where it was to be exercised, and the more general conveniences or inconveniences, in a military, naval, or commercial point of view, resulting from the access of an independent nation to such islands and places.

When, therefore, Great Britain, admitting the independence of the United States, denies their right to the liberties for which they now contend, it is not that she selects from the treaty, articles, or parts of articles, and says, at her own will, this stipulation is liable to forfeiture by war, and that it is irrevocable; but the principle of her reasoning is, that such distinctions arise out of the provisions themselves, and are founded on the very nature of the grants. But the rights acknowledged by the treaty of 1783 are not only distinguishable from the liberties conceded by the same treaty, in the foundation upon which they stand, but they are carefully distinguished in the treaty of 1783 itself. The undersigned begs to call the attention of the American minister to the wording of the first and third articles, to which he has often referred, for the foundation of his arguments. In the first article, Great Britain acknowledges an independence already expressly recognised by the Powers of Europe and by herself, in her consent to enter into provisional articles, of November, 1782. In the third article, Great Britain acknowledges the *right* of the United States to take fish on the Banks of Newfoundland and other places, from which Great Britain has no right to exclude an independent nation. But they are to have the *liberty* to cure and dry them in certain unsettled places within His Majesty's territory. If these liberties, thus granted, were to be as perpetual and indefeasible as the rights previously recognised, it is difficult to conceive that the plenipotentiaries of the United States would have admitted a variation of language so adapted to produce a different impression; and, above all, that they should have admitted so strange a restriction of a perpetual and indefeasible right as that with which the article concludes, which leaves a right so practical and so beneficial as this is admitted to be, dependant on the will of British subjects, in their character of inhabitants, proprietors, or possessors of the soil, to prohibit its exercise altogether.

It is surely obvious that the word *right* is, throughout the treaty, used as applicable to what the United States were to enjoy, in virtue of a recognised independence; and the word *liberty* to what they were to enjoy, as concessions strictly dependant on the treaty itself.

The right of the United States has been asserted upon other arguments, which appear to the undersigned not altogether consistent with those that had been previously advanced. It has been argued by the minister of the United States that the treaty of 1783 did not confer upon the United States the liberty of fishing within British jurisdiction, and using British territory, but merely recognised a right which they previously had; and it has been thence inferred that the recognition of this right renders it as perpetual as that of their independence.

If the treaty of 1783 did not confer the liberties in question, the undersigned cannot understand why, in their support, the point should have been so much pressed, that the treaty is in force notwithstanding the subsequent war. If, as stated by the American minister, the time of the settlement of North America was the origin of the liberties of the United States in respect to the fisheries, and their independence, as recognised in 1783, was, as further argued by him, the mere recognition of rights and liberties previously existing, (which must have been in virtue of

their independence,) it would seem to follow that their independence was recognised from the time of the settlement of North America—for no other period can be assigned. The undersigned is totally unable to collect when the American minister considers the independence of his country to have commenced; yet this is a point of no small importance, if other rights are to be represented as coeval with it, or dependant on it.

As to the origin of these privileges, in point of fact, the undersigned is ready to admit that, so long as the United States constituted a part of the dominions of His Majesty, the inhabitants had the enjoyment of them, as they had of other political and commercial advantages, in common with His Majesty's subjects. But they had, at the same time, in common with His Majesty's other subjects, duties to perform; and when the United States, by their separation from Great Britain, became released from the duties, they became excluded also from the advantages of British subjects. They cannot, therefore, now claim, otherwise than by treaty, the exercise of privileges belonging to them as British subjects, unless they are prepared to admit, on the part of Great Britain, the exercise of the rights which she enjoyed previous to the separation.

If it be contended, on the part of the United States, that, in consequence of having been once a part of the British dominions, they are now entitled, as of right, to all the privileges which they enjoyed as British subjects, in addition to those which they have as an independent people, the undersigned cannot too strongly protest against such a doctrine; and it must become doubly necessary for Great Britain to hesitate in conceding the privileges which are now the subject of discussion, lest, by such a concession, she should be supposed to countenance a principle not less novel than alarming.

But, though Great Britain can never admit the claim of the United States to enjoy those liberties, with respect to the fisheries, as matter of right, she is by no means insensible to some of those considerations with which the letter of the American minister concludes.

Although His Majesty's Government cannot admit that the claim of the American fishermen to fish within British jurisdiction, *and* to use the British territory for purposes connected with their fishery, is analogous to the indulgence which has been granted to enemy's subjects engaged in fishing on the high seas, for the purpose of conveying fresh fish to market, yet they do feel that the enjoyment of the liberties, formerly used by the inhabitants of the United States, may be very conducive to their national and individual prosperity, though they should be placed under some modifications; and this feeling operates most forcibly in favor of concession. But Great Britain can only offer the concession in a way which shall effectually protect her own subjects from such obstructions to their lawful enterprises as they too frequently experienced immediately previous to the late war, and which are, from their very nature, calculated to produce collision and disunion between the two states.

It was not of fair competition that His Majesty's Government had reason to complain, but of the preoccupation of British harbors and creeks, in North America, by the fishing vessels of the United States, and the forcible exclusion of British vessels from places where the fishery might be most advantageously conducted. They had, likewise, reason to complain of the clandestine introduction of prohibited goods into the British colonies by American vessels ostensibly engaged in the fishing trade, to the great injury of the British revenue.

The undersigned has felt it incumbent on him thus generally to notice these obstructions, in the hope that the attention of the Government of the United States will be directed to the subject; and that they may be induced, amicably and cordially, to co-operate with His Majesty's Government in devising such regulations as shall prevent the recurrence of similar inconveniences.

His Majesty's Government are willing to enter into negotiations with the Government of the United States for the modified renewal of the liberties in question; and they doubt not that an arrangement may be made, satisfactory to both countries, and tending to confirm the amity now so happily subsisting between them.

The undersigned avails himself of this opportunity of renewing to Mr. Adams the assurances of his high consideration.

BATHURST.

Extract of a letter from Mr. Adams, Envoy Extraordinary and Minister Plenipotentiary at London, to the Secretary of State, dated

LONDON, *January* 22, 1816.

I have the honor to enclose my reply to Lord Bathurst's note concerning the fisheries. It has been delayed by an illness which, for several weeks, disabled me from writing.

Reply to the note of Lord Bathurst, of October 30, 1815.

13 CRAVEN STREET, *January* 22, 1816.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States of America, has received, and communicated to the Government of the United States, the answer of Lord Bathurst to a letter which he had the honor of addressing to his lordship on the 25th of September last, representing the grounds upon which the American Government consider the people of the United States entitled to all the rights and liberties in and connected with the fisheries on the coasts of North America, which had been enjoyed by them previously to the American revolution, and which, by the third article of the treaty of peace of 1783, were recognised by Great Britain as rights and liberties belonging to them. The reply to Lord Bathurst's note has been delayed by circumstances which it is unnecessary to detail. It is for the Government of the United States alone to decide upon the proposal of a negotiation upon the subject. That they will at all times be ready to agree upon arrangements which may obviate and prevent the recurrence of those inconveniences stated to have resulted from the exercise by the people of the United States of these rights and liberties, is not to be doubted; but as Lord Bathurst appears to have understood some of the observations in the letter of the undersigned as importing inferences not intended by him, and as some of his lordship's remarks particularly require a reply, it is presumed that, since Lord Castlereagh's return, it will, with propriety, be addressed to him.

It had been stated, in the letter to Lord Bathurst, that the treaty of peace of 1783 between Great Britain and the United States was of a peculiar nature, and bore in that nature a character of permanency, not subject, like many of the ordinary contracts between independent natiens, to abrogation by a subsequent war between the same parties. His lordship not only considers this as a position of a novel nature, to which Great Britain cannot accede, but as claiming for the diplomatic relations of the United States with her a different degree of permanency from that on which her connexions with all other states depend. He denies the right of *any one state* to assign to a treaty made with her such a peculiarity of character as to make it in duration an exception to all other treaties, in order to found on a peculiarity thus assumed an irrevocable title to all indulgences which (he alleges) have all the features

of temporary concessions; and he adds, in unqualified terms, that "Great Britain *knows of no exception* to the rule that all treaties are *put an end to* by a subsequent war between the same parties."

The undersigned explicitly disavows every pretence of claiming, for the diplomatic relations between the United States and Great Britain, a degree of permanency different from that of the same relations between either of the parties and all other Powers. He disclaims all pretence of assigning to any treaty between the two nations any peculiarity not founded in the nature of the treaty itself. But he submits to the candor of His Majesty's Government whether the treaty of 1783 was not, from the very nature of its subject-matter, and from the relations previously existing between the parties to it, peculiar? whether it was a treaty which could have been made between Great Britain and any other nation? and, if not, whether the whole scope and objects of its stipulations were not expressly intended to constitute a new and *permanent* state of diplomatic relations between the two countries, which would not, and could not, be annulled by the mere fact of a subsequent war between them? And he makes this appeal with the more confidence, because another part of Lord Bathurst's note admits that treaties often contain recognitions and acknowledgments in the nature of perpetual obligation, and because it implicitly admits that the whole treaty of 1783 is of this character, with the exception of the article concerning the navigation of the Mississippi, and a small part of the article concerning the fisheries.

The position that "Great Britain *knows of no exception* to the rule that all treaties are *put an end to* by a subsequent war between the same parties," appears to the undersigned not only novel, but unwarranted by any of the received authorities upon the laws of nations; unsanctioned by the practice and usages of sovereign states; suited, in its tendency, to multiply the incitements to war, and to weaken the ties of peace between independent nations; and not easily reconciled with the admission that treaties not unusually contain, together with articles of a temporary character, liable to revocation, recognitions and acknowledgments *in the nature of perpetual obligation*.

A recognition or acknowledgment of title, stipulated by convention, is as much a part of the treaty as any other article; and if all treaties are abrogated by war, the recognitions and acknowledgments contained in them must necessarily be null and void, as much as any other part of the treaty.

If there be no exception to the rule that war puts an end to all treaties between the parties to it, what can be the purpose or meaning of those articles which, in almost all treaties of commerce, are provided expressly for the contingency of war, and which, during the peace, are without operation? On this point, the undersigned would refer Lord Castlereagh to the tenth article of the treaty of 1794 between the United States and Great Britain, where it is thus stipulated: "Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in the public funds, or in the public or private banks, shall ever, *in any event of war*, or national differences, be sequestered or confiscated." If war puts an end to all treaties, what could the parties to this engagement intend by making it formally an article of the treaty? According to the principle laid down, excluding all exception, by Lord Bathurst's note, the moment a war broke out between the two countries this stipulation became a dead letter, and either state might have sequestered or confiscated those specified properties, without any violation of compact between the nations.

The undersigned believes that there are many exceptions to the rule by which the treaties between nations are mutually considered as terminated by the intervention of a war; that these exceptions extend to all engagements contracted with the understanding that they are to operate equally in war and peace, or exclusively during war; to all engagements by which the parties superadd the sanction of a formal compact to principles dictated by the eternal laws of morality and humanity; and, finally, to all engagements which, according to the expressions of Lord Bathurst's note, are *in the nature of perpetual obligation*. To the first and second of these classes may be referred the tenth article of the treaty of 1794, and all treaties or articles of treaties stipulating the abolition of the slave trade. The treaty of peace of 1783 belongs to the third.

The reasoning of Lord Bathurst's note seems to confine this perpetuity of obligation to *recognitions* and acknowledgments of title, and to consider its perpetual nature as resulting from the subject-matter of the contract, and not from the engagement of the contractor. While Great Britain leaves the United States unmolested in the enjoyment of all the advantages, rights, and liberties stipulated in their behalf in the treaty of 1783, it is immaterial to them whether she founds her conduct upon the mere fact that the United States are in possession of such rights, or whether she is governed by good faith and respect for her own engagements. But if she contests any one of them, it is to her engagements only that the United States can appeal as the rule for settling the question of right. If this appeal be rejected, it ceases to be a discussion of right; and this observation applies as strongly to the recognition of independence, and to the boundary line in the treaty of 1783, as to the fisheries. It is truly observed by Lord Bathurst, that in that treaty the independence of the United States was not granted, but acknowledged. He adds, that it might have been acknowledged without any treaty, and that the acknowledgment, in whatever mode made, would have been irrevocable. But the independence of the United States was precisely the question upon which a previous war between them and Great Britain had been waged. Other nations might acknowledge their independence without a treaty, because they had no right, or claim of right, to contest it; but this acknowledgment, to be binding upon Great Britain, could have been made only by treaty, because it included the dissolution of one social compact between the parties, as well as the formation of another. Peace could exist between the two nations only by the mutual pledge of faith to the new social relations established between them; and hence it was that the stipulations of that treaty were in the nature of perpetual obligation, and not liable to be forfeited by a subsequent war, or by any declaration of the will of either party without the assent of the other.

In this view, it certainly was supposed by the undersigned that Great Britain considered her *obligation* to hold and treat with the United States as a sovereign and independent Power as derived *only* from the preliminary articles of 1782, as converted into the definitive treaty of 1783. The boundary line could obviously rest upon no other foundation. The boundaries were neither recognitions nor acknowledgments of title. They could have been fixed and settled only by treaty, and it is to the treaty alone that both parties have always referred in all discussions concerning them. Lord Bathurst's note denies that there is in any one of the articles of the treaty of Ghent any express or implied reference to the treaty of 1783, as still in force. It says that, by the stipulation for a mutual restoration of territory, each party necessarily "reverted to their boundaries as before the war, without reference to the title by which their possessions were acquired, or to the mode in which their boundaries had been previously fixed."

There are four several articles of the treaty of Ghent, in every one of which the treaty of 1783 is not only named, but its stipulations form the basis of the new engagements between the parties for carrying its provisions into execution. These articles are the fourth, fifth, sixth, and seventh. The undersigned refers particularly to the fourth article, where the boundaries described are not adverted to without reference to the title by which they were acquired; but where the *stipulation* of the treaty of 1783 is expressly assigned as the basis of the claims, both of the United States and of Great Britain, to the islands mentioned in the article.

The words with which the article begins are, "*Whereas it was stipulated* by the second article in the treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands," &c.

It proceeds to describe the boundaries as there stipulated; then alleges the claim of the United States to certain islands, as founded upon one part of the stipulation, and the claim of Great Britain as derived from another part of the stipulation; and agrees upon the appointment of two commissioners "to decide to which of the two contracting parties the islands belong, *in conformity with the true intent of the said treaty of peace of* 1783." The same expressions are repeated in the fifth, sixth, and seventh articles; and the undersigned is unable to conceive by what construction of language one of the parties to those articles can allege that, at the time when they were signed, the treaty of 1783 was, or could be, considered at an end.

When, in the letter of the undersigned to Lord Bathurst, the treaty of 1783 was stated to be a compact of a peculiar character, importing in its own nature a permanence not liable to be annulled by the fact of a subsequent war between the parties, the recognition of the sovereignty of the United States and the boundary line were adduced as illustrations to support the principle; the language of the abovementioned articles in the treaty of Ghent, and the claim brought forward by Great Britain, at the negotiation of it, for the free navigation of the Mississippi, were alleged as proofs that Great Britain herself so considered it, excepting with regard to a small part of the single article relative to the fisheries; and the right of Great Britain was denied thus to select one particular stipulation in such a treaty, and declare it to have been abrogated by the war. The answer of Lord Bathurst denies that Great Britain has made such a selection, and affirms that the whole treaty of 1783 was annulled by the late war. It admits, however, that the recognition of independence and the boundaries was in the nature of perpetual obligation; and that, with the single exception of the liberties in and connected with the fisheries within British jurisdiction on the coasts of North America, the United States are entitled to all the benefits of all the stipulations in their favor contained in the treaty of 1783, although the stipulations themselves are supposed to be annulled. The fishing liberties within British jurisdiction alone are considered as a temporary grant, liable not only to abrogation by war, but, as it would seem from the tenor of the argument, revocable at the pleasure of Great Britain, whenever she might consider the revocation suitable to her interest. The note affirms that "the liberty to fish within British limits, or to use British territory, is essentially different from the right to independence in all that can reasonably be supposed to regard its intended duration; that the grant of this liberty has all the aspect of a policy, *temporary and experimental*, depending on the use that might be made of it, on the condition of the islands and places where it was to be exercised, and the more general conveniences or inconveniences, in a military, naval, or commercial point of view, resulting from the access of an independent nation to such islands and places."

The undersigned is induced, on this occasion, to repeat his lordship's own words, because, on a careful and deliberate review of the article in question, he is unable to discover in it a single expression indicating, even in the most distant manner, a policy, temporary or experimental, or having the remotest connexion with military, naval, or commercial conveniences or inconveniences to Great Britain. He has not been inattentive to the variation in the terms, by which the enjoyment of the fisheries on the main ocean, the common possession of both nations, and the same enjoyment within a small portion of the special jurisdiction of Great Britain, are stipulated in the article, and recognised as belonging to the people of the United States. He considers the term *right* as importing an advantage to be enjoyed in a place of common jurisdiction, and the term *liberty* as referring to the same advantage, incidentally leading to the borders of a special jurisdiction. But, evidently, neither of them imports any limitation of time. Both were expressions no less familiar to the understandings than dear to the hearts of both the nations parties to the treaty. The undersigned is persuaded it will be readily admitted that, wherever the English language is the mother tongue, the term *liberty*, far from including in itself either limitation of time or precariousness of tenure, is essentially as permanent as that of *right*, and can, with justice, be understood only as a modification of the same thing; and as no limitation of time is implied in the term itself, so there is none expressed in any part of the article to which it belongs. The restriction at the close of the article is itself a confirmation of the permanency which the undersigned contends belongs to every part of the article. The intention was, that the people of the United States should continue to enjoy all the benefits of the fisheries which they had enjoyed theretofore, and, with the exception of drying and curing fish on the island of Newfoundland, all that *British* subjects should enjoy thereafter. Among them, was the liberty of drying and curing fish on the shores, then uninhabited, adjoining certain bays, harbors, and creeks. But, when those shores should become settled, and thereby become private and individual property, it was obvious that the liberty of drying and curing fish upon them must be conciliated with the proprietary rights of the owners of the soil. The same restriction would apply to British fishermen; and it was precisely because no grant of a new right was intended, but merely the continuance of what had been previously enjoyed, that the restriction must have been assented to on the part of the United States. But, upon the common and equitable rule of construction for treaties, the expression of one restriction implies the exclusion of all others not expressed; and thus the very limitation which looks forward to the time when the unsettled deserts should become inhabited, to modify the enjoyment of the same liberty conformably to the change of circumstances, corroborates the conclusion that the whole purport of the compact was permanent and not temporary—not experimental, but definitive.

That the term *right* was used as applicable to what the United States were to enjoy in virtue of a recognised independence, and the word *liberty* to what they were to enjoy as *concessions* strictly dependant on the treaty itself, the undersigned not only cannot admit, but considers as a construction altogether unfounded. If the United States would have been entitled, *in virtue of a recognised independence*, to enjoy the fisheries to which the word *rights* is applied, no article upon the subject would have been required in the treaty. Whatever their right might have been, Great Britain would not have felt herself bound, without a specific article to that effect, to acknowledge it as included among the appendages to their independence. Had she not acknowledged it, the United States must have been reduced to the alternative of resigning it, or of maintaining it by force; the result of which must have been *war*—the very state from which the treaty was to redeem the parties. That Great Britain would not have acknowledged these rights as belonging to the United States in virtue of their independence, is evident; for, in the cession of Nova Scotia by France to Great Britain, in the twelfth article of the treaty of Utrecht, it was expressly stipulated that, as a consequence of that cession, French subjects should be thenceforth "excluded from all kind of fishing in the said seas, bays, and other places on the coasts of Nova Scotia; that is to say, on those which lie towards the east, within thirty leagues, beginning from the island commonly called Sable, inclusively, and thence stretching along towards the southwest." The same exclusion was repeated, with some slight variation, in the treaty of peace of 1763; and, in the eighteenth article of the same treaty, Spain explicitly renounced all pretensions to the right of fishing "in the neighborhood of the island of Newfoundland." It was not, therefore, as a necessary result of their independence that Great Britain recognised the *right* of the people of the United States to fish on the Banks of Newfoundland, in the "Gulf of St. Lawrence," and at all other places in the sea where "the inhabitants of both countries used, at any time theretofore, to fish." She recognised it, by a special stipulation, as a right which they had theretofore enjoyed as a part of the British nation, and which, as an independent nation, they were to continue to enjoy *unmolested;* and it is well known that, so far from considering it as recognised by virtue of her acknowledgment of independence, her objections to admitting it at all formed one of the most prominent difficulties in the

negotiation of the peace of 1783. It was not asserted by the undersigned, as Lord Bathurst's note appears to suppose, that either the right or the liberty of the people of the United States in these fisheries was *indefeasible*. It was maintained that, after the recognition of them by Great Britain, in the treaty of 1783, neither the right nor the liberty could be forfeited by the United States, but by their own consent; that no act or declaration of Great Britain alone could divest the United States of them; and that no exclusion of them from the enjoyment of either could be valid, unless expressly stipulated by themselves, as was done by France in the treaty of Utrecht, and by France and Spain in the peace of 1763.

The undersigned is apprehensive, from the earnestness with which Lord Bathurst's note argues to refute inferences which he disclaims, from the principles asserted in his letter to his lordship, that he has not expressed his meaning in terms sufficiently clear. He affirmed that, previous to the independence of the United States, their people, as British subjects, had enjoyed all the rights and liberties in the fisheries, which form the subject of the present discussion; and that, when the separation of the two parts of the nation was consummated, by a mutual compact, the treaty of peace defined the rights and liberties which, by the stipulation of both parties, the United States, in their new character, were to enjoy. By the acknowledgment of the independence of the United States, Great Britain bound herself to treat them, thenceforward, as a nation possessed of all the prerogatives and attributes of sovereign power. The people of the United States were, thenceforward, neither bound in allegiance to the sovereign of Great Britain, nor entitled to his protection, in the enjoyment of any of their rights, as his subjects. Their rights and their duties, as members of a state, were defined and regulated by their own constitutions and forms of government. But there were certain rights and liberties which had been enjoyed by both parts of the nation, while subjects of the same sovereign, which it was mutually agreed they should continue to enjoy *unmolested;* and, among them, were the rights and liberties in these fisheries. The fisheries on the Banks of Newfoundland, as well in the open seas as in the neighboring bays, gulfs, and along the coasts of Nova Scotia and Labrador, were, by the dispensations and the laws of nature, in substance, only different parts of one fishery. Those of the open sea were enjoyed not as a common and universal right of all nations; since the exclusion from them of France and Spain, in whole or in part, had been expressly stipulated by those nations, and no other nation had, in fact, participated in them. It was, with some exceptions, an exclusive possession of the British nation; and in the treaty of separation it was agreed that the rights and liberties in them should continue to be enjoyed by that part of the nation which constituted the United States; that it should not be a several, but, as between Great Britain and the United States, a common fishery. It was necessary, for the enjoyment of this fishery, to exercise it in conformity to the habits of the species of game of which it consisted. The places frequented by the fish were those to which the fishermen were obliged to resort, and these occasionally brought them to the borders of the British territorial jurisdiction. It was also necessary, for the prosecution of a part of this fishery, that the fish, when caught, should be immediately cured and dried, which could only be done on the rocks or shores adjoining the places where they were caught: the access to these rocks and shores, for those purposes, was secured to the people of the United States, as incidental and necessary to the enjoyment of the fishery; it was little more than an access to naked rocks and desolate sands; but it was as permanently secured as the right to the fishery itself. No limitation was assigned of time. Provision was made for the proprietary rights which might at a distant and future period arise by the settlement of places then uninhabited; but no other limitation was expressed or indicated by the terms of the treaty, and no other can, either from the letter or spirit of the article, be inferred.

Far, then, from claiming the general rights and privileges belonging to British subjects within the British dominions, as resulting from the treaty of peace of 1783, while, at the same time, asserting their exemption from the duties of a British allegiance, the article in question is itself a proof that the people of the United States have renounced all such claims. Could they have pretended generally to the privileges of British subjects, such an article as that relating to the fisheries would have been absurd. There was in the treaty of 1783 no express renunciation of their rights to the protection of a British sovereign. This renunciation they had made by their Declaration of Independence on the 4th of July, 1776; and it was implied in their acceptance of the counter-renunciation of sovereignty in the treaty of 1783. It was precisely because they might have lost their portion of this joint national property, to the acquisition of which they had contributed more than their share, unless a formal article of the treaty should secure it to them, that the article was introduced. By the British municipal laws, which were the laws of both nations, the property of a fishery is not necessarily in the proprietor of the soil where it is situated. The soil may belong to one individual, and the fishery to another. The right to the soil may be exclusive, while the fishery may be free, or held in common. And thus, while in the partition of the national possessions in North America, stipulated by the treaty of 1783, the jurisdiction over the shores washed by the waters where this fishery was placed was reserved to Great Britain, the fisheries themselves, and the accommodations essential to their prosecution, were, by mutual compact, agreed to be continued in common.

In submitting these reflections to the consideration of His Majesty's Government, the undersigned is duly sensible to the amicable and conciliatory sentiments and dispositions towards the United States manifested at the conclusion of Lord Bathurst's note, which will be met by reciprocal and corresponding sentiments and dispositions on the part of the American Government. It will be highly satisfactory to them to be assured that the conduciveness of the object to the national and individual prosperity of the inhabitants of the United States operates with His Majesty's Government as a forcible motive to concession. Undoubtedly, the participation in the liberties of which their right is now maintained is far more important to the interests of the people of the United States than the exclusive enjoyment of them can be to the interests of Great Britain. The real, general, and ultimate interests of both the nations on this object, he is fully convinced, are the same. The collision of particular interests which heretofore may have produced altercations between the fishermen of the two nations, and the clandestine introduction of prohibited goods by means of American fishing vessels, may be obviated by arrangements duly concerted between the two Governments. That of the United States, he is persuaded, will readily co-operate in any measure to secure those ends compatible with the enjoyment by the people of the United States of the liberties to which they consider their title as unimpaired, inasmuch as it has never been renounced by themselves.

The undersigned prays Lord Castlereagh to accept the renewed assurance of his high consideration.

JOHN QUINCY ADAMS.

Right Hon. Lord Viscount CASTLEREAGH,
His Majesty's principal Secretary of State for Foreign Affairs.

Extracts of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *January* 31, 1816.

In my interview with Lord Castlereagh on the 25th instant we had much conversation, as well upon the topics which have formed the subjects of discussion with this Government during his absence, as upon those concerning which I have recently been honored with your instructions. As propositions for a formal negotiation had been made on both sides, I thought it necessary to ascertain whether this Government would consider the full power under which I had acted jointly with my late colleagues as yet sufficient for concluding with me any further conventional arrangements. At the time when we signed the commercial convention of the 3d July last, we had given notice that the objects upon which we had been instructed to treat under that full power were much more extensive than those upon which we found it then practicable to come to an agreement; but as the British plenipotentiaries informed us that their powers would terminate on the conclusion of that convention, I told them that I should make no further propositions unless by virtue of subsequent instructions from my own Government, and, in that case, should address them in the ordinary channel of the Foreign Department. I now inquired of Lord Castlereagh whether this Government were disposed now to enter upon a further negotiation, and, if they were, whether they would expect me to produce a new full power. With regard to the latter point, Lord Castlereagh said, that if I should declare that the Government of the United States still considered the joint power under which I had treated heretofore as in force, to authorize me to treat separately, and that the proposals which I should make were by the instructions of my Government, he thought it would not be necessary for me to produce a new power. As this answer is not perfectly explicit, and as it requires of me a declaration of what I must rather infer than positively know, I would request, as the safest course, that a new full power may be transmitted to me.

Lord Castlereagh inquired what were the subjects upon which we should be desirous of treating. I mentioned, as the first and most important, that which relates to *seamen*, observing the great anxiety which was felt in the United States on this subject, the principal source of the late contest between the two countries, and that from which the greatest danger of future dissensions was to be apprehended, unless some provision should be made during the peace to prevent the recurrence of the same evils whensoever a new war may take place.

I noticed the new recommendation in the President's message to Congress of a law for confining the navigation of American vessels to American seamen, and the solicitude manifested by the President that it may lead to the total discontinuance of the practice of impressment in our vessels. Lord Castlereagh expressed his satisfaction at what he termed this change of policy on the part of the United States; but, far from appearing to think it a motive for Great Britain to stipulate by treaty to forbear the practice of impressment, he intimated the opinion that this measure of the United States, if fairly adopted and properly carried into execution, would rather make any arrangement between the two nations unnecessary. He said that its consequences must be, that there would be no British seamen on board of American vessels *to take*, and, if so, that the practice of taking them would cease *of course*. He remarked that, as the inconvenience did not exist during peace, it might be doubted whether it was the most seasonable time for a discussion upon which there was such a different and opposite view in point of principle entertained by the two Governments. And, although I urged that the time of peace, when there was no immediate interest of either party at stake, and when the feelings on both sides would be cool and composed, might be peculiarly adapted to a mutual effort for closing this fruitful source of dissensions, he was not inclined to that opinion. He intimated that there was still in England a very strong and highly irritable feeling on this subject; that the Government *could not* incur the responsibility of concession in relation to it; that it would be expedient to wait until the new policy of the United States for encouraging their own native seamen should fully have been developed, and, by its consequences, have proved that Great Britain would not need impressment to preserve herself from the loss of her own seamen. He added, nevertheless, that the British Government would always be ready to hear proposals on this subject, and to adopt arrangements which might guard against abuses in the exercise of their rights.

I shall give you, in my next, the sequel of this conference, the result of which has confirmed all the opinions, with regard to the policy of this Government, which I gave you in my last despatch. There appears to me no prospect that, under the present ministry, any conventional arrangement for renouncing the practice of impressment will be attainable; and you will observe the new argument which Lord Castlereagh derives *against* such a stipulation, from the measures recommended by the President for excluding foreign seamen from our service. There is no immediate prospect of any maritime war, nor, indeed, any remote discernible prospect of such a war, with the United States neutral to it. As the occurrence, however, is not impossible, and as the outrage of that practice can never be tolerated by a nation of the strength and resources to which the United States are rising, it cannot too forcibly be urged upon their conviction, that the only means of protecting their seafaring citizens in the enjoyment of their rights will consist in the *energy* with which they shall be asserted.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *February* 8, 1816.

In relation to the fisheries, little was said; he told me that he had, the evening before, read my note to him concerning them; that the British Government would adhere to their principle respecting the treaty, and to the exclusive rights of their territorial jurisdiction; but that they had no wish to prevent us from fishing, and would readily enter into a negotiation for an arrangement on this subject.

[NOTE.—See ante, page 122, for Mr. Adams's letters of 17th February, 1816, to the Secretary of State and Lord Castlereagh.]

Mr. Monroe to Mr. Adams.

SIR: DEPARTMENT OF STATE, *February* 27, 1816.

It being represented, by your letter of the 8th of November, that the British Government was disposed to regulate, in concert with the United States, the taking of fish on the coasts, bays, and creeks of all His Britannic Majesty's dominions in America, and the curing and drying of fish by their citizens on the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador, in such manner as to promote the interest of both nations, you will consider this letter an authority and instruction to negotiate a convention for these purposes.

I have the honor to be, &c.

JAMES MONROE.

Mr. Monroe to Mr. Adams.

DEPARTMENT OF STATE, *February* 27, 1816.

SIR:

Since my last, of the 10th of December, I have had the honor to receive your letter of November 21, with those of the 12th, 19th, 26th, and 30th of September, the 7th and 31st of October, and 8th of November. With the latter, a copy of Lord Bathurst's reply to your note of September 25, on the fisheries, was likewise received.

It appears by these communications that, although the British Government denies our right of taking, curing, and drying fish within their jurisdiction, and on the coast of the British provinces in North America, it is willing to secure to our citizens the liberty stipulated by the treaty of 1783, under such regulations as will secure the benefit to both parties, and will likewise prevent the smuggling of goods into the British provinces by our vessels engaged in the fisheries.

It is hoped that the reply which you intimate you intended giving to Lord Bathurst's note may have produced some change in the sentiments of the British Government on this interesting subject; it is, nevertheless, thought proper to enclose you an instruction, to be shown to the British Government, authorizing you to negotiate a convention providing for the objects contemplated.

It is very important that this trust should be executed in a manner not to weaken our right, which, it is presumed, may be done with the concurrence of the British Government, either by the reservation of mutual rights, or making the instrument a remedy for abuses.

As to the manner in which the injuries complained of by the British Government are to be remedied, you will be able, in aid of your own knowledge of the subject, to obtain better information than I can communicate.

The British project will show the nature and extent of these injuries, and it will be your object to make the remedy as harmless to our citizens and as safe to the public rights as possible.

I have the honor to be, &c.

JAMES MONROE.

Extract of a letter from Mr. Monroe to Mr. Adams.

DEPARTMENT OF STATE, *May* 24, 1816.

A hope is entertained that you will have arranged with the British Government the difference respecting the fisheries before this reaches you. Should you not have been able to do it, you will endeavor to comprise it in the general arrangement which you are authorized to make, on the principles stated in my letter of the 27th of February.

Extract of a letter from Mr. Monroe to Mr. Adams.

DEPARTMENT OF STATE, *July* 8, 1816.

Mr. Bagot has received a power to arrange the difference respecting the taking, and curing, and drying fish on the shores of the British colonies; but whether it authorizes such an arrangement as will be useful and satisfactory to us, I am as yet uninformed.

Extract of a letter from Mr. Monroe to Mr. Adams.

DEPARTMENT OF STATE, *August* 13, 1816.

On the other subject* Mr. Bagot offered to secure to us the right in question on the Labrador shore, between Mount Joli and the bay of Esquimaux, near the entrance of the strait of Belleisle. It was necessary for me to seek detailed information of the value of this accommodation from those possessing it at Marblehead and elsewhere, which I did; the result of which was, that it would be more for our advantage to commence at the last-mentioned point, and to extend the right, eastward, through the strait of Belleisle, as far along the Labrador coast as possible. To this he objected; offering, then, an alternative on the shore of the island of Newfoundland, to commence at Cape Ray, and extend, east, to the Ramea islands. Of the value of this coast I am likewise ignorant. The negotiation must, therefore, be again suspended until I obtain the information requisite to enable me to act in it.

It is probable that the arrangement of these two interests will again rest with you. The advantage of it, as you are already authorized to treat on other important subjects, is obvious.

At the commencement of our conferences, Mr. Bagot informed me of an order which had been issued by Admiral Griffith to the British cruisers, to remove our fishing vessels from the coasts of those provinces, which he would endeavor to have revoked pending the negotiation. His attempt succeeded. I shall endeavor to have this revocation extended, so as to afford the accommodation desired until the negotiation is concluded. All the information which has been, or may be, obtained on this subject shall be transmitted to you.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *August* 24, 1816.

On Wednesday last I had an interview with Lord Castlereagh, in which he informed me that this Government declined entering upon any negotiation relative to the commercial intercourse between the United States and the British colonies in the West Indies; that they were averse to any discussion relative to blockades, and the other conflicting pretensions of neutral and belligerant rights; and that they were willing to receive any proposals that we may wish to offer respecting the intercourse by land between the United States and the British continental colonies, and respecting seamen; but there was a manifest reluctance to negotiate even upon these points. With regard to the West Indies, he said it was understood by this Government that the United States would be perfectly free to adopt any countervailing regulations, either of prohibition or of additional duties, that they might think advisable; that Great Britain would have no right to complain of them; that the determination in this instance arose altogether from that of adhering to their colonial system, of the wisdom of which he spoke as being, in his own mind, not unquestionable, but from which it was not thought expedient now to depart.

* Fisheries.

Extract of a letter from Mr. Adams to Mr. Monroe, Secretary of State, dated

LONDON, *September* 18, 1816.

You will perceive, by all my late despatches, that there is no prospect of doing any thing here in the way of a negotiation upon objects of commerce. I addressed yesterday to Lord Castlereagh a note, renewing the proposal to negotiate; the object of which is to have the refusal explicitly signified in writing. In my last interview with Lord Castlereagh he did unequivocally decline negotiation upon the trade between the United States and the British colonies in the West Indies, and upon all the questions relating to neutral rights in time of maritime war. He said they were willing to receive any proposition respecting seamen, and respecting the inland intercourse between the United States and the British colonies in North America. I told him I should repeat the proposal for treating in a note. He expressed a wish that I would not mention in the note the neutral questions at all. I was somewhat surprised at the objection, but promised him I would give it full consideration before I sent in the note. I did accordingly take ample time for reflection, and have concluded that I ought not only to include them in the note, but to urge with earnestness the reasons which make it peculiarly desirable that the two Governments should come to an understanding upon those points before the recurrence of a maritime war.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *September* 27, 1816.

I have the honor of enclosing, herewith, a copy of the note which I have addressed to Lord Castlereagh, renewing the proposal for the negotiation of a treaty of commerce. From the determination of this Government, as communicated to me in my personal interview with him on the 21st of August, it is to be expected that they will decline treating upon the subject of our trade with the British colonies in the West Indies, and upon the questions relating to neutral interests during maritime war. They may profess to be willing to receive specific proposals relative to seamen, and to our inland intercourse with their colonies in North America, but it is not probable that upon either of those subjects they will agree to any thing that can be satisfactory to you; nor shall I think it expedient to conclude any separate arrangement concerning them, excluding the others, without further instructions to that effect. In the conversations that I have had with Lord Castlereagh, he has given me very distinctly to understand that, with regard to seamen, if they should even agree to the proposed stipulation of excluding from the respective naval and merchant services the native citizens and subjects of each other, they will not understand it as implying or intending an engagement to renounce the practice of taking men from our vessels in the event of a future maritime war. In the instructions hitherto transmitted to me, it is not insisted that such a renunciation should be included in the article; yet I cannot but suppose it was expected that, if the article should be agreed to, it would be with at least a tacit understanding that the practice of impressment shall be abandoned.

Mr. Adams to Lord Castlereagh.

13 CRAVEN STREET, *September* 17, 1816.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States of America, has the honor of renewing to Lord Castlereagh the proposal which he has been instructed to make, on the part of the Government of the United States, for the negotiation of a treaty of commerce, embracing all the principal objects most interesting to the friendly and commercial intercourse between the two nations. He has already exhibited to his lordship the authority with which he has been furnished by the American Government for that purpose, and has fully stated to him the motives which induced this proposal. They are all founded in the anxious desire of the American Government to cultivate the harmony between the two nations, and to concert, by engagements of mutual accommodation, such arrangements of the points from which differences have, unfortunately, arisen heretofore, or which might have a tendency to produce them hereafter, as may be satisfactory to both parties, guard against future misunderstandings, and promote that amicable temper and disposition which can alone perpetuate the peace and friendship dictated by the clearest and highest interests both of Great Britain and of the United States.

It will be recollected by Lord Castlereagh that the commercial convention of 3d July, 1815, was not considered at the time of its conclusion as the ultimate or definitive arrangement of the commercial relations between the high contracting parties. Other objects, besides those upon which the agreement was completed, were discussed in the course of that negotiation. Others yet, including all, or most of those upon which Great Britain is now again invited to treat, were presented to the attention of the British plenipotentiaries, but postponed, in consideration of peculiar circumstances then operating, and which have happily since been done away. In bringing them again to the view of the British cabinet, the undersigned has the honor of distinctly specifying the several objects upon which the American Government repeats the proposal to enter into further reciprocal commercial stipulations, of suggesting the urgent additional motives for desiring them which have arisen since that period, and of exposing the liberal principles upon which they propose that this supplementary treaty should be founded.

1. *The commerce between the United States and the British colonies in North America and in the West Indies.*

From the relative geographical position of those countries; from the nature of their respective productions; and from the wants on either side, which may be most advantageously, if not exclusively, supplied by the other, this commerce is not only of the greatest convenience to both parties, but, in some respects, and on many occasions, it is of the first necessity to the colonies. At the time when the commercial convention of 3d July, 1815, was negotiated, this commerce was open to vessels of the United States. The ports of the British colonies in the West Indies are still accessible, under certain restrictions, to French, Spanish, Dutch, Danish, and Swedish vessels; and while the ports of every nation in the West Indies (Great Britain alone excepted) are in like manner accessible to American vessels, they have been, and still are, by new regulations, enforced since the conclusion of that convention, rigorously excluded from the British ports. This exclusion of all participation in the advantage of carrying between the two countries the articles of a commerce mutually beneficial to both parties, has not only the aspect of a policy peculiarly pointed against the United States, but it defeats, in a great degree, the principle of equalizing the advantages of the commerce between the two countries, by equalizing the duties and charges upon the vessels of both, in the direct intercourse between them; for, while British vessels, after performing a direct voyage from Europe to the United States, are there received upon terms of equality with those of the United States, they now enjoy the exclusive benefit of resorting to an intermediate market in the West Indies, while the vessels of the

United States are restricted to the direct interchange to and from Europe. The result of which is, that British vessels enjoy in the ports of the United States important advantages, even over the vessels of the United States themselves. It must be obvious that this cannot long be tolerated; that, if the commerce with those parts of the British dominions be not placed on a footing of reciprocity, similar restraints will become indispensable on the part of the United States. Such countervailing restraints were proposed at the last session of Congress, and postponed, in the hope that satisfactory arrangements might be made, before the next meeting, to prevent a recurrence to a system of commercial hostility, inconsistent with the interests of both nations, inauspicious to the amicable relations now existing between them, and repugnant to the most earnest wishes of the American Government. In the arrangements proposed, they do not contemplate any interference, on their part, with the colonial monopoly of Great Britain. It is not asked that she should renounce the right of prohibiting the importation into her colonies, from the United States, of whatever articles she may think fit; but that the commerce which, for their and her own advantage, Great Britain allows between them and the United States, should be placed on the same footing of reciprocity as the direct trade between Great Britain and the United States was intended to be placed by the convention of 3d July, 1815.

While on this subject, the undersigned cannot but remark the extraordinary measures relating to the commercial intercourse between the United States and the British colonies in North America and in the West Indies, adopted since the conclusion of the commercial convention of 3d July, 1815. In all of them, very heavy duties have been imposed upon the importation of American produce, even when carried in British ships. A heavy duty of exportation has been laid, in the province of Nova Scotia, upon plaster of Paris, an article for which there is no other market than the United States. And in the province of Upper Canada, an act of the Provincial Legislature having first vested in the lieutenant governor and council the power of regulating the commercial intercourse between that province and the United States, that body did, on the 18th of April last, issue an order, imposing heavy duties upon many articles of the growth or manufacture of the United States, with an addition of twelve per cent. on all those duties upon importation in American vessels, and a tonnage duty of twelve shillings and sixpence per ton upon every vessel exceeding five tons burden entering any port or harbor of the province, and belonging to citizens of the United States. The inland commerce between the United States and Upper Canada is believed to be of paramount importance to the province; but, were it even equally important to the United States, measures like these can be viewed in no other light than as efforts to engross, exclusively, the whole of the trade on one side. It would be far more agreeable to the American Government to settle this intercourse by amicable concert, than to be left under the necessity of meeting a system of exclusion by countervailing regulations.

2. *Seamen.*

It is proposed to stipulate that neither the United States nor Great Britain shall employ, in their naval or merchant service, native citizens or subjects of the other party, with the exception of those already naturalized, of whom the number is very small. From the well known fact that the wages of seamen, in time of peace, are invariably higher in the American service, of both descriptions, than in the British, it is apparent that the advantage of this stipulation will be almost entirely on the side of Great Britain. Although obviously proper that it should be reciprocal, it is offered, not as an engagement from which the United States expect to derive any advantage, in itself, but as the means to Great Britain of reserving to herself the services of all her own native seamen, and of removing forever the necessity of resorting to means of force, either by her naval officers, to take men from the vessels of the United States, or by the United States, to resist the renewal of that practice, in the event of any future maritime war to which they may be neutral. In adopting the principle proposed, the American Government are prepared to secure its faithful execution by any reciprocal regulation which may be deemed necessary, consistent with their constitution and the spirit of their laws.

3. *Neutral and belligerant rights.*

It is equally desirable, in the view of the American Government, to arrange, at this time, every question relating to neutral rights, particularly those concerning blockade; contraband of war; visits at sea of merchant vessels by ships of war; the trade with the colonies of enemies, and between them and the parent country, and the trade from one port of an enemy to another. The tendency of discordant principles upon these points to embroil neutral and belligerant states with each other has been shown by the melancholy experience of ages. The frequent departures, during the most recent wars, from all acknowledged principles founded on the general usages of nations, have still more unsettled whatever reliance might heretofore have been placed upon their authority. A time of peace, when the feelings of both parties are free from the excitement of any momentary interest, and when the operation of the principles to be sanctioned by mutual compact depends upon contingencies which may give either party the first claim to the stipulated rights of the belligerant or of the neutral, must be more favorable to the amicable adjustment of these questions than a time of actual war, under circumstances when the immediate interests of each party are engaged in opposition to those of the other. Whether Great Britain or the United States will be first engaged in a maritime war with any third party, cannot now be foreseen; but it is of the deepest interest to the permanency of the peace and friendship between them that they should come to an explicit understanding with each other upon the points here referred to, before the occurrence of any such event on either side. It is not the desire of the American Government to propose, upon these subjects, any innovation upon principles often recognised by Great Britain herself, in her treaties with other Powers. They wish only, by a mutual compact now formed, to guard against collisions, which the recollection of the past so forcibly admonishes the rulers of both nations to obviate, if possible, for the future.

4. *Slaves carried away from the United States, by British officers, after the peace.*

As the construction given by His Majesty's Government to the first article in the treaty of Ghent, in reference to the slaves carried away from the United States by British officers, after the ratification of the peace, is so directly at variance with the construction which the American Government think alone applicable to it, the undersigned has been further instructed to propose that this question should be submitted to the decision of some friendly sovereign. This reference is suggested by provisions in the treaty of Ghent itself, applicable to the contingency of differences in other instances; and it is conceived that, when such differences exist, no better mode can be adopted for settling them in a satisfactory manner.

Should His Majesty's Government think proper to accept this proposal for a negotiation, upon the points with regard to which the general wishes of the Government of the United States have been here frankly exposed, the

undersigned will be ready to enter into further communications with any person who may be authorized to confer with him for the purpose of such a negotiation. If the offer should not be deemed acceptable, he requests the honor of as early an answer as may be convenient.

The undersigned prays Lord Castlereagh to accept the assurance of his high consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *October* 5, 1816.

Lord Castlereagh left London this week upon a visit to Ireland. Previous to his departure I received from him a letter, of which a copy is herewith enclosed. Although the absence of several of the cabinet ministers is alleged as the motive for postponing the answer to my note of the 17th September, and although his lordship promises to lay the subjects suggested in it before his colleagues immediately after his return, there is no reason to expect that any departure from the policy already determined upon will take place. It is probable that you will receive this despatch about the time of the meeting of Congress. Any measures in the spirit, and with the object of those proposed at the last session, and then postponed, may be now adopted without hesitation. My own entire conviction is, that the operation of such measures, if successful, will be the only possible means of convincing this Government of the expediency of relaxing from the rigor of their exclusive colonial system. It is, and uniformly has been, my opinion, that the result of the equalization of duties will be to the advantage of Great Britain, and to our disadvantage. But the principle was sanctioned by an act of Congress before the convention of 3d July, 1815, was negotiated. The benefit of the convention to us, if any, is in the India trade; but as its duration is to be so short, the only chance of having it renewed, at the end of its four years, with additional articles of more liberality, will be effective counteracting regulations in respect to the commerce with the British colonies in the West Indies.

Lord Castlereagh to Mr. Adams, dated

SIR: FOREIGN OFFICE, *September* 28, 1816.

I very much regret that the absence from London at this season of the year of several of the Prince Regent's ministers will preclude me from returning as early an answer to your note of the 17th as I should wish, under the sense I entertain of the great importance of the several objects to which it invites the attention of this Government.

I have myself obtained the permission of the Prince Regent to make a short excursion to Ireland on my private affairs, but I shall certainly return to London by the middle of November, and shall lose no time, as soon after that period as my colleagues shall be reassembled, to bring the various objects referred to in your note under their deliberation.

I request you will accept the assurances of the high consideration with which

I have the honor to be, sir, your most obedient, humble servant,

CASTLEREAGH.

JOHN QUINCY ADAMS, Esq., &c.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *December* 24, 1816.

Yesterday morning I received a note from Lord Castlereagh requesting me to call upon him; and he informed me, that, as he was going out of town for a few days, he had sent for me to say that he had not forgotten his promise to me before his departure for Ireland; that the proposal in my note of 27th September for a commercial negotiation should be considered immediately after his return; that two cabinet councils had already been held on the subject, and, as soon as the objects could be sufficiently matured for the proper authority to be given to him to treat, I should hear from him again. It would seem from this, as if the proposal would be so far accepted as to enter upon a negotiation; but I beg leave to point your attention to an article in the Courier of last evening, stating the proceedings in the island of Dominica, after the late hurricane, including a letter from Earl Bathurst, dated the 28th of September last, and to an advertisement from the Victualling Office, for a supply of flour, to be delivered at several of the West India islands, from the United States; both in the same paper.

Mr. Monroe to Mr. Adams.

SIR: DEPARTMENT OF STATE, *February* 5, 1817.

I have the honor to forward to you, herewith, a copy of my correspondence with Mr. Bagot, in relation to the fisheries on the coast of Labrador, &c.; from which you will perceive that our negotiation on that interesting subject has not had the desired result.

Mr. Bagot professes, on the part of his Government, the most conciliatory disposition in regard to this affair, and it is yet to be hoped that it may be satisfactorily settled. With this view, the President intends to renew the negotiation as soon as he can obtain the information necessary to enable him to decide what arrangement would be best calculated to reconcile the interests of both parties, which he hopes to do in the course of a few months. In the mean time, he expects that no measures will be taken by the British Government to alter the existing state of things, and that it will be in your power to obtain the renewal of the order to the naval officer commanding on that station not to interrupt or disturb our fishermen during the approaching season.

You will see the importance of an early attention to this subject, as the fishing season is fast approaching.

I have the honor to be, &c.

JAMES MONROE.

Mr. Bagot to Mr. Monroe.

WASHINGTON, *November* 27, 1816.

SIR:

In the conversation which I had with you a few days ago, upon the subject of the negotiation into which the British Government is willing to enter, for the purpose of affording to the citizens of the United States such accommodation for their fishery, within the British jurisdiction, as may be consistent with the proper administration of His Majesty's dominions, you appeared to apprehend that neither of the propositions which I had had the honor to make to you upon this subject would be considered as affording in a sufficient degree the advantages which were deemed requisite.

In order that I may not fail to make the exact nature of these propositions clearly understood, and that I may fully explain the considerations by which they have been suggested, it may perhaps be desirable that I should bring under one view the substance of what I have already had the honor of stating to you in the several conferences which we have held upon this business.

It is not necessary for me to advert to the discussion which has taken place between Earl Bathurst and Mr. Adams. In the correspondence which has passed between them, you will have already seen, in the notes of the former, a full exposition of the grounds upon which the liberty of drying and fishing within the British limits, as granted to the citizens of the United States by the treaty of 1783, was considered to have ceased with the war, and not to have been revived by the late treaty of peace.

You will also have seen therein detailed the serious considerations affecting not only the prosperity of the British fishery, but the general interests of the British dominions, in matters of revenue as well as government, which made it incumbent upon His Majesty's Government to oppose the renewal of so extensive and injurious a concession, within the British sovereignty, to a foreign state, founded upon no principle of reciprocity or adequate compensation whatever. It has not been thought necessary to furnish me with additional argument upon this point. I therefore confine myself, upon the present occasion, to a brief repetition of what I have already, at different periods, had the honor to submit to your consideration upon the subject of an arrangement by which it is hoped practically to reconcile the different views of our respective Governments.

It will be in your recollection that, early in the month of July last, I had the honor to acquaint you that I had received instructions from my Government to assure you that, although it had been felt necessary to resist the claim which had been advanced by Mr. Adams, the determination had not been taken in any unfriendly feeling towards America, or with any illiberal wish to deprive her subjects of adequate means of engaging in the fisheries; but that, on the contrary, many of the considerations which had been urged by Mr. Adams, on behalf of the American citizens formerly engaged in this occupation, had operated so forcibly in favor of granting to them such a concession as might be consistent with the just rights and interests of Great Britain, that I had been furnished with full powers from His Royal Highness the Prince Regent to conclude an arrangement upon the subject, which it was hoped might at once offer to the United States a pledge of His Royal Highness's goodwill, and afford to them a reasonable participation of those benefits of which they had formerly the enjoyment.

It being the object of the American Government, that, in addition to the right of fishery, as declared by the first branch of the fourth article of the treaty of 1783 permanently to belong to the citizens of the United States, they should also enjoy the privilege of having an adequate accommodation, both in point of harbors and drying ground, on the unsettled coasts within the British sovereignty, I had the honor to propose to you that that part of the southern coast of Labrador which extends from Mount Joli, opposite the eastern end of the island of Anticosti, in the Gulf of St. Lawrence, to the bay and isles Esquimaux, near the western entrance of the straits of Belle-isle, should be allotted for this purpose; it being distinctly agreed that the fishermen should confine themselves to the unsettled parts of the coast, and that all pretensions to fish or dry within the maritime limits, or on any other of the coasts of British North America, should be abandoned.

Upon learning from you, some weeks afterwards, that, from the information which you had received upon the subject of this coast, you were apprehensive that it would not afford, in a sufficient degree, the advantages required, I did not delay to acquaint you that I was authorized to offer another portion of coast, which it was certainly not so convenient to the British Government to assign, but which they would nevertheless be willing to assign, and which, from its natural and local advantages, could not fail to afford every accommodation of which the American fishermen could stand in need. I had then the honor to propose to you as an alternative, that, under similar conditions, they should be admitted to that portion of the southern coast of Newfoundland which extends from Cape Ray eastward to the Ramea islands, or to about the longitude of 57° west of Greenwich.

The advantages of this portion of coast are accurately known to the British Government; and, in consenting to assign it to the uses of the American fishermen, it was certainly conceived that an accommodation was afforded as ample as it was possible to concede, without abandoning that control within the entire of His Majesty's own harbors and coasts which the essential interests of His Majesty's dominions required. That it should entirely satisfy the wishes of those who have for many years enjoyed, without restraint, the privilege of using for similar purposes all the unsettled coasts of Nova Scotia and Labrador, is not to be expected; but, in estimating the value of the proposal, the American Government will not fail to recollect that it is offered without any equivalent, and notwithstanding the footing upon which the navigation of the Mississippi has been left by the treaty of Ghent, and the recent regulations by which the subjects of His Majesty have been deprived of the privileges, which they so long enjoyed, of trading with the Indian nations within the territory of the United States.

I have the honor to be, &c.

CHARLES BAGOT.

The Secretary of State to Mr. Bagot.

SIR:

DEPARTMENT OF STATE, *December* 30, 1816.

I have had the honor to receive your letter of the 27th of November, and to submit it to the consideration of the President.

In providing for the accommodation of the citizens of the United States engaged in the fisheries on the coast of His Britannic Majesty's colonies, on conditions advantageous to both parties, I concur in the sentiment that it is desirable to avoid a discussion of their respective rights, and to proceed, in a spirit of conciliation, to examine what arrangement will be adequate to the object. The discussion which has already taken place between our Governments has, it is presumed, placed the claim of each party in a just light. I shall, therefore, make no remark on that part of your note which relates to the right of the parties, other than by stating that this Government entered into this negotiation on the equal ground of neither claiming nor making any concession in that respect.

You have made two propositions, the acceptance of either of which must be attended with the relinquishment of all other claims on the part of the United States, founded on the first branch of the fourth article of the treaty of 1783. In the first, you offer the use of the territory on the Labrador coast, lying between Mount Joli and the bay of Esquimaux, near the entrance of the strait of Belleisle; and, in the second, of such part of the southern coast of the island of Newfoundland as lies between Cape Ray and the Ramea islands.

I have made every inquiry that circumstances have permitted, respecting both these coasts, and find that neither would afford to the citizens of the United States the essential accommodation which is desired; neither having been much frequented by them heretofore, nor likely to be in future. I am compelled, therefore, to decline both propositions.

I regret that it has not been in my power to give an earlier answer to your note; you will, however, have the goodness to impute the delay to a reluctance to decline any proposition which you had made, by the order of your Government, for the arrangement of an interest of such high importance to both nations, and to the difficulty of obtaining all the information necessary to guide this Government in the decision.

I have the honor to be, &c.

JAMES MONROE.

The Right Hon. CHARLES BAGOT.

Mr. Bagot to Mr. Monroe.

SIR: WASHINGTON, *December* 31, 1816.

I have had the honor to receive your letter of yesterday's date, acquainting me that neither of the propositions which I had submitted to your consideration, upon the subject of providing for the citizens of the United States engaged in the fisheries some adequate accommodation for their pursuit upon the coast of His Majesty's territories, having been found to afford the essential conveniences which are desired, you are compelled to decline them.

The object of His Majesty's Government, in framing these propositions, was to endeavor to assign to the American fishermen, in the prosecution of their employment, as large a participation of the conveniences afforded by the neighboring coasts of His Majesty's settlements as might be reconcileable with the just rights and interests of His Majesty's own subjects, and the due administration of His Majesty's dominions; and it was earnestly hoped that either one or the other of them would have been found to afford, in a sufficient degree, the accommodation which was required.

The wish of His Royal Highness the Prince Regent to extend to the citizens of the United States every advantage which, for the purposes in view, can be derived from the use of His Majesty's coasts, has no other limit than that which is necessarily prescribed by a regard to the important considerations to which I have adverted. His Royal Highness is willing to make the utmost concession which these considerations will admit; and, in proof of the sincerity of this disposition, I have received His Royal Highness's instructions to acquaint you that if, upon examination of the local circumstances of the coasts, which I have had the honor to propose, the American Government should be of opinion that neither of them, taken separately, would afford, in a satisfactory degree, the conveniences which are deemed requisite, His Royal Highness will be willing that the citizens of the United States should have the full benefit of both of them, and that, under the conditions already stated, they should be admitted to each of the shores which I have had the honor to point out.

In consenting to assign to their use so large a portion of His Majesty's coasts, His Royal Highness is persuaded that he affords an unquestionable testimony of his earnest endeavor to meet, as far as is possible, the wishes of the American Government, and practically to accomplish, in the amplest manner, the objects which they have in view. The free access to each of these tracts cannot fail to offer every variety of convenience which the American fishermen can require in the different branches of their occupation; and it will be observed that an objection which might possibly have been felt to the acceptance of either of the propositions, when separately taken, is wholly removed by the offer of them conjointly; as, from whatever quarter the wind may blow, the American vessels engaged in the fishery will always have the advantage of a safe port under their lee.

His Royal Highness conceives that it is not in His Royal Highness's power to make a larger concession than that which is now proposed, without injury to the essential rights of His Majesty's dominions, and some of the chief interests of His Majesty's own subjects. But it will be a source of sincere satisfaction to His Royal Highness if, in the arrangement which I have the honor to submit, the citizens of the United States shall find, as His Royal Highness confidently believes that they will find, ample means of continuing to pursue their occupation with the convenience and advantage which they desire.

I have the honor to be, with the highest consideration, sir, &c.

CHARLES BAGOT.

The Secretary of State to Mr. Bagot.

SIR: DEPARTMENT OF STATE, *January* 7, 1817.

I have had the honor to receive your letter of the 31st of December, proposing an accommodation of the difference between our Governments relative to the fisheries, comprised in the first branch of the fourth article of the treaty of 1783, by the allotment of both the coasts comprised in your former propositions.

Having stated, in my letter of the 30th of December, that, according to the best information which I had been able to obtain, neither of those coasts had been much frequented by our fishermen, or was likely to be so in future, I am led to believe that they would not, when taken conjointly, as proposed in your last letter, afford the accommodation which is so important to them, and which it is very satisfactory to find it is the desire of your Government that they should possess. From the disposition manifested by your Government, which corresponds with that of the United States, a strong hope is entertained that further inquiry into the subject will enable His Royal Highness the Prince Regent to ascertain that an arrangement, on a scale more accommodating to the expectation of the United States, will not be inconsistent with the interest of Great Britain.

In the mean time, this Government will persevere in its measures for obtaining such further information as will enable it to meet yours in the conciliatory views which are cherished on both sides.

I have the honor to be, &c.

The Right. Hon. CHARLES BAGOT. JAMES MONROE.

Mr. Adams to the Secretary of State, dated

SIR: LONDON, *March* 20, 1817.

The day before yesterday I had an interview with Lord Castlereagh, when he informed me that the British Government had come to a determination respecting the commercial part of the proposals for the negotiation of a further treaty, which I had made last September; that they were still not prepared to abandon their ancient colonial system, but they were willing to extend to the United States the benefits of the free port act to the same extent that they were now enjoyed by the vessels of European nations, and to give a partial admission of our vessels to the island of Bermuda and to Turk's island. And, with regard to the intercourse between the United States and the adjoining British provinces, they would renew a proposal heretofore made, founded altogether upon the principle of reciprocity; which proposal he read to me from a paper which he said was not quite finished, but which would be sent to me in the course of the next day. Last evening I received a note from Mr. Hamilton, the Under Secretary of State in the Foreign Department, with a draught of four articles, a copy of which, hastily made, I now enclose, as Mr. Everett leaves town this morning. The part read to me by Lord Castlereagh was the fourth article, excepting the last paragraph.

I do not think it possible to make any thing out of these articles to which I can, under my present instructions, agree. I therefore enclose copies of them, with the request of immediate further instructions. Lord Castlereagh informed me that they had received information that the act of Congress prohibiting the clearance of foreign vessels for ports to which vessels of the United States are not admitted had passed; and he repeated the assurance that this Government considered it as perfectly proper, and as giving them no cause of complaint or dissatisfaction. It seems to me, however, that the very slight and partial concessions in the enclosed articles are intended to counteract its effects; and this opinion contributes to caution me against subscribing to them without your further orders. Lord Castlereagh's offer is to make them supplementary to the convention of July 3, 1815, and to be in force for the same time.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

ART. 1. His Britannic Majesty consents to extend to the United States the provisions of the free port act, as established by the 45th Geo. III., c. 57, (except as far as relates to negro slaves, which, under the abolition acts, can no longer be lawfully exported from any British possessions to any foreign country;) that is to say, that any sloop, schooner, or other vessel whatever, not having more than one deck, and being owned and navigated by subjects of the United States, may import into any of the free ports in His Majesty's possessions in the West Indies, from the United States, any of the articles enumerated in the above act, being of the growth or production of the United States, and any coin, bullion, diamonds, and precious stones; and the said articles being of the growth or production of the United States, and also all other articles imported into the said free ports, by virtue of this convention, from the United States, shall be subject, in all respects, to the same rules, regulations, and restrictions, and shall enjoy the same advantages as to re-exportation, as are now applied to similar articles when imported by authority of the said act from any other foreign country, and re-exported from the said possessions of His Majesty. His Britannic Majesty further consents that any vessel of the United States, as above described, may export from any of the said ports to the United States, rum, of the produce of any British colony or possession, and also all manner of goods, wares, or merchandise, which shall have been legally imported into those possessions of His Majesty in which the said free ports are established, except masts, yards, or bowsprits, pitch, tar, and turpentine, and also except such iron as shall have been brought from the British colonies or plantations in America.

And whereas, by an act passed in the 48th year of His Majesty's reign, cap. 125, rice, grain, and flour are added to the articles previously allowed to be imported into the said free ports, it is agreed that those articles may be imported from the United States into the said free ports, in vessels of the United States, as above described; and it is agreed, on the part of the United States, that any facilities granted in consequence of this convention to American vessels, in His Majesty's said colonies and possessions, shall be reciprocally granted, in the ports of the United States, to British vessels of a similar description engaged in the intercourse so allowed to be carried on; and that if, at any future period, during the continuance of this convention, His Britannic Majesty should think fit to grant any further facilities to vessels of the United States in the said colonies and possessions, British vessels trading between the said colonies and possessions and the United States shall enjoy in the ports of the latter equal and reciprocal advantages.

It is further agreed, that articles imported into the said free ports of the United States, by virtue of this convention, shall pay the same duties as are or may be payable upon similar articles when imported into the said free ports from any other foreign country. And the same rule shall be observed on the part of the United States, in regard to all duties chargeable upon all such articles as may, by virtue of this convention, be exported from the said free ports to the United States. But His Britannic Majesty reserves to himself the right to impose higher duties upon all articles so allowed to be imported into the said free ports from the United States, or from any other foreign country, than are or may be chargeable upon all similar articles when imported from any of His Majesty's possessions.

ART. 2. His Britannic Majesty engages to allow the vessels of the United States to import into the island of Bermuda the following articles, to wit: tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading boards, and plank, timber, shingles, and lumber of any sort; bread, biscuit, flour, pease, beans, potatoes, wheat, rice, oats, barley, and grain of any sort; such commodities being the growth or production of the territories belonging to the United States of America; and to export from the said island to the United States, in vessels of the said States, any goods or commodities whatsoever, which are now by law allowed to be exported from His Majesty's colonies and possessions in the West Indies to any foreign country or place in Europe; and, also, sugar, molasses, coffee, cocoa-nuts, ginger, and pimento; and, also, all goods, the growth, produce, or manufacture of the United Kingdom of Great Britain and Ireland, upon the same terms, and subject to the same duties only, as would affect similar articles when imported from the United States into Bermuda, or exported from Bermuda to the United States, in British ships. And it is agreed, on the part of the United States, that a similar equality shall prevail in the ports of the said States, with regard to all British vessels trading in similar articles between the United States and the island of Bermuda.

ART. 3. It is agreed that vessels of the United States may resort to Turk's island for the purpose of taking in cargoes of salt for the United States; and that the vessels so resorting to the said islands shall be allowed to import tobacco and cotton wool, the produce of the said United States, upon the same terms, and subject to the same duties, as British ships when engaged in a similar intercourse. It is agreed, on the part of the United States, that a similar equality shall prevail in the ports of the said States, with regard to all British vessels trading in the same articles between the United States and the said Turk's island.

ART. 4. It is agreed that the navigation of all lakes, rivers, and water communications, the middle of which is, or may be, the boundary between His Britannic Majesty's territories on the continent of North America and the United States, shall, with the exception hereinafter mentioned, at all times be free to His Majesty's vessels and those of the citizens of the United States. The inhabitants of His Britannic Majesty's territories in North America, and the citizens and subjects of the United States, may freely carry on trade and commerce, by land or inland navigation, as aforesaid, in goods and merchandise the growth, produce, or manufacture of the British territories in Europe or elsewhere, or of the United States, respectively, within the territories of the two parties, respectively, on the said continent, (the countries within the limits of the Hudson's Bay Company only excepted;) and no other or higher duties, or tolls, or rates of carriage or portage, than which are, or shall be, payable by natives, respectively, shall be taken or demanded on either side. All goods or merchandise, whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce above mentioned, be carried into the said United States, in the manner aforesaid, by His Britannic Majesty's subjects; and such goods or merchandise shall be subject to no other or higher duties than would be payable by citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the United States; and, in like manner, all goods and merchandise the growth, produce, or manufacture of the United States, whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of the commerce above mentioned, be carried into the same by land, or by means of such lakes, rivers, and water communications, as above mentioned, by the citizens of the United States; and such goods and merchandise shall be subject to no other or higher duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories.

No duty shall be levied, by either party, on peltries or furs which may be brought, in the manner aforesaid, by land or inland navigation, from the said territories of one party into the said territories of another; but tolls or rates of ferriage may be demanded and taken, in manner above mentioned, on such peltries or furs.

It is further agreed that nothing in this article contained, as to the navigation of rivers, lakes, or water communications, shall extend to give a right of navigation upon or within the same, in those ports where the middle is not the boundary between His Britannic Majesty's territories and the United States of America.

Extract of a letter from Mr. Adams to Lord Castlereagh, dated

13 CRAVEN STREET, *April* 21, 1817.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States of America, has received the four projected articles for a supplement to the commercial convention of 3d July, 1815, sent him by direction of Lord Castlereagh, and has transmitted them for the consideration of his Government.

By a letter of instruction from the Secretary of State of the United States of the 5th of February last, the undersigned is informed that the negotiation between him and Mr. Bagot, in relation to the fisheries on the North American coast, had not been brought to the desired result; that it is yet to be hoped, however, that it may be satisfactorily settled; that, with this view, it was the President's intention to renew the negotiation as soon as he could obtain the information necessary to ascertain what arrangement would be best calculated to reconcile the interests of both parties, which he hoped to do in the course of a few months; that, in the mean time, he relied that no measures would be taken by His Majesty's Government to alter the existing state of things; and, particularly, that the order to the naval officer commanding on that station, not to interrupt or disturb the American fishermen during the approaching season, would be renewed.

The undersigned has the honor of renewing to Lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Lord Castlereagh to Mr. Adams, dated

FOREIGN OFFICE, *May* 7, 1817.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, in reply to Mr. Adams's note of the 21st ultimo, has the honor to acquaint him that, as soon as the proposition which Mr. Bagot was authorized, in July last, to make to the Government of the United States, for arranging the manner in which American citizens might be permitted to carry on the fisheries within the British limits, had been by them declined, viz: in the month of February, the same was immediately notified by His Majesty's minister in America to the British admiral commanding at Halifax; the effect of which notification was to revive the orders which Mr. Bagot had taken upon himself to suspend, in the expectation that the discussions in which he was then employed with the American Government would have led to a satisfactory issue.

These discussions having failed of success, and the orders above alluded to being consequently now in full force, the British Government cannot but feel some reluctance again to suspend them, without being in possession of more precise grounds for expecting an adjustment. Persuaded, however, from the official communication received from Mr. Adams, that it is not only the sincere desire of the President of the United States to come to an amicable arrangement, but also that he, being already in possession of the views of Great Britain, is now led to entertain a strong expectation that a settlement which shall reconcile the interests of both parties may, without any material delay, be effectuated, the Prince Regent, under these impressions, is willing to give to the American Government this additional proof of his earnest wish that the negotiation should proceed, under circumstances the most favorable to a speedy and amicable conclusion, by acceding to the application of the Government of the United States, as brought forward by Mr. Adams. Instructions will, accordingly, be expedited to the naval commanders on the American station to suspend the execution of the said orders during the approaching season. Ample opportunity will thus be afforded for coming to an amicable arrangement, more particularly as it appears that the American Secretary, in February last, had it in contemplation to offer, for the consideration of the British Government, some specific proposition on the subject, which Mr. Bagot did not then feel himself authorized to take, *ad referendum*, but which he has since been instructed to receive, and transmit for the opinion of his court.

Mr. Rush, acting as Secretary of State, to Mr. Bagot.

SIR: DEPARTMENT OF STATE, *May* 30, 1817.

I had the honor to receive, and have laid before the President, your note of the 27th of this month.

In answer to it, I have the honor to state that this Government is not yet prepared to make known, in any def-

nite and final shape, the nature and extent of the accommodation desired by its citizens engaged in the fisheries along the coast of His Britannic Majesty's dominions, according to the invitation held out, by order of the Prince Regent, in your note. At the same time, I am directed by the President to inform you that he recognises, in the terms of this invitation, not less than in the general scope of your note, a spirit of friendly accommodation, which this Government, not foregoing rights which it feels itself bound to look to, will nevertheless be desirous, in the fullest extent, to reciprocate.

On the return of the President from a tour through part of the United States, which he is now upon the eve of commencing, it is expected that this Department will be enabled to offer such propositions as, taking for their basis the principles stated in your note, it is confidently hoped may end in an adjustment of this important interest, upon terms reconcileable with the views of both nations, and serve to strengthen the harmony and good understanding which it is so desirable to cultivate and preserve between them.

I have the honor to be, &c.

The Right Hon. CHARLES BAGOT. RICHARD RUSH.

Mr. Rush, acting Secretary of State, to Mr. Bagot.

SIR: DEPARTMENT OF STATE, *August* 4, 1817.

It becomes my duty to address you upon a subject of deep interest to all those citizens of this country who are concerned in the fisheries.

By representations made to this Department, it appears that, at the commencement of the present fishing season, twenty sail of fishing vessels, of from twenty-five to forty-five tons burden, belonging to ports of the United States, were fitted out and sailed for the purpose of fishing on the western bank. That, while on their way, a number of them were compelled, by a storm, to put into a harbor at Ragged island, near Shelburne light-house. That, while here, they were boarded by an officer of the customs, who demanded and received light-money from them, notwithstanding the circumstances of compulsion and distress under which they had entered the port. That they afterwards proceeded to the bank, where, after remaining many weeks, they completed their fares of fish, and commenced their return to the United States. That, meeting with another severe storm upon their return, they were again forced to seek shelter in a British port, a few leagues to the westward of Halifax. That in this port they were captured by an armed barge, despatched from the British sloop of war Dee, Captain Chambers, and the next morning ordered for Halifax, where they all arrived on the 9th of June. That the unfortunate crews have been exposed to peculiar inconveniences and hardships; and that those who desired to return to their homes were refused passports towards facilitating that end, from the proper officers, to whom they made application.

For further particulars connected with the above facts, I have the honor to enclose you an extract of a letter* to this Department from the collector of Boston, dated June the 30th. It will be seen that it is not a case involving unsettled questions between the two countries in relation to the fisheries, but which it is so confidently hoped are in a train of satisfactory and amicable arrangement. It is, on the other hand, distinctly said that the boats, far from taking a fish in any waters claimed as British waters, took them all at the distance of many leagues from the coast; while the other alleged facts would seem to forbid the imputation of their having entered a British harbor from any other than a lawful and necessary motive.

Should the facts as represented prove to be well founded, the President feels persuaded that your Government will not fail to take such measures, as well towards redressing the evil complained of, in the present instance, as towards preventing the recurrence of one of the like nature, as are due to justice and the harmony and good understanding which so happily subsist between the two nations.

I pray you, sir, to accept, &c.

RICHARD RUSH.

Mr. Bagot to Mr. Rush.

SIR: WASHINGTON, *August* 8, 1817.

I had yesterday the honor to receive your letter of the 4th instant, acquainting me with the representations which had been made to the Department of State in relation to the seizure, by His Majesty's ship Dee, of certain American fishing vessels found in the harbors of Port Negro and Ragged island, upon the coast of Nova Scotia, and transmitting to me the extract of a letter upon the subject from the collector of the customs at Boston.

Should the circumstances of this seizure, as they have been represented to the American Government, prove to be correct, I can have no hesitation in giving you every assurance that His Majesty's Government will willingly take measures for the prompt redress of the injuries to which it may have led, and for the prevention of their recurrence; but the representations which I have received upon the subject from the commander-in-chief of His Majesty's squadron on the Halifax station differ so essentially in point of fact from those which have been made to the American Government, that I have every reason to hope that, upon a proper investigation of the transaction, it will not be found to involve any just cause of complaint.

I have the honor to transmit to you, enclosed, the copy of a letter from the captain of His Majesty's ship Dee to the commander of His Majesty's squadron on the coast of Nova Scotia, reporting the grounds upon which he had deemed it to be his duty to detain these vessels, together with a copy of the orders under which he has acted.

By these papers you will perceive that the vessels in question were in the habit of occupying, and were, at the time of their seizure, actually occupying, for the purposes of their fishery, the settled harbors of His Majesty's dominions, in violation of the orders at all times enforced against all foreign vessels detected in making similar encroachments, and of which it is not to be supposed that the masters of these vessels could have been ignorant.

The proceedings which have been instituted upon the captured vessels will necessarily lead to a complete investigation of all the circumstances under which they were detained; and there can be no doubt that the merits of the whole case, which appear to rest altogether upon questions of fact, will be then fully ascertained.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES BAGOT.

By Sir DAVID MILNE, K. C. B. and K. W. N., Rear Admiral of the Blue, and commander-in-chief of His Majesty's ships and vessels employed, and to be employed, in North America, and on the lakes of Canada, &c. &c.

You are hereby required and directed to proceed, in His Majesty's ship under your command, to Halifax; and, having received on board a pilot at that port, you will repair and cruise between Sambro light-house and Cape

* The letter referred to is mislaid.

Sable, using every means in your power for the protection of the revenue, as also the fisheries on the coast, against the encroachment of foreigners.

On your meeting with any foreign vessel fishing or at anchor in any of the harbors or creeks in His Majesty's North American provinces, or within our maritime jurisdiction, you will seize and send such vessel so trespassing to Halifax for adjudication, unless it should clearly appear that they have been obliged to put in there in consequence of distress; acquainting me with the cause of such seizure, and every other particular, to enable me to give all information to the lords commissioners of the admiralty.

You are to come within sight of signals from Sambro light-house every fourteen days, if the wind and weather will permit, and wait eight hours at that distance. You will continue on this service for six weeks from your sailing from Halifax, at the expiration of which time you will return to that port for further orders.

Given on board His Majesty's ship Leander, Bermuda, the 12th day of May, 1817.

DAVID MILNE, *Rear Admiral.*

To Captain SAMUEL CHAMBERS, *of His Majesty's ship Dee.*

By command of the Rear Admiral:

J. P. LAMEY.

Captain Samuel Chambers, of His Britannic Majesty's ship Dee, to Rear Admiral Sir David Milne, dated

SIR: HIS MAJESTY'S SHIP DEE, OFF SHELBURNE, *June* 8, 1817.

In compliance with your order of the 12th ultimo, I sailed from Halifax on the 30th ultimo, but did not meet or receive any intelligence of foreign fishing vessels being within our jurisdiction until the 3d instant; when, being off the Isle Maten, I was informed that the whole of the banks to the westward (off Cape Sable and Shelburne) were fished by American schooners; and that they continually resorted to the creeks on this coast in order to catch their bait, clean their fish, wood, water, &c.; this, of course, is highly detrimental to the interest of the industrious fishermen on this coast. I was also informed that the intricate harbors of Cape Negro and Ragged island were their resort most evenings, several going in; but more particularly on Saturdays, when they remain till Monday, to procure bait for the ensuing week. At the former place they had not been well received; at the latter, I suspect, much encouragement had been given them by an individual. I intended having our boats into Ragged island harbor before daylight on the 4th, but light winds prevented our getting that length. I, therefore, in the course of the day, put into Shelburne; and, in the evening, despatched the boats, under the charge of Lieutenant Hooper, into Ragged island, with the order I enclose; the weather preventing any boats returning until the 7th, when I received information that nine American fishing vessels had been found at Ragged island harbor, lying with their nets set. Lieutenant Hooper remained at this place, and despatched Lieutenant Lechenere, with a gig and cutter, to Cape Negro, with the enclosed order. He found two American fishing vessels in the harbor, and seven others came in in the course of Saturday. The whole joined me this day with two others that came into Ragged island. I have, therefore, in obedience to your directions, sent them into Halifax for adjudication; as any distress they may plead might, with more ease, be relieved at the regular harbor of Shelburne, which has been avoided for two intricate harbors in its immediate neighborhood.

I beg further to state that, without the use of our harbors, it appears impossible for any foreigners to carry on successful fishing on this coast, which fishing has much injured our fishermen; and I have every reason to believe that considerable smuggling of tobacco, shoes, &c. is carried on by their boats. I beg leave to enclose a list of the detained vessels, and also to inform you that, from some of the Americans attempting to tamper with some of our boats' crews, and the riotous conduct of others, I have been obliged to take precautionary measures to prevent any of the vessels being run away with.

I have the honor to be, &c.

SAMUEL CHAMBERS, *Captain.*

Rear Admiral Sir DAVID MILNE, K. C. B., *Commander-in-chief, &c.*

Extract of a letter from Mr. Adams, Secretary of State, to Mr. Rush, Envoy, &c. at London, dated

DEPARTMENT OF STATE, *November* 6, 1817.

A full power to conclude a commercial treaty is furnished you, together with your commission and credential letters; and in your earliest communications with the British Secretary of State for Foreign Affairs, you will give him notice that you have such a power. Should he then, or at any subsequent time, *while the United States are at peace*, manifest, on the part of his Government, a disposition to enter upon the negotiation, and be provided with similar powers, you will recur to the instructions given to the American plenipotentiaries for the negotiation of the peace. In them all the views of this Government, in relation to the proper regulation of maritime neutrality, are developed at large; and the President, still convinced that the principles there recommended are the best adapted to promote the great and permanent welfare of all mankind, and the preservation of peace upon earth, is yet willing that the United States should be bound by them, when their occasional and temporary operation may be to their disadvantage, provided they can secure the *benefit* of them when they shall hereafter be under circumstances to operate in their favor.

With regard to the strictly commercial part of the treaty, the principles for regulating the trade between the two countries during peace, you will recur to the same instructions to the plenipotentiaries for the peace, to the commercial convention of 3d July, 1815, and to the instructions given to your predecessor in reference to the negotiation of a commercial treaty, particularly with regard to the intercourse between the United States and the British colonies in the West Indies and upon this continent.

Extract of a letter from Mr. Adams to Mr. Rush, dated

DEPARTMENT OF STATE, *May* 21, 1818.

The other law to which I have called your attention is an act concerning navigation, passed on the 18th, and published in the National Intelligencer of the 21st of April. It meets the British prohibitive colonial system by direct and countervailing prohibition, to commence from and after the 30th of September next. The vote upon its

passage in the Senate, where it originated, was all but unanimous, and in the House of Representatives the opposition to it amounted only to fifteen or sixteen votes.

Although no formal communication of this law to the British Government will be necessary, it may naturally be expected that it will be noticed in your occasional conversations with Lord Castlereagh. He will doubtless remember, and may be reminded of, the repeated efforts made by this Government to render it unnecessary by an amicable arrangement, which should place on an equitable footing of reciprocity the intercourse between the United States and the British colonies; he will remember the repeated warnings given, that to this result it must come, unless some relaxation of the British prohibitions should take place; and his own equally repeated admissions, that the exercise of the prohibitive right on the part of the United States would be altogether just, and would give no dissatisfaction whatever to Great Britain. You are, nevertheless, authorized to assure him that the President assented to this measure with great reluctance, because, however just in itself it may be, its tendencies cannot but be of an irritating character to the interests which it will immediately affect, and because his earnest desire is to remove causes of irritation, and to multiply those of a conciliatory nature between the two countries. Such has manifestly been, on both sides, the effect of the equalizing and reciprocal provisions of the convention of July, 1815; and such, he has no doubt, would be the effect of the extension of its principles to the commercial intercourse between the United States and the British colonies in the West Indies and on this continent; and you are authorized again to repeat the offer of treating for a fair and equitable arrangement of this interest. A further inducement for making this offer may be stated in the expediency of looking forward, without further delay, to the expiration of the convention of 1815, which has now little more than one year to remain in force. It is important that the commercial part of the community, both here and in Great Britain, should have timely notice of the state in which the relations between the two countries are to stand after the termination of that convention. And, as there are other objects of moment to be adjusted, the President desires you to propose an immediate general negotiation of a commercial treaty, to embrace the continuance, for a further term of —— years, of the convention; and, also, the other subjects in discussion between the two Governments, namely—the question concerning the slaves, that relating to the fisheries, the boundary line from the Lake of the Woods, and the Columbia river settlement. The President prefers taking this course to that of submitting to commissioners, at least immediately, questions upon which he thinks it probable the two Governments may thus, by a shorter process, come to a mutual understanding between themselves.

If, upon making this proposal, the British Government agree to this negotiation, the President proposes that Mr. Gallatin and you should be authorized, jointly, as plenipotentiaries, to conclude the treaty, which it is very desirable may be concluded in season to arrive here by the commencement of the next session of Congress, which is to be on the third Monday in November. Instructions will be transmitted immediately to Mr. Gallatin, to hold himself in readiness to repair to London, upon receiving notice from you, should plenipotentiaries be appointed to treat with you; and, besides the instructions which formed the basis of the existing convention, and others already in your possession, further documents will be forwarded to you as soon as possible, which may assist you in the management of the negotiation.

We entertain hopes that this measure may result in a new treaty, which will remove most, if not all, of the causes of dissension between us and Great Britain. The satisfaction with which we have observed the avowal of the most *liberal* commercial principles by Lord Castlereagh in Parliament has already been noticed in my last letter. The opening, if not of all, at least of a great portion, of the ports of South America to the commerce of the world, which, under every possible course of events, must be now considered as irrevocable; and the bill which we perceive was before Parliament for establishing free ports in the British American colonies, all tend to convince us that Great Britain must see that a relaxation from her colonial restrictions has become the unequivocal dictate of her own interest.

Extracts of a letter from Mr. Adams, Secretary of State, to Mr. Gallatin, dated

DEPARTMENT OF STATE, WASHINGTON, *May* 22, 1818.

The present state of the relations between the United States and Great Britain has suggested to the President the expediency of proposing to the British Government the negotiation of a treaty of amity and commerce, to embrace the continuance for eight years longer of the commercial convention of July 3, 1815, and to attempt the adjustment of other objects interesting to the two countries, and upon which the Governments have not yet been able to come to an agreement. It is desirable that this negotiation should take place in the course of the ensuing summer, and that its result should be transmitted here for the commencement of the next session of Congress, fixed for the third Monday of November; for as the convention, unless continued, will expire in July, 1819, and as it is due to the interests of the merchants on both sides affected by it that early notice should be given whether its provisions are to be continued or to cease, it appears that no time is to be lost in bringing the question of its renewal or cessation to an immediate issue. As the motives for taking up the subject thus early are operative alike upon both parties, and as, in the event of the expiration of the convention of July, 1815, legislative measures preparatory to that contingency will doubtless be necessary as well in Parliament as in Congress, it is expected that this proposal will be acceded to by the British Government, and that plenipotentiaries on their part will be appointed to treat with you and Mr. Rush, to whom jointly the President proposes to commit the trust of this negotiation.

A copy of the instructions forwarded to Mr. Rush relating to this subject is herewith enclosed; and the President desires that you would hold yourself, accordingly, ready to repair to London immediately upon receiving the notice from Mr. Rush that the British Government agree to the proposal, and have appointed, or are ready to appoint, plenipotentiaries to confer and conclude with you. Your long experience and great knowledge of the subjects to be treated on are the motives of the President for associating you in this commission. A full power for the negotiation is herewith enclosed, and further instructions and documents relating to it will be transmitted to Mr. Rush as soon as they can be prepared. Your necessary and reasonable expenses upon this special mission will be allowed in like manner with those of a similar mission upon which you were employed last summer in the Netherlands.

The President is willing that the convention of July 3, 1815, should be continued for eight, or even ten years, as it stands. Its operation has indeed been in some respects disadvantageous to the United States, and favorable to Great Britain, owing to the revival of the interdiction of access to our vessels to the British West India and North American colonies, while our intercourse with them has been exclusively confined to British vessels. Yet that the injury to our navigation and shipping interest has not been very essential, we have many indications.

The moral effect of the equalization of duties on both sides in softening national asperities has been unequivocal, and is an object of much importance, deserving to be cherished and improved by both Governments. The encouragement which the convention has given to our trade with the British possessions in the East Indies is more ques-

tionable, as that trade operates upon us as a continual and embarrassing drain of specie. But as it has been a trade of profitable returns, and as it would still to a great extent be carried on with the native states of India, if we should be excluded, or our intercourse should be burdened and restricted with the British territories, the President will be satisfied to leave it as it is, and subject to the increasing competition of the British private traders with India, which will be likely to affect the interests of the British company more than ours.

The other interests which the President hopes may be adjusted by this negotiation are—

1. The intercourse with the British colonies in the West Indies and North America. You are well acquainted with the failure of the attempt to extend the convention of 1815 to this intercourse at the negotiation of the convention, and at a subsequent period, when four additional articles were proposed on the part of Great Britain, a copy of which you have. There was reason to believe that Lord Castlereagh was personally well disposed to a more liberal expansion of the colonial intercourse, although the cabinet was not entirely prepared for it. The manner in which he has recently avowed a liberal commercial principle in Parliament, and the approbation with which that avowal was received; the obvious, though not declared, bearing which those sentiments had both upon the South American contest and upon the relations between the United States and the British colonies; the free port acts which we understand have been introduced into Parliament, and are even said to have passed, strongly and concurrently indicate that a change has taken place in the policy of the cabinet on this subject; and we hope that now is precisely the favorable time for taking advantage of it. Our own navigation act may, perhaps, contribute to the same effect; and even should it operate otherwise, and confirm them in their obstinate exclusion of our vessels from those ports, as it will make their exclusion from ours to the same extent reciprocal, it leaves us the more free to agree to the renewal of the convention of July, 1815, if nothing more can be obtained.

2. Indemnity to the owners of the slaves carried away from the United States by British officers, after the ratification of the peace of Ghent, and contrary to a stipulation in the first article of that treaty.

Copies of the correspondence between the two Governments, on this subject, are in the possession of Mr. Rush. They disagreed in their construction of the stipulation alluded to, and, each party adhering to its own view of it, a proposal was made, nearly two years since, on our part, to refer it to the arbitration of some friendly sovereign. This proposal, which Mr. Rush, upon his arrival in England, renewed, has now been accepted by the British Government; but with a further proposal to refer it, and two other subjects, for arrangement, in the first instance, to commissions like those under the fourth, fifth, sixth, and seventh articles of the treaty of Ghent.

3. 4. These other subjects are, the boundary line from the northwest corner of the Lake of the Woods westward, which you remember was all but agreed upon, and went off upon a collateral incident at Ghent; and our *title* to the settlement at the mouth of Columbia river.

The expediency of referring any of these questions to two commissioners, one belonging to each of the two countries, is very doubtful. With regard to the slaves, and to Columbia river, it can scarcely be expected that the commissioner of either party would ultimately entertain an opinion different from that already pronounced by his own Government; and, if concession upon one point is to be made the condition of corresponding concession upon the other, it may with more propriety be effected by compromise between the two Governments, than by judiciary powers given by them to individuals, under allegiance to the two countries themselves. As to the line from the Lake of the Woods, as some dissatisfaction has already been excited here by the expense occasioned by the two commissions already employed in settling the boundary, another commission, to draw a line through the depth of the deserts, and to an indefinite extent, would be still more liable to censure; besides, the apprehension which it might raise, that the issue of the commission would be to bring the British territory again in contact with the Mississippi.

5. The fisheries.

The correspondence between the two Governments on this subject leaves it still in the unsettled state in which it was left at the peace. Two proposals have been made, on the part of the British Government, neither of which proving acceptable, a counter-proposal from us has been promised, and will be contained in the further detailed instructions which will be prepared and forwarded to Mr. Rush, to assist you in the conduct of the negotiation.

JAMES MONROE, *President of the United States of America: To all whom these presents shall concern, Greeting:*

Know ye, that, for the purpose of perpetuating, between the United States and His Britannic Majesty, the harmony and good correspondence happily subsisting between them, and of removing all grounds of dissatisfaction, and reposing special trust and confidence in the integrity, prudence, and abilities of Albert Gallatin, our envoy extraordinary and minister plenipotentiary at the court of France, and of Richard Rush, our envoy extraordinary and minister plenipotentiary at the court of the United Kingdom of Great Britain and Ireland, I have invested them with full and all manner of power and authority, for and in the name of the United States, to meet and confer with any person or persons authorized by His Royal Highness the Prince Regent, acting in the name and behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland, being furnished with like power and authority; and with him or them to agree, treat, consult, and negotiate of and concerning the renewal of the convention concluded at London on the 3d of July, 1815, and concerning the general commerce between the United States and Great Britain and its dominions or dependencies, and such other matters and subjects interesting to the two nations as may be given to them in charge; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Washington, the twenty-second day of May, A. D. 1818, and of the independence of the United States of America the forty-second.

[L. S.]

JAMES MONROE.

By the President: JOHN QUINCY ADAMS, *Secretary of State.*

Extract of a letter from Mr. Adams to Mr. Rush, dated

DEPARTMENT OF STATE, *May* 30, 1818.

It is not our desire to embarrass the proposed commercial negotiation with any of the questions of maritime regulations adapted to a state of warfare. We do not wish that blockade, contraband trade with enemies or their colonies, or even impressment, should be drawn into the discussion, unless such a wish should be manifested on the British side.

Mr. Bagot has been informed that this negotiation will be proposed, and that, in the event of its being agreed to, another plenipotentiary will be joined with you, to confer and conclude with those who may be appointed on the part of Great Britain. He is not aware that there will be any objection to it; but, if there should be any, and the British Government should determine to keep the renewal of the commercial convention distinct from every other subject to be arranged between the two countries, you will, of course, not give the notice to Mr. Gallatin to repair to London, mentioned in my last despatch. If the British cabinet agree to negotiate, it is hoped that the special instructions to be prepared and forwarded to you will reach you as soon as Mr. Gallatin will find it convenient to meet you in London. If the British cabinet prefer, by a single article, to renew the convention of July, 1815, for a term of eight, ten, or even twelve years, or any shorter period, your full power, heretofore given, will be still in force, and will enable you to conclude such an article, subject to the ratification here, by and with the advice and consent of the Senate.

Extract of a letter from Mr. Rush to Mr. Adams.

LONDON, *June* 26, 1818.

In my interview with Lord Castlereagh on the 11th of this month, other subjects were treated than those I have already communicated, of which it is proper that I should now give a particular account.

In the foremost rank stands impressment. A sufficient interval having elapsed, I asked his lordship if any answer was made up on the proposal I had submitted on the 18th of April. He replied that he had brought it before the cabinet, where it had been considered with all the care which it merited. He proceeded to touch upon some of the principles and arguments to which the subject always leads. He adverted first, as connected with naturalization, to the opposite opinion which the two Governments held upon the doctrine of allegiance. I said that I was aware of no opinions entertained by the Government of the United States upon that point, except such as were sanctioned by the ancient and predominant authorities of law, as well as the general usage of Europe. He next observed that we gave to our ships a character of sovereignty which Great Britain did not; that we considered them part of our territory, clothing them with corresponding immunities. I said it was true that we did consider our ships quite as inviolable as the soil, in the protection which they should afford to our seamen, whether native or naturalized; but that never had we, as a neutral, claimed to shield them from entry under any of the just belligerant rights of search; that is, whether to look for persons in the land or naval service of a co-belligerant, articles contraband of war, or enemy's property. That these constituted the utmost limit to which the belligerant claim had ever been pushed. What we complained of was, that Great Britain, passing them all, should enter a new field, and set up a right to enforce in our vessels, while navigating the high seas, her own municipal laws. His lordship did not view it in this light, but spoke of the claim as one being established, and incontestable on the part of Great Britain. He said it became his duty to add, that, on a full consideration of the proposal, it had not been found practicable to forego, under any conventional agreement, the execution of which was to depend upon the legislative ordinances of another country, this right of looking for her subjects upon the ocean wherever she might be likely to find them.

From the broad ground of this decision, it became evident that there could no longer be any possible advantage in adhering to the course marked down in my despatch of the 20th of April. This, it will be recollected, was not to disclose, in the first instance, all my powers. I therefore risked nothing in asking his lordship what difference it would make if the United States would agree to exclude from service, on board both of their ships of war and merchant vessels, all native born British subjects.

He replied that this, indeed, would be going a step further, but that it would still leave the proposal within the principle of their objection. That the objection, in short, went to the full length of an unwillingness to concede, by treaty, the right of entering the vessels of a foreign Power, to look for their subjects, whatever its terms.

I now remarked that I heard this determination with regret, as I was ready to accede to a stipulation, on the part of my Government, bottomed on the unqualified exclusion of all natives from both branches of our service; and I feared, also, that this would exhaust all the offers which it had to submit. I begged that he would, in fact, consider such an offer as distinctly made, and under full authority. He promised to do so.

Every proposal which it fell within the compass of the United States to put forward being gone through, I asked, in turn, if it had occurred to his lordship to hold out any overtures on the part of the British Government. I reiterated, in forcible terms, the assurance that there prevailed throughout the United States one universal wish, with Government and people, to see removed the sources of a dispute which concerned so seriously both nations. But I found that he was prepared with none which did not assume the right of previously entering our ships. For the judicious and safe exercise of this right, Great Britain, he said, was willing to enter into the most effective regulations, such as restricting the boarding officers to those of a rank not below lieutenants, giving responsible receipts for the men taken out, or any other safeguards which the American Government might propose as better adapted to the end; that she would always be ready to receive, and in the most friendly manner discuss, proposals of this description, under the hope of some practicable arrangement growing out of them.

I did not hesitate to say that the United States would never admit, by convention, a right to enter their vessels for such a purpose as impressment. It would be to surrender principles which they held too sacred; besides that its exercise, however attempted to be softened, must necessarily be liable, from circumstances intrinsic and insurmountable between the two nations, to perpetual and the most fatal abuse. His lordship, while repeating the inability of Great Britain to abandon by compact her ancient right, again frankly admitted the evils of which it had been the parent, and which he hoped never to see revived. He added that it would be her anxious desire in future, hoping that the day of necessity for its actual exercise was far distant, to free it as much as possible from abuse, and that, in particular, it would be much the more sparingly brought into activity, if the American Government, by adopting, of its own accord, such legislative ordinances as I had proposed, would thus inspire a confidence that, at all events, but few of her subjects would find their way into American ships.

It will be supposed that I alluded to the unequal ground upon which such a course would place the United States. If they consented to pass laws of this nature, it might reasonably be expected that they must see their way to an equivalent in some stipulation, on the part of Great Britain, of ascertained and positive value, and that no other would be stamped with that character but an agreement not to enter their ships.

Although I explicitly made the proposal of a willingness not to employ in our service even her native subjects, I did not think it right that it should rest upon the footing of a verbal offer. The less did I think this would be prudent, from observing an inclination in his lordship's mind, towards the close of our conversation, to consider what had passed as wearing an informal rather than any other character, inasmuch as it had been productive of no results. I removed this impression by new and unequivocal declarations that it was to be regarded differently. In conformity with them, I put into his hands, on the 20th of this month, the paper marked No. 2, which accompanies this

despatch. In delivering it, I desired that he would consider it as altogether and strictly official. It was true, I said, the proposal which it embraced had already been rejected; but I knew so well the anxiety of the President upon this great point, as to feel sure that I should be more truly the organ of his will by putting it in a shape in which it might go among the archives of this Government, and would add, in the further hope that possibly other views might, in other times, be taken of it. On receiving the paper with this remark, his lordship said he would lay it before the cabinet on his return from Ireland, whither he was soon to go, and that, perhaps, it might be thought advisable to put in writing the objections and counter-opinions of Great Britain.

In this abortive manner has the attempt ended. I have endeavored to recount, with all possible accuracy, what has transpired, and trust that in no material point have I misunderstood the communications of this Government. It places upon record another and an earnest effort to settle this great and formidable controversy. The failure is the more to be deplored, as the attempt has been made during a season of profound peace, and when the two Governments seem well disposed towards each other. The United States have again done all that they could towards allaying it. They declare that they want not British seamen in their vessels. They engage to exclude them by all the means that human laws can devise. In a spirit of extreme conciliation, they go farther in their offers than the obligations of coequal sovereignty, or the policy and habits of their internal system, might, in the judgment of all, be thought to dictate. Whilst they concede so much, Britain will yield nothing. She remains rigid and inexorable. She will not meet half way. She will not turn a step from her course. To an alleged right, but which has often been demonstrated to be utterly without support, in any one principle that the society of nations has ever recognised—unless the dicta of English common lawyers make up the great and universal code of public law—does she continue to cling, in the mere ambitious and wilful reliance upon an unchecked career in her naval supremacy. It is upon such foundations that she virtually threatens the indefinite continuance of a practice more afflicting to humanity, as far as the scale extends, than was ever the African slave trade, and in the highest degree insulting to the rights and dignity of an independent and powerful nation.

The subject of impressment being, I fear, finally disposed of, as one of negotiation between the two Governments, Lord Castlereagh next reminded me that it was now but little more than a twelvemonth from the time fixed for the expiration of the commercial convention of 1815. He asked if I knew the views of my Government in regard to its renewal. I replied that at present I did not, with precision. He requested that I would consider his question as intended to draw my attention specially to the subject, and expressed some anxiety to have information at as early a day as convenient.

I anticipate the probability of the expression of some sentiments to me from the Department, in the course of the present summer, in relation to this convention. How far our act, bearing upon their colonies, is to operate on the question of renewal, or, if objectionable in its existing provisions, in what respects modifications are to be insisted upon, are points on which I am not instructed. I am aware that it is already made my duty to obtain and transmit information upon which, perhaps, a final opinion on the merits of the convention was expected, in part, to rest. Of this duty I have not been unmindful. But it is proper I should state that my efforts, for reasons that will be explained in a future despatch, do not promise as much success as I had hoped. Besides inquiries among individual merchants, wherever it has come within my power to make them, I addressed, in March, a letter to each one of our consuls within the European dominions of this country. Answers are, from time to time, dropping in; but neither from them, and still less from my personal inquiries, is it likely that I shall derive information, either so full or so accurate, on the effects of the cessation of all discriminating duties, as to be of any decisive or even great account in making up a judgment. In the next place, although I will take care that what I do obtain is transmitted in time for the session of Congress in November, the period which my instructions seem to contemplate, it would be desirable, I am sure, to this Government, to be furnished sooner, if possible, with an intimation of the intentions of ours in relation to this compact.

If it is to be suffered to run out without renewal, Great Britain having positively declined forming a treaty with us which shall include her colonies, upon what footing are the commercial relations of the two countries to stand? Will each be left to its own regulations, as sometimes heretofore, or is any substitute to be proposed? These are points on which I should feel happy to receive information, whenever it may be thought fit to impart it.

Extract of a letter from Mr. Rush to the Secretary of State, stating a conversation between himself and Lord Castlereagh, dated

LONDON, *July* 25, 1818.

I entered next upon the subject of the commercial relations between the two countries. Remarking upon the change produced in them by the prohibitory act of the last session of Congress, now soon to commence its operation, I observed that I had it in charge to say that the President had yielded his assent to that act with reluctance; for that, however just, its tendencies might be of an irritating nature to the individual interests that it would affect on both sides, whilst it was his constant desire to give efficacy to measures mutually more beneficial and conciliatory. It was, therefore, that I was once more authorized and instructed to propose to this Government the negotiation of a general treaty of commerce. That the President had, besides, agreed that there should be comprehended in the negotiation other matters heretofore desired to be treated of by this Government, as well as points in which the Government of the United States took a particular interest; being, in the whole, 1. The question respecting the slaves carried off from the United States, in contravention, as alleged, of the treaty of Ghent. 2. The question of title to the settlement at the mouth of Columbia river. 3. The question of the north-western boundary line, from the Lake of the Woods; and 4. That of the fisheries. Upon these topics, the President, I added, preferred treating in a direct way in the first instance, in the hope that the two Governments might arrive at a just understanding, without resorting to commissioners; and that, if this Government was prepared to go into all of them, including, especially, a general treaty of commerce, another plenipotentiary had been contingently appointed on the part of the United States, to meet with me any two that might be designated on the part of Great Britain.

His lordship asked what he was to understand by a general treaty of commerce. I replied, a treaty that should lay open, not a temporary or precarious, but a permanent intercourse with their West India islands and North American colonies to the shipping of the United States, as often before proposed, but which, after the recent refusals, it might seem almost unnecessary again to bring into view, were it not that other objects of interest to both nations were now associated with it in a way to clothe the proposition with a new aspect.

He answered that the British Government would certainly be willing to enter upon a negotiation on the commercial relations of the two countries, but that he had no authority to say that the colonial system could be essentially altered; broken down it could not be. I said, that if it was not to be departed from, or in no further degree than the four articles had imported, as those articles had already been rejected, it did not appear to me that any

advantage would be likely to arise from going into the negotiation. He replied that he was not prepared to answer definitively upon all or any of the points, but would lay them before the cabinet, and let me know the result. He professed earnestly, in the course of the conversation, the desire which this Government had to see the commerce of the two countries stand upon the best footing of intercourse, the stake to each being so great, and promising, with the growth of the United States, to be so much greater.

In the event of a negotiation, upon the grounds I had explained, not being opened, he asked if I could inform him what the intentions of my Government were relative to the commercial intercourse between the two countries, it being, for obvious reasons, desirable soon to know. Here I did not hesitate to announce that, in such an event, which I still hoped would not be the case, it was willing simply to renew the existing convention of 1815, thus keeping this instrument distinct from all other questions of a commercial nature, if the British Government preferred it. This communication, I thought, he received with evident satisfaction. He remarked that it would rescue the commercial relations from all danger of a chasm, and made known, in immediate reply, the readiness of his Government to acquiesce in such a course.

On the 22d I received a note from him requesting to see me again at the Foreign Office on the 23d. I was there accordingly. Mr. Robinson, who is now a member of the cabinet, as well as president of the Board of Trade, was present. It was the first occasion upon which any third person had been associated with Lord Castlereagh at any of our official interviews.

His lordship commenced by saying that he had laid my proposals before the cabinet, and that it had been agreed to enter upon the general negotiation; that is, one which should embrace all the points I had stated. In relation to the great commercial question, he begged I would understand that the British Government did not pledge itself beforehand to a departure from its colonial system in a degree beyond what it had already offered; but that it sincerely was desirous to make the attempt, and unequivocally wished to bring the whole commercial relations of the two countries into view, willing to hope, though abstaining from promises, that some modification of that system, mutually beneficial, might be the result of frank and full discussions renewed at the present juncture. I replied that I knew my Government would hear this determination with great satisfaction; that it would cordially join in the hope that the new effort might be productive of advantage to both countries, and strengthen the ties of good intercourse that should unite them.

I now informed him that Mr. Gallatin, the present minister from the United States at Paris, would take part in the negotiation, and come over to London as soon as it would be convenient to say that plenipotentiaries would be appointed on the part of Great Britain. He said, the sooner the better; and that Mr. Robinson and Mr. Goulburn would be named to treat with us. His lordship said that he himself would be obliged to set out for the continent to attend the European Congress, by the 20th or 25th of next month, but that the negotiation could go on in his absence. He intimated a wish, however, that it might open, if practicable, before he went away. I answered that all the necessary powers and instructions from our Government had not yet reached us, but that we were in daily expectation of them.

He next asked whether, in order to guard against all possible delays that might be incident to the general negotiation, which was to embrace so many points, I was prepared to agree at once to a renewal of the convention of 1815 for a term of years to be agreed on, declaring that the British Government was ready, at any moment, to concur in such agreement.

I answered, without reserve, that I was already in possession of a full power to this effect, which, independently of other objects, might be carried into execution.

I wrote yesterday to Mr. Gallatin to apprize him of the necessity of coming over, the contingency which was to bring him having happened. From the answer I have received to my letter to him of the 2d of this month, I think it probable that he will be here in three weeks, or sooner; so that, if our full powers arrive, the negotiation may be opened before Lord Castlereagh's departure. Should Mr. Gallatin concur, we will make the renewal of the convention for eight, ten, or twelve years, our first act. This I hope the President will approve. The reasons that operate with me, are, 1. It will not only provide against delays, but all uncertainties in the result, of the possibility of which we are forewarned simultaneously with the desire expressed to enter the field of negotiation. It is not only important that there should be no chasm in the commercial relations between the two countries, but equally so that our merchants should have timely notice that there will be none. 2. Every inquiry that I have made among merchants from the United States, with whom I have been able to confer in this city, has produced the most unequivocal opinions that this convention is working well for us, which entirely falls in with the communications I have received from the Department. 3. Taking this for the fact, it seems naturally to follow that it is our part to consent to the renewal the moment Britain says she will, lest the day should go by. On this head I will just state that I have heard, through a respectable source, that there are already some British ship-owners in Liverpool who talk of petitioning their Government against its renewal. Lastly, my power to renew seems to me, from your despatch of the 30th of May, to be complete; nor will its exercise thwart, in any degree, our prospects of a more enlarged treaty under the general negotiation.

Extract of a letter from Mr. Adams to Messrs. Gallatin and Rush, dated

DEPARTMENT OF STATE, *July* 28, 1818.

In the expectation that the Government of Great Britain have accepted the proposal which Mr. Rush was instructed to make, for negotiating a treaty of commerce, embracing the continuance of the convention of 3d July, 1815, for an additional term of years, and including other objects of interest to the two nations, I have now the honor of transmitting to you the President's instructions to you for the conduct of the negotiation.

With regard to the commercial convention of 3d July, 1815, you have already been informed that the President is willing that it should be continued without alteration for a further term of eight or ten years. We had flattered ourselves, from the liberal sentiments expressed by Lord Castlereagh in Parliament, and from various other indications, that the British cabinet would have been now prepared to extend the principles of the convention to our commercial intercourse with their colonies in the West Indies and North America; but, from the report of two conferences between Mr. Rush and Lord Castlereagh, since received, it appears that our anticipations had been too sanguine, and that, with regard to our admission into their colonies, they still cling to the system of exclusive colonial monopoly.

Our navigation act, passed at the last session of Congress, is well calculated to bring this system to a test by which it has not hitherto been tried; and if the experiment must be made complete, so that the event shall prove to demonstration which of the two countries can best stand this opposition of counter-exclusions, the United States are prepared to abide by the result. Still, we should prefer to remove them at once, if for no other reason than that it would have a tendency to promote good humor between the two countries. We wish you to urge this argu-

ment upon the British cabinet; to remind them of the principles avowed by Lord Castlereagh in Parliament, to which I have before referred, and of their precise bearing upon this question. It may also be proper to suggest that, while Great Britain is pressing upon Spain the abandonment of her commercial monopoly throughout the continent of South America, her recommendation must necessarily gain great additional weight by setting the example with her own colonies, while at the same time her own interest in her monopoly must be reduced to an object too trifling for national consideration, when the Spanish colonies shall be open to the commerce of the world. Finally, it may be observed that the free port act passed at the late session of Parliament goes already so far towards the abandonment of their system, that it can scarcely be perceived why they should adhere to the remnant of it any longer. Other arguments may occur to your own reflections, and result from your thorough knowledge of the subject; you will urge them with earnestness, though giving it always to be understood that we shall acquiesce in their ultimate determination.

Whenever this subject has been presented to the British cabinet, since the peace, their only objection to the proposals and arguments of the United States has been, that their system has been long established. Lord Castlereagh has invariably acknowledged his own doubts whether it was wise, or really advantageous to Great Britain, but placed the determination to preserve it upon the single ground of its having long existed. Whatever weight there is in this reasoning, it would bear in favor of all those other exclusions which he congratulated Parliament and the country at having been abolished, as much as in support of this. It is the argument of all existing abuse against reformation—of mere fact against reason and justice. The commercial intercourse between the United States and the West Indies is founded upon mutual wants and upon mutual convenience; upon their relative geographical position; upon the nature of their respective productions; upon the necessities of the climate; and upon the convulsions of nature. When the British ministry say, Against all this our ancestors established a system, and therefore we must maintain it; we may reply, If your ancestors established a system in defiance of the laws of nature, it is your interest and your duty to abolish it. But who can overlook or be blind to the changes of circumstances since the establishment of the system; to the irresistible consequences of the establishment and growth of the United States as an independent Power; to the expulsion of the French from St. Domingo; to the revolution in progress in the South American provinces? Every system established upon a condition of things essentially transient and temporary must be accommodated to the changes produced by time.

Besides the free port act, a printed copy of which has now been received from Mr. Rush, and which, we find, is limited to ports specially to be appointed by the Crown, in the provinces of Nova Scotia and New Brunswick, we have seen in the public journals a bill for permitting a certain trade between the British West Indies and *any colony or possession in the West Indies, or on the continent of America, under the dominion of any foreign* EUROPEAN *sovereign or state*. This measure appears intended to counteract the effects of our late navigation act, and gives further manifestation of the adherence of the British Government to their colonial exclusions. It is the President's desire that nothing should be omitted which can have the tendency to convince them that a change would promote the best interests of both countries, as well as the harmony between them. Should your efforts prove ineffectual, we can only wait the result of the counteracting measures to which we have resorted, or which may be found necessary hereafter.

In carrying the convention of 3d July, 1815, into execution, the British Government have sanctioned the practice, with regard to some of the foreign tonnage duties, first, to levy them as if the convention were not in force; and then, upon petition of the persons interested, to have them returned. If this practice cannot be given up altogether, it will be necessary that some regulation should be adopted, by which the extra duties shall be returned of course, and without putting the parties to the trouble, expense, and delay of obtaining it by petition. At present, unless the petition is presented, the duties are not returned. It happens sometimes that masters of vessels pay the duties, without knowing that they are entitled to have them returned; in which case, they are lost to them or their owners. It will be proper, therefore, to require the adoption of some general regulation; in virtue of which, it shall be made the duty of the officers of the customs to repay the extra duties in all cases in which they shall have been levied, without exposing the individual to lose his right by his own ignorance, or by the negligence or infidelity of his consignee.

2. *Slaves.*

The British Government have accepted the proposal of referring to the decision of some friendly sovereign or state the question concerning the slaves carried away from the United States by British officers after the ratification of the peace. They propose, however, a previous reference of it to two commissioners, appointed like those under the fourth, fifth, sixth, and seventh articles of the treaty of Ghent, and to proceed with similar powers; and committing to the same commissioners the power of fixing definitively the boundary between the United States and the possessions of Great Britain, westward, from the northwest corner of the Lake of the Woods; and of pronouncing upon the right of the United States to the settlement on the shores of the Pacific ocean, at the mouth of Columbia river. These objects are so entirely different from one another; the principles, the character of the evidence, and the reasoning which must lead to the result, are so disconnected and incongruous, that, if submitted at all to commissioners, it is obviously proper to refer them to different commissions. The question concerning the slaves is a question of construction upon the terms of the first article of the treaty; and the two Governments having already discussed it, each, after discussion, adhering to its own opinion, there is little prospect that either of the commissioners will come to a conclusion different from that of his own Government. The present offer of the British Government, connecting it with another question of boundary, bears the appearance of a disposition to make it an affair of compromise, and that they are willing to concede something to us on one of the points, upon condition of a concession from us upon the other. If this be their object, these mutual concessions may be made with more convenience by direct and immediate agreement between the two Governments, and by an article of the treaty, than by the means of commissioners, whose functions are rather of the judicial than the ministerial character, and whose duties are to decide, and not to compromise.

3. *Boundary, from the Lake of the Woods, westward.*

By the second article of the treaty of peace of 1783, the boundaries of the United States, after having been traced from the northwest angle of Nova Scotia to the most northwestern point of the Lake of the Woods, are pursued "from thence, on a *due west* course, to the river *Mississippi;* thence, by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude."

By the fourth article of the treaty of 1794, it was declared to be uncertain whether the river Mississippi extended so far to the northward as to be intersected by a line due west from the Lake of the Woods; and a joint-survey of the river, from one degree below the falls of St. Anthony to the principal sources of the said river, and of the parts adjacent thereto, was stipulated; and if, on the result of the survey, it appeared that the river would not be intersected by the line, the parties were to regulate the boundary line by amicable negotiation, according to justice and mutual convenience, and in conformity to the intent of the treaty. This joint-survey never took effect.

By a convention signed on the 12th of May, 1803, by Mr. King and Lord Hawkesbury, but which was not ratified, it was agreed that the boundary should be by a line from the northwest corner of the Lake of the Woods, by the shortest line, until it touched the river Mississippi. Until then, the Mississippi river had been the western boundary of the United States. The cession of Louisiana gave them a new and extensive territory westward of that river.

In the negotiation of 1807, between Messrs. Monroe and W. Pinkney, and the Lords Holland and Auckland, there were three successive draughts of articles for the settlement of this boundary. The first, proposed on the British side, (art. 5, For. Rel. iii. p. 164,) was a line due west from the Lake of the Woods, along the forty-ninth parallel of north latitude, as far as the territories of the United States extend in that quarter, and the line, *to that extent*, was to form the boundary; with a proviso that the article should not be construed to extend to the northwest coast of America, or to territories westward of the Stony mountains.

The second, proposed on the part of the United States, (ibid, p. 165,) took a line due north or south, as the case might be, from the most northwestern point of the Lake of the Woods, until it shall intersect the forty-ninth parallel of north latitude, and then due west, along that parallel, for the boundary between the territories of the parties; with the proviso excluding the northwest coast and all territories westward of the Stony mountains.

The third was agreed to by both parties, and varied from the second only by an additional clause, purporting that this should be the boundary, *as far as the respective territories of the parties extend in that quarter.*

That convention was not ultimately concluded. At the negotiation of the peace of Ghent, the eighth article of the first projet, presented by the American plenipotentiaries, was a transcript from this article last above mentioned; and the article proposed by the British plenipotentiaries on returning the projet was the same as that which had been first proposed by Lords Holland and Auckland, with an additional paragraph, stipulating free access to British subjects through the territories of the United States to the Mississippi, and the free navigation of that river. In the conferences that ensued, the substance of the article, so far as it regarded the boundary, was agreed to on both sides; but, as the American plenipotentiaries could not accede to the additional paragraph, the article was finally altogether omitted.

From the earnestness with which the British Government now return to the object of fixing this boundary, there is reason to believe that they have some other purpose connected with it, which they do not avow, but which, in their estimation, gives it an importance not belonging to it, considered in itself. An attempt was at first made by them, at the negotiation of Ghent, to draw the boundary line from Lake Superior to the Mississippi. But, as they afterwards not only abandoned that pretension, but gave up even the pretension to an article renewing their right to the navigation of the Mississippi, it was to have been expected they would thenceforth have considered this western boundary of no importance to them. The new pretension, however, of disputing our title to the settlement at the mouth of Columbia river, either indicates a design on their part to encroach, by new establishments of their own, upon the forty-ninth parallel of latitude, south of which they can have no valid claim upon this continent; or it manifests a jealousy of the United States—a desire to check the progress of our settlements, of which it might have been supposed that experience would, before this day, have relieved them. Their projects for the line, both in the negotiation of Messrs. Monroe and Pinkney, in 1806, and at Ghent, in 1814, were to take the forty-ninth parallel of latitude, from the Lake of the Woods, west, as far as the territories *of the United States* extend in that direction, with a caveat against its extension to the South sea, or beyond the Stony mountains; upon which two observations are to be made: first, that it is uncertain whether any part of the Lake of the Woods is in latitude forty-nine; and, secondly, that they always affected to apply the indefinite limit of extension, "*as far as the territories extend*," to the territories of the United States, and not to those of Great Britain, leaving a nest-egg for future pretensions, on their part, south of latitude forty-nine. The counter-projects for the line on our part, therefore, at both those negotiations, were from the northwest corner of the Lake of the Woods, the point already fixed and undisputed, a line due north or south, as the case may be, to the forty-ninth parallel of latitude, and thence, along that parallel, due west, as far as the territories of *both parties* extend in that direction, and adopting the caveat against extension to the Pacific, or beyond the Stony mountains.

4. *Settlement at the mouth of Columbia river.*

From the late correspondence with the Spanish minister, Onis, it appears that the claim of Spain upon the shores of the South sea extends to the fifty-sixth degree of north latitude; but there is a Russian settlement in fifty-five, besides a temporary lodgment connected with it as far south as forty-two. The pretensions of the British Government may, on this occasion, be disclosed. We know not precisely what they are, nor have they explained the grounds or the motives upon which they contest our right to the settlement called Astoria, formed before the late war, and broken up by the British sloop of war Racoon in the course of it. The papers enclosed, marked from A to I, contain all the information material to the subject possessed by this Department. It appears that, at the time when the American settlement was broken up during the war, the property was purchased by certain agents of the British Northwest Company; this, however, could in no manner divest the United States of their jurisdiction. As the British Government admit, explicitly, their obligation, under the first article of the treaty of Ghent, to restore the post, there can be no question with regard to the right of the United States to resume it. We do not perceive how or why this question should be referred to two commissioners of the respective nations; and, as Russia herself has pretensions on that coast, it deserves the consideration of both parties, whether the ultimate determination, in the almost unavoidable case of a difference between the commissioners, could with propriety be referred to her sovereign. Mr. Rush has been instructed, in the event of a final difference between the commissioners, under the existing commissions, to propose the Emperor of Russia as the sovereign to whose decision the reference stipulated on that contingency in the treaty should be made. It cannot be doubted that he was the sovereign contemplated by both parties at the time when the treaty was concluded; and it might be difficult to designate any other in whom the confidence of both parties would be so strong and clear as to secure their cordial acquiescence in his decision.

The expedient, itself, of submitting questions of territorial rights and boundaries in discussion between two nations to the decision of a third, was unusual, if not entirely new, and, should the contingency occur, will probably encounter difficulties of execution not foreseen at the time when the stipulation was made of resorting to it. The subjects in controversy are of a nature too intricate and complicated, requiring on the part of the arbitrator a patience of investigation and research, historical, political, legal, geographical, and astronomical, for which it is impossible to conceive that the sovereign of a great empire could *personally* bestow the time.

These ideas are suggested with a view to recommend the attempt rather to come to an agreement between the parties themselves, upon all objects which have not been thoroughly discussed between them, than to cast their difficulties upon commissioners, who can scarcely be expected to agree concerning them, and then upon a foreign sovereign, of whose personal integrity no doubt can be entertained, but who cannot have leisure to sift the subjects in dispute to the bottom.

On the whole, the President will be well satisfied if these three objects—of indemnity for the slaves carried away, of the western boundary from the Lake of the Woods, and of the settlement at the mouth of Columbia river—can be adjusted by this negotiation, rather than referred to commissioners, which must be expensive, and so constituted as to make it at least probable that they will decide nothing; and then to a friendly sovereign, still at great expense and other inconveniences to both parties. With regard to the slaves, the question which it was proposed should be submitted to the decision of an impartial arbitrator was merely on the construction of one paragraph in an article of the treaty of Ghent. This was so simple, and requiring so little research or investigation of any kind, that it might have been decided immediately by the sovereign himself, upon an inspection of the article, and a short statement of the facts, to which both parties would have agreed. But the delineation of an unsettled boundary across the western deserts of this continent, the title to establishments on the Pacific ocean, where the arbitrator himself is not without his pretensions, and where, save pretensions, there is no object to any party worth contending for—to create burdensome commissions and make solemn references to a foreign sovereign for these, appears scarcely to be necessary, if altogether justifiable. As to the line from the Lake of the Woods, you are authorized to agree to that which was agreed upon by the plenipotentiaries on both sides in 1807, but not to any line which would bring the British in contact with the Mississippi, nor to any thing which would authorize the British to trade with Indians within the boundaries of the United States. Of the inconveniences of allowing such trade, even by licenses, a recent instance has occurred; copies of the papers relating to which are transmitted to you.

5. *Fisheries.*

The proceedings, deliberations, and communications upon this subject, which took place at the negotiation of Ghent, will be fresh in the remembrance of Mr. Gallatin. Mr. Rush possesses copies of the correspondence with the British Government relating to it after the conclusion of the peace, and of that which has passed here between Mr. Bagot and this Government. Copies of several letters received by members of Congress during the late session, from the parts of the country most deeply interested in the fisheries, are now transmitted.

The President authorizes you to agree to an article whereby the United States will desist from the liberty of fishing, and curing and drying fish, within the British jurisdiction *generally*, upon condition that it shall be secured as a permanent right, not liable to be impaired by any future war, from Cape Ray to the Ramea islands, and from Mount Joli, on the Labrador coast, through the strait of Belleisle, indefinitely north, along the coast; the right to extend as well to curing and drying the fish as to fishing.

By the decree of the judge of the vice-admiralty court at Halifax, on the 29th of August last, in the case of several American fishing vessels which had been captured and sent into that port, a copy of which is also now transmitted to you, it appears that all those captures have been *illegal.* An appeal from this decree was entered by the captors to the appellate court in England, and the owners of the captured vessels were obliged to give bonds to stand the issue of the appeal. Mr. Rush was instructed to employ suitable counsel for these cases if the appeals should be entered, and, as we have been informed by him, has accordingly done so. If you do not succeed in agreeing upon an article on this subject, it will be desirable that the question *upon the right* should be solemnly argued before the lords of appeals, and that counsel of the first eminence should be employed in it. Judge Wallace agreed with the advocate general that the late war completely dissolved every right of the people of the United States acquired by the treaty of 1783. But it does not appear that this question had been argued before him, and the contrary opinion is not to be surrendered on the part of the United States upon the *dictum* of a vice-admiralty court. Besides this, we claim the rights in question not *as acquired* by the treaty of 1783, but as having always before enjoyed them, and as only recognised as belonging to us by that treaty, and therefore never to be divested from us but by our own consent. Judge Wallace, however, explicitly says that he does not see how he can condemn these vessels without *an act of Parliament;* and whoever knows any thing of the English constitution must see that on this point he is unquestionably right. He says, indeed, something about an order in council, but it is very clear that would not answer. It is a question of forfeiture for a violated *territorial* jurisdiction; which forfeiture can be incurred not by the law of nations, but only by the *law of the land.* There is obviously no such law.

The argument which has been so long and so ably maintained by Mr. Reeves, that the rights of antenati Americans, as British subjects, even within the kingdom of Great Britain, have never been divested from them, because there has been no act of Parliament to declare it, applies in its fullest force to this case; and, connected with the article in the treaty of 1783, by which this particular right was recognised, confirmed, and placed out of the reach of an act of Parliament, corroborates the argument in our favor. How far it may be proper and advisable to use these suggestions in your negotiation, must be left to your sound discretion; but they are thrown out with the hope that you will pursue the investigation of the important questions of British law involved in this interest, and that every possible advantage may be taken of them, preparatory for the trial before the lords of appeals, if the case should ultimately come to their decision. The British Government may be well assured that not a particle of these rights will be finally yielded by the United States without a struggle, which will cost Great Britain more than the worth of the prize.

These are the subjects to which the President is willing that your negotiation should be confined. With regard to the others of a general nature, and relating to the respective rights of the two nations in times of maritime war, you are authorized to treat of them, and to conclude concerning them, conformably to the instructions already in possession of Mr. Rush; or, if the difficulty of agreeing upon the principles should continue as great as it has been hitherto, you may omit them altogether.

You will not fail to transmit, by duplicates, the result of your conferences at as early a period as may be found practicable.

Extract of a letter from Mr. Adams to Mr. Gallatin, dated

DEPARTMENT OF STATE, *July* 29, 1818.

This letter is merely to request you, in case the British Government should have accepted the proposal for that negotiation, and if you should be still in Paris when you receive it, to repair without delay to London, for the purpose of entering upon the negotiation. It is hoped you will be able to finish it, and to transmit the result here for the meeting of Congress, on the third Monday in November.

Extract of a letter from Mr. Rush to the Secretary of State, dated

LONDON, *August* 13, 1818.

On the day before yesterday I received a letter from Mr. Gallatin, dated the 6th of this month. He informs me that the full powers have got to hand, and that he expects to be here on the 16th.

The prospect of opening the negotiation before the departure of Lord Castlereagh seems, therefore, now to be good. I went yesterday to the Foreign Office, to request that the proper orders may be expedited to Dover for the entrance of Mr. Gallatin, his family, and baggage, into the kingdom, without molestation or delay.

Extract of a letter from Mr. Rush to the Secretary of State, dated

LONDON, *August* 15, 1818.

On the evening of the 13th I received a note from Lord Castlereagh, requesting me to call at the Foreign Office yesterday at four o'clock. I went accordingly, when a conversation took place, which I proceed to relate.

The ostensible object of the interview was to say to me that some circumstances would prevent the congress assembling at Aix-la-Chapelle earlier than the 20th of September, which would make it unnecessary for him to go away quite as soon as he had originally contemplated. He was glad of this, he added, as it would insure to him an opportunity of being present here when the negotiation, so soon to take place between the two countries, commenced. I informed him of our full powers having been received, and of the expectation I now had of Mr. Gallatin's arrival in a day or two. He subjoined a few words as to the formal manner in which it appeared to him best that the negotiation should move along, and also to apprize me that, although he expected to go into the country to-morrow, he would be in town again on the 25th. Here this part of the conversation closed.

He next surprised me agreeably by reviving the subject of impressment, which I thought had been blotted out from our conferences. He began by premising that what he was going to say was confidential, and, for the present, without the knowledge of his colleagues in the administration; that he had reflected much and anxiously upon my late proposals, which, it was true, had, as they now stood, been rejected. But, feeling anew the importance of this subject to the future harmony of the two countries, and willing, if possible, not to let it be shut out from the general negotiation upon the eve of opening, it had occurred to him to offer some suggestions in relation to it, barely to see how they struck my mind, and know if there would be a motive to pursue them. He went on to say that his own impression was, (protesting that, as yet, he was not authorized to say it was that of his Government,) that the proposals might be rendered acceptable by some modifications very important to Great Britain, and not at all so, as he supposed, to the primary object in view by the United States. The modifications were these:

1. That any treaty or convention, built up upon the proposals as I had submitted them, should be limited in duration, say to eight, ten, or twelve years, with liberty to each party to be absolved from its stipulations on a notice of three or six months, as in the late arrangement respecting the reciprocal dismantlement of naval armaments upon the lakes.

2. That the British boarding officer, entering American ships at sea for a purpose justified under the laws of nations, should have the liberty of calling for the list of the crew; and, if he saw a seaman known to him, or on good grounds suspected to be an Englishman, that he should have the further privilege of making a record or *procès verbal* of the fact, in such way as to have the case distinctly brought under the notice of our Government, though by no means withdrawing the man from the ship.

The latter regulation, his lordship observed, would operate as a further incentive to the faithful execution of our home prohibitions for excluding British subjects from our vessels; and the former guard against any irrevocable relinquishments by Great Britain, which the opinions, or even the prejudices, of the country might not, upon trial, be found to bear.

I naturally infer that this Government, reviewing its late decision, and seeing, at last, the unexceptionable and perfect fairness of the offers of the United States, has made up its mind to abandon, in effect, the great principle, or at least practice, to which, with an injustice so tenacious, it has long clung—that of forcing the man from under the sacred cover of our flag; and that ground has been broken, in the above interview, to the consummation of a change so auspicious in the councils of this nation. The first modification seems to me unobjectionable. The second is open to considerations which I do not at all like; yet it comes as a first suggestion, and we may, therefore, hope to get rid of it altogether. As Mr. Gallatin will be here so soon, I forbore to offer to his lordship any opinion, not feeling myself now at liberty to speak upon the subject singly; but joining, nevertheless, in the renewed anxiety to see it brought within the pale of our approaching discussions, and stating that I thought fair ground was laid for its admission. I take leave of the subject, therefore, until my endeavors, jointly with those of Mr. Gallatin, shall be resumed upon it, having been first led to this communication for the President's early information on a question of so much interest. My despatch of the 26th of June will show that some intimation was thrown out, at that time, of an intention on the part of this Government to give, in writing, its objections to our propositions; instead of which, more just views of them would happily seem to have risen up.

Extract of a letter from Mr. Rush to the Secretary of State, dated

LONDON, *August* 28, 1818.

Mr. Gallatin got here on the 16th of this month. On the following day I addressed a note to Lord Castlereagh, announcing his arrival. His lordship was at his country seat, thirteen miles from London, but invited us to an informal conference there on the 22d. We went accordingly, and remained all night. Nothing could have been more cordial than the reception given to us. Mr. Robinson and Mr. Goulburn were present. The several subjects of the negotiation were talked over in general terms, and in a spirit which, we think, promises well for the friendly manner in which, at all events, it will be conducted.

The full powers of Mr. Robinson and Mr. Goulburn having in the mean time been made out, our first official meeting took place yesterday at the office of the Board of Trade. Nothing of importance passed, beyond a recapitulation of the points which the two Governments desire to bring into discussion, and some attempts to settle the order in which the negotiation should proceed. The points consist of all such as have been given in charge to us, and which have been heretofore mentioned in my despatches, including impressment, and other maritime questions incident to a state of war.

I content myself at present with stating thus generally, for the President's information, that the negotiation has opened. What relates to its progress will, I presume, no longer be expected from me singly, but in joint communications with Mr. Gallatin.

I ought not to omit to mention that the point of impressment was brought forward by Lord Castlereagh at the first interview held at his house on the 22d. The next meeting takes place to-morrow.

There are some of the points which must stand still until we are in possession of our further instructions.

Extract of a letter from Mr. Rush to the Secretary of State, dated

LONDON, *October* 12, 1818.

At the joint meeting which took place on the 9th, nothing decisive was determined upon. Premising that no opinion which I give at this stage of the negotiation must be taken as at all binding, I will barely say that I think the prospect of coming to any agreement on an article regulating our trade with the West Indies grows more and more faint. We are to have another conference to-morrow.

Extract of a letter from Mr. Rush to the Secretary of State, dated

LONDON, *October* 19, 1818.

I hasten to communicate to you, for the information of the President, that, at a conference we have this day had with the British plenipotentiaries, from which I have just returned, it has been agreed to conclude a treaty, comprehending an arrangement of the following points:

1st. The fisheries. 2d. The northwestern boundary line. 3d. That about Columbia river. 4th. The question of slaves; and 5th. A renewal for ten years of the present commercial convention.

The treaty will probably be reduced to form and signed to-morrow.

Extracts of a letter from Messrs. Gallatin and Rush to the Secretary of State, dated

LONDON, *October* 20, 1818.

We have the honor to transmit a convention which we concluded this day with the British plenipotentiaries.

Lord Castlereagh having expressed a wish that the negotiations might be opened before his departure for Aix-la-Chapelle, Mr. Gallatin left Paris as soon as he had received our full powers, and arrived here on the 16th of August. Our joint instructions contained in your despatch of the 28th of July did not, however, reach us till the 3d of September. We had long conversations with Lord Castlereagh at his country seat, on the 22d and 23d of August, but could not, owing to our instructions not having arrived, discuss with him the questions of the fisheries and of the West India intercourse. He left London on the 1st of September. The official conferences had begun on the 27th of August, and, for the progress of the negotiation, we beg leave to refer to the enclosed copies of the protocol, and documents annexed to it, and of two unofficial notes sent by us to the British plenipotentiaries. We will add some observations on the several objects embraced by the convention.

1. *Fisheries.*

We succeeded in securing, besides the rights of taking and curing fish within the limits designated by our instructions, as a *sine qua non*, the liberty of fishing on the coasts of the Magdalen islands, and of the western coast of Newfoundland, and the privilege of entering for shelter, wood, and water, in all the British harbors of North America. Both were suggested as important to our fishermen, in the communications on that subject which were transmitted to us with our instructions. To the exception of the exclusive rights of the Hudson's Bay Company we did not object, as it was virtually implied in the treaty of 1783, and we had never, any more than the British subjects, enjoyed any right there; the charter of that company having been granted in the year 1670. The exception applies only to the coasts and their harbors, and does not affect the right of fishing in Hudson's Bay beyond three miles from the shores, a right which could not exclusively belong to, or be granted by, any nation.

The most difficult part of the negotiation related to the permanence of the right. To obtain the insertion in the body of the convention of a provision declaring expressly that that right should not be abrogated by war, was impracticable. All that could be done was to express the article in such manner as would not render the right liable to be thus abrogated. The words "for ever" were inserted for that purpose, and we also made the declaration annexed to the protocol of the third conference, the principal object of which was to provide in any event for the revival of all our prior rights. The insertion of the words "for ever" was strenuously resisted. The British plenipotentiaries urged that, in case of war, the only effect of those words being omitted, or of the article being considered as abrogated, would be the necessity of inserting in the treaty of peace a new article renewing the present one; and that, after all that had passed, it would certainly be deemed expedient to do it, in whatever manner the condition was now expressed. We declared that we would not agree to any article on the subject, unless the words were preserved, or in case they should enter on the protocol a declaration impairing their effect.

It will also be perceived that we insisted on the clause by which the United States renounce their right to the fisheries relinquished by the convention, that clause having been omitted in the first British counter-projet. We insisted on it with the view—1st. Of preventing any implication that the fisheries secured to us were a new grant, and of placing the permanence of the rights secured and of those renounced precisely on the same footing. 2d. Of its being expressly stated that our renunciation extended only to the distance of three miles from the coasts. This last point was the more important, as, with the exception of the fishery in open boats within certain harbors, it appeared, from the communications above mentioned, that the fishing-ground, on the whole coast of Nova Scotia, is more than three miles from the shores; whilst, on the contrary, it is almost universally close to the shore on the coasts of Labrador. It is in that point of view that the privilege of entering the ports for shelter is useful, and it is hoped that, with that provision, a considerable portion of the actual fisheries on that coast (of Nova Scotia) will, notwithstanding the renunciation, be preserved.

2. *Boundary line.*

This being definitively fixed at the forty-ninth degree of north latitude, from the Lake of the Woods to the Stony mountains, it is unnecessary to repeat the arguments which were urged on that subject. The attempt was again made to connect with it an article, securing to the British access to the Mississippi, and the right to its navigation. We declared, and entered the declaration in the protocol, that we could not agree to the article, nor to any that would bring the British in contact with that river. The British plenipotentiaries having, by the protocol of the seventh conference, agreed to the omission of the article, that point is also definitively settled. And it may be observed, with reference to the treaty of 1783, that, if the United States have not secured to themselves the whole of the fisheries heretofore enjoyed within the jurisdiction of Great Britain, they have obtained the liberty of curing fish on a part of the southern coast of Newfoundland, and the abandonment of an inconvenient privilege within their own territory.

3. *Columbia river.*

This subject was, during the whole negotiation, connected by the British plenipotentiaries with that of the boundary line. They appeared altogether unwilling to agree to this in any shape, unless some arrangement was made with respect to the country westward of the Stony mountains. This induced us to propose an extension of the boundary line, due west, to the Pacific ocean. We did not assert that the United States had a perfect right to that country, but insisted that their claim was at least good against Great Britain. The forty-ninth degree of north latitude had, in pursuance of the treaty of Utrecht, been fixed, indefinitely, as the line between the northern British possessions and those of France, including Louisiana, now a part of our territories. There was no reason why, if the two countries extended their claims westward, the same line should not be continued to the Pacific ocean. So far as discovery gave a claim, ours to the whole country on the waters of the Columbia river was indisputable. It had derived its name from that of the American ship commanded by Captain Gray, who had first discovered and entered its mouth. It was first explored, from its sources to the ocean, by Lewis and Clark, and before the British traders from Canada had reached any of its waters; for it was now ascertained that the river *Tacoutche Tesse*, discovered by McKenzie, and which he had mistaken for the Columbia, was not a branch of this river, but fell into the sound called the "Gulf of Georgia." The settlement at the place called Astoria was also the first permanent establishment made in that quarter. The British plenipotentiaries asserted that former voyages, and principally that of Captain Cook, gave to Great Britain the rights derived from discovery; and they alluded to purchases from the natives south of the river Columbia, which they alleged to have been made prior to the American revolution. They did not make any formal proposition for a boundary, but intimated that the river itself was the most convenient that could be adopted, and that they would not agree to any that did not give them the harbor at the mouth of the river, in common with the United States. We stated that we could not agree to this, but expressed our readiness and our wish to insert, in the boundary article, a proviso similar to what had been proposed on former occasions, and which would leave that subject open for arrangement hereafter. To this they would not consent, and offered the article annexed to the protocol of the fifth conference. We declared that we preferred not signing any article for the boundary line eastward of the Stony mountains to acquiescing in that arrangement. We did not know with precision what value our Government set on the country to the westward of those mountains, but we were not authorized to enter into any agreement which would be tantamount to an abandonment of the claim to it. It was at last agreed, but, as we thought, with some reluctance on the part of the British plenipotentiaries, that the country on the northwest coast, claimed by either party, should, without prejudice to the claims of either, and for a limited time, be opened, for the purpose of trade, to the inhabitants of both countries. The importance which seems to have been attached to that subject by Great Britain induces a belief that it will again be brought forward, at some future occasion, with a view to a definitive arrangement.

4. *Slaves.*

After having referred to what had already passed on that subject, we insisted that Lord Castlereagh, having, in his letter to Mr. Adams, of April 10th, 1816, declared that "the British Government would not resist the claim of the United States to indemnification for slaves, or private property belonging to their citizens, which could be proved to have been in places directed to be restored by the treaty of Ghent at the date of the ratifications, and to have been afterwards removed;" and it being in proof, by the correspondence of Captain Clavelle and of Admiral Cockburn, that slaves had been removed from Tangier island and from Cumberland island subsequent to the ratifications, the claim for indemnification, to that extent, had thus been already fully admitted by the British Government. With respect to slaves removed on ship-board previous to the ratifications, and for which Lord Castlereagh denied that our claim to indemnity could with justice extend, we urged that such of our harbors and waters as were in the possession of the British at the date of the ratifications were strictly within the meaning of places to be restored; that they were accordingly actually restored; and it necessarily followed that, according to Lord Castlereagh's construction, the British were bound not to have carried away any slaves who were then on board British vessels lying within any such harbors or waters.

The British plenipotentiaries offered as a substitute to the article we had proposed one to refer the subject to a friendly sovereign. This we could not reject, as the proposal had originated with the United States, and was now unconnected with the questions respecting the boundary line and the Columbia river. We proposed that the Emperor of Russia should be designated in the article as the umpire. This was rejected, on the ground that, if he should refuse to act, the agreement would become null; and that it would be inexpedient, if at all practicable, to provide by the article for that contingency, so as to secure the object in view. It was added that the sovereign could be fixed upon at a future day by the two Governments, through Mr. Rush and Lord Castlereagh.

5. *Commercial intercourse.*

The subject of the intercourse with the West Indies was fully discussed, and, not thinking ourselves authorized to accede to the last proposals of the British plenipotentiaries, which are annexed to the protocol of the eighth conference, an entry was made that we had taken them *ad referendum* to our Government. The negotiation being kept open, in that respect, we agreed, in conformity with our instructions, to an article, continuing in force for ten years the commercial convention of 1815. It was fully understood, on both sides, that if no agreement should be ultimately concluded with respect to the colonial intercourse, no ground of complaint would arise on account of any restrictive measures whatever that the United States might adopt on that subject; and we stated, expressly, that such measures would, in all probability, be extended to the intercourse with Bermuda and with the British northern colonies; that, if the direct trade with the West Indies was not allowed, the United States would not be disposed to suffer it to be carried on through any other intermediate British port.

It appeared evident to us, both from our instructions and from the act of Congress, that a perfect reciprocity and equality must be the basis, as well as a *sine qua non*, of any arrangement of the intercourse with the West Indies. And we understood this basis to embrace the following objects:

1. British vessels to be permitted to import from the British West Indies into the United States, and to export from the United States to the British West Indies, only such articles of the produce of the said West Indies and of the United States, respectively, as American vessels should be permitted to export from and to import into the British West Indies.

2. The duties on the vessels and on the cargoes to be reciprocally the same, whether the vessels were American or British.

3. The duties on the importation of American produce into the British West Indies not to be higher when the produce was imported directly from the United States than when imported in a circuitous manner; with a reciprocal condition for the importation of West India produce into the United States.

4. The intercourse in British vessels to be allowed only with such West India ports as would be opened to the American vessels.

5. The British vessels allowed to carry on that trade to be only of the same description with the American vessels admitted in the British West Indies.

To that basis, as thus stated, the British plenipotentiaries acceded. But when the further details of the proposed arrangement were taken into consideration, several important points occurred which had not been contemplated in our instructions, and on which we were not sufficiently acquainted with the intentions of our Government.

The basis of reciprocity once established, was it proper to agree to a direct intercourse, limited, on both sides, to certain articles of the produce either of the United States or of the West Indies? And if such limitation was admissible, to what extent? And what articles might we consent to except?

If the direct intercourse was thus limited to certain articles, would an indirect intercourse be admissible, between the United States and Bermuda, Nova Scotia, New Brunswick, embracing articles of West India produce, or of the produce of the United States, destined for the West Indies, other than were admitted to be imported or exported in a direct manner?

As the British Government would retain the power of laying duties on the produce of the United States imported into the West Indies, and would not lay any on similar articles imported therein from any part of the British dominions, ought we to assent, without any condition or exception, to the clause annexed to the first article, formerly proposed by that Government, and by which no higher duties should be laid, respectively, on the produce of either country, than on similar articles imported from any other *foreign* country?

We thought it safer to err on our own side of the question, and to ask for more than perhaps under all circumstances we expected to obtain, rather than to limit our demands to less than might be intended by our Government. The articles which we proposed at the third conference were drawn with that view; and the British plenipotentiaries immediately stated that they were inadmissible, and amounted to a much greater departure from the colonial policy of Great Britain than she was prepared to allow. They did not enter into any abstract defence of that policy, but they strongly urged the impossibility of breaking down, at once, a system still favored by public opinion, and supported by various interests which could not be disregarded. The fish and lumber of the northern colonies, the salted provisions, and even the flour of Ireland, the shipping interest, and that of non-residing West India planters, were all alluded to. Having once admitted the basis of perfect reciprocity with respect to the direct intercourse, they thought that the United States ought, for the present, to be satisfied with an arrangement which would admit a considerable number of articles to be carried directly; that they should not insist on the exclusion, in the intercourse with Halifax, St. John's, and Bermuda, of those articles which might not be included in the list of those admitted in the direct intercourse with the West Indies; and that we ought not to object to the natural right of Great Britain to lay protecting duties in favor of the produce of her own possessions.

We admitted that the last principle, as an abstract proposition, was unexceptionable, but observed, that the practical effect of the condition on which they insisted was altogether partial. Since they persevered in making a distinction between the intercourse with England and that with her colonies, and even between that with her northern American colonies and that with the West Indies, the United States must, in a commercial view, consider them as so many distinct countries. As no other foreign country could supply the West Indies with the articles which were the produce of the United States, a condition which would prevent Great Britain from laying higher duties on that produce than on similar articles the produce of other foreign countries, was nugatory, and to us perfectly useless. There was, in that respect, no competition but with the produce of the British possessions. We found, in that condition, no compensation for the restriction which it would impose on the United States to lay no higher duties on the colonial produce of the British possessions than on that of other countries. The propriety of limiting the number of articles to be carried directly, would in a great measure depend on the list which might be proposed. To extend it to other articles, in the circuitous intercourse through Halifax and Bermuda, would give to the British the exclusive carriage of those articles from those ports to the West Indies, and *vice versa*, and be inconsistent with the avowed object of the United States—that of an equal participation in the navigation necessary for the transportation of the articles of which their trade with the West Indies, as allowed by Great Britain, actually consisted. Yet we were disposed to pay due regard to the various considerations which had been presented by Great Britain, and to listen to any specific proposals she might be prepared to make. No part of the articles we had offered was, with the exception of the basis of perfect reciprocity, to be considered as an ultimatum. We would, however, say that we could not assent to any article which did not admit, on the one hand, naval stores and the whole of our lumber, and, on the other, salt, molasses, and, besides rum, a limited quantity of sugar and coffee, amongst the articles of the direct trade.

With respect to duties, after having suggested without success that a maximum of those intended for the protection of the produce of the British dominions might be agreed on, we stated that there were at least two provisions which could not be objected to, viz: that the United States should remain at liberty to lay higher duties on the colonial produce of the British possessions than on that of those countries where we were or might be received on better terms than in the British West Indies; and that the condition which would preclude generally such higher duties being laid should not apply to the West India articles not admitted to be exported directly therefrom in American vessels to the United States.

The result of several free conversations was, that, as it was altogether improbable that we could, at this time, come to a definitive arrangement, the British plenipotentiaries should offer an article with the intention of its being referred to our Government.

It will be perceived by this, that they admit the principle of reciprocity; that they make no exception with respect to the description of vessels; that, giving up the article formerly proposed for Turk's island, they also admit that vessels employed in the trade may touch from one port to another, and that to the list of articles formerly proposed are added naval stores, shingles, and staves, and a more general description of provisions. They continue to except altogether, on the one hand, sugar and coffee, and, on the other, salted fish and provisions, and every other species of lumber but shingles and staves. The only essential difference between this list of articles and that proposed for the intercourse with Bermuda and the northern colonies consists, as far as relates to the produce of the United States, in the lumber not admitted in the direct intercourse; for salted fish and provisions are equally excluded from both: but it is proposed that not only sugar and coffee, but also all articles of the produce or manufacture of any of the British dominions, should be admitted through that indirect channel into the United States. We stated, when we received the article, that it ought to embrace only American products, and that the proposal was certainly inadmissible so far as related to East India articles.

With respect to the ports they offer in the West Indies, they are the same with those proposed by us, with the exception of St. Christopher's, St. Lucia, Demarara, Esequibo, and Berbice. The three last had been at first intended to be included, but were ultimately omitted by the British plenipotentiaries, for reasons connected, as they said, with their engagements with Holland.

We cannot state what may be considered as an ultimatum in that proposal. We are, however, induced to believe that they will persevere in excluding sugar and some species of lumber from the direct, and salted fish and provisions from both the direct and indirect intercourse; that they will insist on having some articles admitted in that indirect, which shall be excluded from the direct intercourse; and that they will be tenacious on being placed on the footing of the most favored nation. They will also certainly insist that vessels from Great Britain may touch at any port in the United States, and take cargoes for the West Indies of such articles as may be admitted in the direct trade. Without such provision, (which would be made reciprocal, although only nominally so,) it is supposed here, that, considering our proximity, to admit our vessels to a participation on an equal footing in the trade between the United States and the West Indies, would, in fact, give the latter the whole navigation connected with that trade. It must, at the same time, be observed, that the proposal being intended for reference, and not for immediate discussion, the British plenipotentiaries may have been cautious not to go too far. Upon the whole, we hope that, if our negotiation does not pave the way for a definitive arrangement, it will at least have served to make our Government better acquainted with the dispositions of this, and may afford some assistance with respect to the further proceedings which may be thought expedient.

It having been ascertained that the British Government would not assent to any article on the subject of the intercourse by land and inland navigation with Canada, which would substantially differ from that already twice rejected, and that they would not even agree to a provision securing to us the right of taking our produce in our own boats or vessels down the St. Lawrence as far as Montreal, and down the river Chambly as far as the river St. Lawrence, we thought it altogether unnecessary to make any proposal on that subject, on which, indeed, we were not particularly instructed.

No. 1.

Protocol of the first conference between the American and British plenipotentiaries, held at Whitehall, on the 27th of August, 1818.

Present: Mr. Gallatin, Mr. Rush, } American.
Mr. Robinson, Mr. Goulburn, } British.

The plenipotentiaries presented and exchanged their respective full powers.

It was agreed that the discussions should be carried on by conference and protocol, with the insertion in the protocol of such written documents as either party might deem necessary, for the purpose of recording their sentiments in detail.

The British plenipotentiaries stated that they were ready to proceed at once to the signature of a treaty, renewing the commercial convention of 1815 as it stands; or, that if the American plenipotentiaries should prefer to delay the signature of such a treaty of renewal till more progress should have been made in the discussion of the other topics which it is the object of the two Governments to arrange, no objection would be made to the adoption of that course. But it was explicitly stated by the British plenipotentiaries, that, with respect to all those other topics of discussion, whether purely commercial, or partaking more of a political character, they were instructed not to consent to any partial or separate consideration of them, nor to select any one in particular, as an appendage to a renewal of the existing commercial convention.

The American plenipotentiaries acquiesced in the division of the subject, represented by the British plenipotentiaries to be essential, but stated it to be their desire not to sign the treaty of renewal for the present. It was, however, agreed that the eventual signature of that instrument should not be made contingent upon a settlement of the other points, and both parties declined bringing forward any proposed modification of it.

It was agreed to meet again on Saturday at two o'clock.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN.

No. 2.

Protocol of the second conference held between the American and British plenipotentiaries, at Whitehall, on the 29th of August, 1818.

Present: Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

The plenipotentiaries agreed upon and signed the protocol of the preceding conference. Some general conversation then ensued upon some of the different topics of discussion.

The American plenipotentiaries stated that, whenever the British plenipotentiaries were prepared to submit their project on the impressment question, they (the American plenipotentiaries) would bring forward their proposition respecting the other maritime points; but that they did not intend to bring those topics before the conferences at all, unless the impressment of seamen was to be discussed on the part of Great Britain.

It was agreed that the next conference should take place on September 4th.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN.

No. 3.

Protocol of the third conference held between the American and British plenipotentiaries, at Whitehall, on the 17th day of September, 1818.

Present: Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

The conference fixed for the 4th instant having been adjourned by mutual consent, it was held this day.

The protocol of the preceding conference was agreed upon and signed.

The American plenipotentiaries, after some previous explanation of the nature of the propositions which they were about to make, submitted the five annexed articles, (A, B, C, and D,) upon the fisheries, the boundary line, the West India intercourse, that of Nova Scotia and New Brunswick, and the captured slaves. The two first articles they stated to be drawn as permanent; and they accompanied that respecting the fisheries with the annexed explanatory memorandum. (E.)

The British plenipotentiaries submitted the annexed projet of articles respecting the impressment of seamen, (F;) and they expressed their conviction that a consideration of these articles would, under all the circumstances of

difficulty with which the question is involved, satisfy the American plenipotentiaries of the sincere and earnest disposition of the British Government to go every practicable length in a joint effort to remove all existing causes of difference, and to connect the two countries in the firmest ties of harmony and good understanding.

The American plenipotentiaries declared that they received the proposition entirely in the same spirit; and then brought forward the annexed articles, (G,) relating to other maritime points, which, at the former conference, they had announced their intention of producing.

They also submitted three other articles, as annexed, respecting wrecks, &c. (H.)

It was agreed to meet on Friday, the 25th instant.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN.

ARTICLE A.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America: It is agreed between the high contracting parties that the inhabitants of the said United States shall continue to enjoy unmolested, for ever, the liberty to take fish, of every kind, on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ramea islands, and the western and northern coast of Newfoundland, from the said Cape Ray to Quirpon island, on the Magdalen islands; and also on the coasts, bays, harbors, and creeks from Mount Joli, on the southern coast of Labrador, to and through the straits of Belleisle, and thence, northwardly, indefinitely, along the coast; and that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland here above described, of the Magdalen islands, and of Labrador, as here above described; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground; and the United States hereby renounce any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, and harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays and harbors for the purpose only of obtaining shelter, wood, water, and bait, but under such restrictions as may be necessary to prevent their drying or curing fish therein, or in any other manner abusing the privilege hereby reserved to them.

ARTICLE B.

It is agreed that a line drawn due north or south, as the case may require, from the most northwestern point of the Lake of the Woods, until it shall intersect the forty-ninth parallel of north latitude, and from the point of such intersection, due west, along and with the said parallel, shall be the line of demarcation between the territories of the United States and those of His Britannic Majesty to the westward of the said lake; and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of His Britannic Majesty's said territories, from the said lake to the Pacific ocean; it being, however, distinctly understood that, with respect to the territories situated on the northwest coast of America, or westward of the Stony mountains, the two high contracting parties intend hereby to define the extent of their respective claims so far only as relates to the two parties, and without reference to the claims of any other nation.

The inhabitants of the two countries, respectively, shall have liberty freely to come with their ships and cargoes to all such places, ports, and rivers, on the northwest coast of America, as belong to or may be in the possession of either of the two high contracting parties, and shall be admitted and treated, with respect to their said ships and cargoes, and to trade generally, on the same terms and in the same manner as the inhabitants, vessels, and cargoes of the country owning or having possession of such places, ports, or rivers. The navigation of the rivers that fall into the Pacific ocean, and which may be intersected by the line of demarcation aforesaid, shall, from the sources of such branches as may be thus intersected, to the ocean, remain free and open to the citizens of the United States and to the subjects of Great Britain. But both parties reserve to themselves the power of regulating, each within their respective territories, the right to the navigation of the rivers that fall either into the Gulf of Mexico or into Hudson's Bay.

ARTICLE C.

It is agreed that vessels of the United States shall have liberty to import from any of the ports of the United States to which any foreign vessels are permitted to come, into any of the following ports of His Britannic Majesty's dominions in the West Indies, and on the continent of South America, viz: the ports of Kingston, Savannah La Mar, Montego bay, Santa Lucia, Antonio, Saint Anne, Falmouth, and Porto Maria, in the island of Jamaica; the port of San Joseph, in the island of Trinidad; the port of Scarborough, in the island of Tobago; the port of St. George, in the island of Granada; the port of Kingston, in the island of St. Vincent; the port of Bridgetown, in the island of Barbadoes; the principal port of the island of St. Lucia; the port of Rosseau, in the island of Dominica; the port of St. John's, in the island of Antigua; the port of Basseterre, in the island of St. Christopher's; the port of Road Harbor, in the island of Tortola; the principal port of Turk's island; the port of Nassau, in the island of New Providence; the port of Pittstown, in Crooked island; the principal port of the island of Bermuda; the principal port in the colony of Demarara, and the principal port in the colony of Berbice, tobacco, naval stores, live stock, and every species of provisions and lumber, being of the growth, produce, or manufacture of the United States; and the said vessels shall also have liberty to import in the same manner every other article of the growth, produce, or manufacture of the United States, the importation of which into the above-mentioned British islands and colonies shall not be entirely prohibited from every other place whatever, if of the growth, produce, or manufacture of the United States, and from every other foreign country or place, if of the growth, produce, or manufacture of any other foreign country or place. The said vessels coming directly from any of the aforesaid ports of the United States shall, likewise, have liberty to export from any of the aforesaid ports of His Britannic Majesty's dominions to any of the aforesaid ports of the United States, sugar, coffee, molasses, and salt, being of the growth, produce, or manufacture of any of the above-mentioned British islands and colonies; and the said vessels shall also have liberty to export, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which from the said British islands and colonies to every other foreign country or place shall not be entirely prohibited: *Provided, however*, That the quantity of sugar and coffee which may be thus exported shall not, for each vessel, exceed the rate of five hundredweight of both, together, for each ton of the burden of such vessel.

British vessels shall, in the same manner, have liberty to import from any of the aforesaid ports of His Britannic Majesty's dominions, into any of the aforesaid ports of the United States, sugar, coffee, molasses, and salt, being of the growth, produce, or manufacture of the above-mentioned British islands and colonies; and the said vessels shall also have liberty to import, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which from the said islands and colonies to the United States shall be allowed in vessels of the United States, and the importation of which into the said United States from every foreign country or place shall not be entirely prohibited: *Provided, however*, That the quantity of sugar and coffee which may be thus imported shall not exceed, for each vessel, the rate of five hundredweight of both together, for each ton of the burden of such vessel. The said vessels, coming directly from any of the aforesaid ports of His Britannic Majesty's dominions, shall likewise have liberty to export, from any of the aforesaid ports of the United States, to any of the aforesaid ports of His Britannic Majesty's dominions, tobacco, naval stores, live stock, and every species of provisions and lumber, being of the growth, produce, or manufacture of the United States; and the said vessels shall also have liberty to export, in the same manner, every other article, the growth, produce, or manufacture of the United States, the importation of which into the said British ports from the said United States shall be allowed in vessels of the United States, and the exportation of which from the said United States to every foreign country or place shall not be entirely prohibited.

The vessels of either of the two parties employed in the trade provided for by this article shall be admitted in the ports of the other party, as above mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party; and they shall have liberty, respectively, to touch, during the same voyage, at one or more of the ports above mentioned of the other party, for the purpose of disposing of their inward, or of taking on board their outward cargoes.

No other or higher duties shall be paid on the importation into the United States of any of the articles which may be imported therein by virtue of this article, when imported in British vessels, than when imported in vessels of the United States; nor when imported directly from the above-mentioned ports of his Britannic Majesty's dominions, than when imported in a circuitous manner. And no other or higher duties shall be paid on the importation into the above-mentioned ports of His Britannic Majesty's dominions, of any of the articles which may be imported therein by virtue of this article, when imported in vessels of the United States, than when imported in British vessels, nor when imported directly from the United States, than when imported in a circuitous manner.

The same duties shall be paid, and the same bounties shall be allowed, on the exportation of any articles which may, by virtue of this article, be exported either from the above-mentioned British islands and colonies to the United States, or from the said United States to the said islands and colonies, whether such exportation shall be in vessels of the United States or in British vessels. And the articles thus exported shall, in the dominions of both parties, respectively, pay the same duties, and be allowed the same bounties on the exportation thereof, as when exported to any other foreign country or place whatever.

ARTICLE. British vessels shall have liberty to export from any of the ports of the United States to which any foreign vessels are permitted to come, to the ports of Halifax, in His Britannic Majesty's province of Nova Scotia; to the port of St. John's, in His Britannic Majesty's province of New Brunswick; and to any other port within the said provinces of Nova Scotia or New Brunswick, to which vessels of any other foreign nation shall be admitted, any article of the growth, produce, or manufacture of the United States, the importation of which from the said United States into His Britannic Majesty's dominions in the West Indies, and on the continent of South America, shall be allowed in vessels of the United States, by virtue of the next preceding article of this treaty, and the exportation of which from the United States to every other foreign country or place shall not be entirely prohibited; and vessels of the United States shall, in like manner, have liberty to import from any of the aforesaid ports of the United States, into any of the aforesaid ports within the said provinces of Nova Scotia and New Brunswick, any of the articles the growth, produce, or manufacture of the said United States, the exportation of which from the said United States to the said provinces shall be allowed in British vessels, and the importation of which into the said provinces from every other foreign country or place shall not be entirely prohibited.

British vessels shall also have liberty to import from any of the aforesaid ports within the provinces of Nova Scotia and New Brunswick, into any of the aforesaid ports of the United States, gypsum and grindstones the produce or manufacture of the said provinces; and they shall likewise have liberty to import in the same manner any other article of the growth, produce, or manufacture of the said provinces, the exportation of which from the said provinces to the United States shall be allowed in vessels of the United States, and the importation of which into the said United States from every other foreign country shall not be altogether prohibited. And vessels of the United States shall have liberty to export from the said provinces to the said United States gypsum and grindstones the produce or manufacture of the said provinces; and they shall likewise have liberty to export, in the same manner, any other article of the growth, produce, or manufacture of the said provinces, the exportation of which to every other foreign country shall not be entirely prohibited.

The vessels of either of the two parties employed in the trade provided for by this article shall be admitted in the ports of the other party, as above mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party. The same duties shall also be paid, respectively, in the dominions of both parties on the importation and on the exportation of the articles which may be imported or exported by virtue of this article, and the same bounties shall also be allowed on the exportation thereof, whether such importation or exportation shall be in vessels of the United States or in British vessels.

ARTICLE D.

Whereas complaints have been made by divers inhabitants of the United States, that several slaves, their private property, were carried away from the United States contrary to the intentions of the first article of the treaty of peace and amity concluded at Ghent, between the two high contracting parties, on the twenty-fourth day of December, one thousand eight hundred and fourteen, it is agreed that full compensation shall be made by the British Government to the said complainants for all slaves, their private property, who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions, whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, and who were afterwards removed or carried away by the said forces, whether such slaves as aforesaid were, at the date aforesaid, on shore or on board any vessels lying in waters which, being within the territory or jurisdiction of the United States, were to be restored to them. And, for the purpose of truly ascertaining the number and value of the said slaves, three commissioners shall be appointed, and authorized to meet and act in manner following, that is to say: one shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and one by His Britannic Majesty; and the said two commissioners shall agree on the choice of a third; or, if they cannot so agree, they shall each propose one person; and, of the two names so proposed, one shall be drawn by lot, in the presence

of the two original commissioners. The three commissioners thus appointed shall first meet at the city of Washington, but shall have power to adjourn from place to place, as they shall see cause. They shall have power to appoint a secretary, and, before proceeding to act, shall, respectively, take the following oath or affirmation, in the presence of each other; which oath or affirmation, being duly taken and attested, shall be entered on the record of their proceedings; that is to say: "I, A B, one of the commissioners appointed in pursuance of the —— article of the treaty of ——, between the United States of America and His Britannic Majesty, do solemnly swear [or affirm] that I will diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide all such complaints or applications as, under the said article, shall be preferred to the said commissioners." Two of the said commissioners shall constitute a board, provided they be those named by the respective Governments; and vacancies, caused by death or otherwise, shall be filled up in the manner of the original appointments; and the new commissioners shall take the same oath or affirmation, and do the same duties. Twelve months, from the day on which the said commissioners shall form a board, are assigned for receiving complaints and applications; but they are, nevertheless, authorized, in any particular cases in which it shall appear to them reasonable and just, to extend the said term for any term not exceeding six months after the expiration thereof. In examining the complaints and applications preferred to them by the owners of slaves, or their lawful attorneys or representatives, the said commissioners are empowered and required, in pursuance of the true intent and meaning of this article, to examine, on oath or affirmation, all such persons as shall come before them, touching the real number and value of the slaves alleged to have been carried away as aforesaid; and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions, being duly authenticated, either according to existing legal forms, or in such other manner as the said commissioners shall see cause to require or allow.

The award of the said commissioners, or of any two of them, shall, in all cases, be final and conclusive, whether as to the number, the value, or the ownership of the slaves carried away as aforesaid. And His Britannic Majesty undertakes to cause the sum awarded to each and every owner, in lieu of his slave or slaves, as above described, to be paid, without deduction, at such time or times, and at such place or places, as shall be awarded by the said commissioners, and on condition of such releases being given as they shall direct: *Provided*, That no such payments shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty. It is further agreed that the said commissioners shall be respectively paid in such manner as shall be agreed between the two parties; such agreement to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the execution of the commission shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners.

E.

Explanatory memorandum.

The American plenipotentiaries presented for consideration an article on the subject of certain fisheries. They stated, at the same time, that as the United States considered the liberty of taking, drying, and curing fish, secured to them by the treaty of peace of 1783, as being unimpaired, and still in full force for the whole extent of the fisheries in question, whilst Great Britain considered that liberty as having been abrogated by war; and as, by the article now proposed, the United States offered to desist from their claim to a certain portion of the said fisheries, that offer was made with the understanding that the article now proposed, or any other on the same subject which might be agreed on, should be considered as permanent, and, like one for fixing boundaries between the territories of the two parties, not to be abrogated by the mere fact of a war between them; or that, if vacated by any event whatever, the rights of both parties should revive and be in full force, as if such an article had not been agreed to.

F.

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c. &c., and the President of the United States of America, being animated with an equal desire to remove, by amicable regulations, the inconveniences which have arisen from the difficulty of discriminating between the subjects of the two Powers, respectively, have determined to proceed, without prejudice to the rights of either Power, to frame such conventional arrangements as may obviate the evils which might hereafter again result from the circumstances above stated to the public service, the commerce, or the subjects of either of the contracting parties. In pursuance of so desirable an object, his said Majesty and the President of the United States have nominated plenipotentiaries to discuss and sign a treaty to this effect.

His Majesty the King of the United Kingdom of Great Britain and Ireland has nominated the Right Honorable Frederick John Robinson, &c. &c. &c. and Henry Goulburn, Esq., &c. &c. &c.; and the President of the United States has nominated Albert Gallatin, Esq., &c. &c. &c. and Richard Rush, Esq., who, having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ART. 1. The high contracting parties engage and bind themselves to adopt, without delay, and in the manner that may best correspond with their respective laws, such measures as may be most effectual for excluding the natural born subjects of either party from serving in the public or private marine of the other: *Provided, always*, That nothing contained in this article shall be understood to apply to such natural born subjects of either Power as may have been naturalized by their respective laws previous to the signature of the present treaty; and such measures, when adopted, shall be immediately communicated to each party, respectively.

ART. 2. For the better ascertaining the number of persons on either side that may fall within the exception contained in the preceding article, the high contracting parties engage to deliver, each to the other, within twelve months from the ratification of the present treaty, a list of all persons falling within the said exception, specifying the places of their birth, with the date of their becoming naturalized. And it is further agreed that none other than the persons whose names shall be included in the said lists shall be deemed to fall within the said exception.

ART. 3. The high contracting parties, however, reserve to themselves the power to authorize and permit, by proclamation, their respective subjects or citizens to serve in the public or private marine of the other country. And it is hereby expressly understood that, so long as such permission shall remain in force, it shall be competent for the Government of the other Power, notwithstanding the engagement set forth in the first article of this treaty, to admit the performance of the said service: *Provided, always*, That whenever the Power so granting permission to the said subjects or citizens to serve in the marine of the other shall withdraw the same, notification thereof shall forthwith be made to the other contracting party; and, on receipt of such notification, the Power receiving the same shall forthwith notify it in the most public and official manner, and shall use its utmost endeavors to restrain

the said subjects of the other party from further serving in its public or private marine, and shall enforce the exclusion of such of the said subjects of the other Power as may then be in its service, as if no such permission had been promulgated.

ART. 4. In consideration of the stipulations contained in the preceding articles, it is agreed by the high contracting parties that, during the continuance of the present treaty, neither Power shall impress or forcibly withdraw, or cause to be impressed or forcibly withdrawn, any person or persons from the vessels of the other Power, when met upon the high seas, on any plea or pretext whatsoever: *Provided, always*, That nothing contained in this article shall be construed to apply to the vessels of either Power which may be within the ports or within the maritime jurisdiction of the other: *And, also, provided*, That nothing herein contained shall be construed to impair or affect the established right of search as authorized in time of war by the law of nations.

ART. 5. The high contracting parties have agreed to extend the duration of the present treaty to ten years; and they reserve to themselves to concert as to its renewal at such convenient period, previous to its expiration, as may insure to their respective subjects the uninterrupted benefit which they expect from its provisions: *Provided, always*, That either Power may, if it deem it expedient, upon giving six months' previous notice to the other, wholly abrogate and annul the present treaty.

ART. 6. It is agreed that nothing contained in the preceding articles shall be understood to affect the rights and principles on which the high contracting parties have heretofore acted in respect to any of the matters to which these stipulations refer, except so far as the same shall have been modified, restrained, or suspended by the said articles. And whenever the present treaty shall cease to be in operation, either by the expiration of the term for which it is enacted, without any renewal of the same, or by the abrogation thereof by either of the contracting parties, as hereinbefore provided, or (which God forbid) by any war between the high contracting parties, each of the said high contracting parties shall stand, with respect to the other, as to its said rights and principles, as if no such treaty had ever been made.

G.

(*a.*) Whenever one of the high contracting parties shall be at war, any vessel of the other party sailing for a port or place belonging to an enemy of the first party, without knowing that the same is either besieged, blockaded, or invested, may be turned away from such port or place; but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after such notice, she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper. No vessel or cargo shall be condemned for breach of a blockade, unless captured by one of the blockading ships, or unless she shall attempt to enter after notice as aforesaid. Nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof. And, in order to determine what characterizes a blockade, it is agreed that that denomination shall apply to a port where there is, by the disposition of the Power which blockades it, with ships stationary or sufficiently near, an evident danger in entering.

(*b.*) Whereas differences have heretofore arisen concerning the trading with the colonies of His Britannic Majesty's enemies, and the instructions given by His Majesty to his cruisers in regard thereto, it is agreed that, whenever His Britannic Majesty shall be at war, all articles, not being contraband of war, may be freely carried from the ports of the United States to the ports of any colony not blockaded belonging to His Majesty's enemies: *Provided*, Such goods as are not of the growth, produce, or manufacture of the United States, shall previously have been entered and landed in the United States, and the ordinary duties on such articles, so imported for home consumption, shall have been paid, or secured to be paid; and the said goods, on re-exportation, shall, after the drawback, remain subject to a duty equivalent to not less than one per cent. ad valorem; and that the said goods, and the vessels conveying the same, shall, from the time of their clearance from the port of the United States, be *bona fide* the sole property of citizens of the United States; and, in like manner, that all articles not being contraband of war, and being the growth or produce of the colonies of His Britannic Majesty's enemies, may be brought to the United States, and, after having been there landed, may be freely carried from thence to any foreign port not blockaded: *Provided*, Such goods shall previously have been entered and landed in the United States, and the ordinary duties on colonial articles, so imported for home consumption, shall have been paid or secured to be paid; and that the said goods, except only mahogany and fustic, shall, on re-exportation, after the drawback, remain subject to a duty equivalent to not less than two per cent. ad valorem: *And provided*, That the said goods, and the vessels conveying the same, be *bona fide* the sole property of citizens of the United States: *Provided, always*, That this article, or any thing contained therein, shall not affect any question now or hereafter judicially pending, touching the legality or illegality of a direct trade from Europe, or other foreign countries, by citizens of the United States, with the colonies or possessions of His Britannic Majesty's enemies beyond the Cape of Good Hope, nor operate to the prejudice of any right belonging to either party; but that, after the expiration of the time limited for this treaty, the rights on both sides shall revive and be in full force.

(*c.*) In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or by sea, such as cannon, mortars, muskets, pistols, and other fire-arms, petards, bombs, grenades, carcasses, saucisses, rockets, carriages for cannon, firelocks, musket rests, bandoliers, gunpowder, saltpetre, sulphur, matches, balls and bullets, helmets or head-pieces, cuirasses, swords, pikes, halberts, lances, javelins, saddles, bridles, and other horse furniture, holsters, pouches, belts, and generally all other implements of war, excepting, however, the quantity of the said articles which may be necessary for the defence of the ship, and of those who compose the crew; but all such articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy. But no vessel shall be detained on pretence of carrying contraband of war, unless some of the above-mentioned articles are found on board of the said vessel at the time it is searched.

(*d.*) In all cases where one of the high contracting parties shall be at war, the armed vessels belonging to such party shall not station themselves, nor rove or hover, nor stop, search, or disturb the vessels of the other party, or the unarmed vessels of other nations, within the chambers formed by head-lands, or within five marine miles from the shore belonging to the other party, or from a right line from one head-land to another.

(*e.*) Whenever one of the high contracting parties shall be at war, and where vessels of the other party shall be captured or detained by the ships of war or privateers of the belligerant for any lawful cause, the said vessels shall be brought to the nearest or most convenient port, and such part only of the articles on board as are subject to condemnation by the law of nations shall be made prize; and the vessels, unless by that law also subject to condemnation, shall be at liberty to proceed with the remainder of the cargo without any impediment.

In all cases of unfounded detention, or other contravention of the regulations stipulated by the present treaty, the owners of the vessel and cargo so detained shall be allowed damages proportioned to the loss occasioned there-

by, together with the costs and charges of the trial. All proper measures shall be taken to prevent delay in deciding the cases of ships or cargoes so brought in for adjudication, and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships or cargoes. And whenever sentence shall be pronounced against any vessel thus captured or detained, or against her cargo, or part thereof, the sentence or decree shall mention the reasons or motives on which the same shall have been founded; and a duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered, without the smallest delay, to the commander of the said vessel, or to the owner thereof, or to the agent of either, on the payment of all legal fees and demands for the same.

The commanders of ships of war and privateers of the belligerant party shall, in searching of merchant ships of the other party, conduct themselves according to the acknowledged principles and rules of the law of nations, and as favorably, moreover, as towards the most friendly Power that may remain neuter. The said commanders, their officers and crews, shall forbear doing any damage to the subjects or citizens of the other party, or committing any outrage against them; and if they act to the contrary, they shall be punished, and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall be compelled to give, before a competent judge, sufficient security, by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of two thousand two hundred and fifty pounds sterling, or of ten thousand dollars; or, if such ship be provided with above one hundred and fifty seamen or soldiers, in the sum of four thousand five hundred pounds sterling, or of twenty thousand dollars, to satisfy all damages and injuries which the said privateers, or officers or men, or any of them, may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that, in all cases of unlawful aggressions, the said commissions shall be revoked and annulled.

(f.) The ships of war and privateers of the two nations, as well as their prizes, shall be treated, in their respective ports, as those of the most favored nation.

It shall not be lawful for any foreign privateers, who have commissions from any Power or State at war with either of the two nations, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Power or State from whom they obtained their commissions.

(g.) It is likewise agreed that the subjects of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions so to act from any foreign Power or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist, in the military service, any of the subjects or citizens of the other party. The laws against all such offences and aggressions shall be punctually executed; and if any subject or citizen of the said parties, respectively, shall accept any foreign commission or letters of marque for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen having such commission or letter of marque as a pirate.

H.

(h.) In the event of a shipwreck happening in a place belonging to either of the high contracting parties, not only every assistance shall be given to the unfortunate persons, and no violence done to them, but also the effects belonging to them, and which may be saved either from on board the ship, or in any other manner whatever, shall not be concealed, nor detained, nor damaged, under any pretext whatever. On the contrary, the above-mentioned effects and merchandise shall be preserved and restored to them, upon a suitable recompense being given to those who shall have assisted in saving their persons, vessels, or effects.

(i.) It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries and damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

(k.) If at any time a rupture should take place (which God forbid) between the United States and His Britannic Majesty, neither the vessels and cargoes, nor other property of any kind, belonging to the individuals of each of the two nations, which may at the time be in the harbors, ports, or dominions of the other party, nor the debts due from individuals of one of the two nations to individuals of the other, nor shares or moneys which they may have in the public funds, or in the public or private banks, shall be sequestered or confiscated. And the merchants and others of each of the two nations, residing in the dominions of the other, shall in no case be detained as prisoners of war, but they shall be permitted to remove, with their families, effects, and property; each Government having, nevertheless, the right, during their remaining in its dominions, to make such regulations and to take such precautions as it may deem necessary with respect to such persons.

No. 4.

Protocol of the fourth conference between the American and British plenipotentiaries, held at Whitehall, on Friday, the 25th of September, 1818.

Present: Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

Explanations were asked, and given, respecting some of the articles presented by the American plenipotentiaries at the last conference.

The American plenipotentiaries, after observing that the measures already adopted, and the proposals formerly made, by the United States, could leave no doubt of their constant and anxious desire to arrange, by amicable regulations, the subject of impressment, declared their readiness to agree, with some amendments, which they submitted, (A,) to the projet proposed by the British plenipotentiaries, under a full expectation that an arrangement, thus founded on mutual confidence, could not fail to have a happy effect, both as regarding its immediate object, and in confirming the amicable relations so happily subsisting between the two countries.

It was agreed to meet again on Tuesday, the 6th of October.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN.

A.

Amendments proposed.

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c. &c. &c. and [the President of][1] the United States of America, being animated with an equal desire to [remove,][2] by amicable regulations, the [3][inconveniences] which have arisen from the [4][difficulty of discriminating between the subjects of the two Powers, respectively,] have determined to proceed, without prejudice to the rights of either Power, to frame such conventional arrangements as may obviate the evils which might hereafter again result from the [circumstances][5] above stated, [to the public service, the commerce, or the subjects of either of the contracting parties.][6] In pursuance of so desirable an object, his said Majesty and the President of the United States have nominated plenipotentiaries to discuss and sign a treaty to this effect.

His Majesty the King of the United Kingdom of Great Britain and Ireland has nominated the Right Honorable Frederick John Robinson, &c. &c. &c., and Henry Goulburn, Esquire, &c. &c. &c.; and the President of the United States has nominated Albert Gallatin, Esquire, &c. &c. &c., and Richard Rush, Esquire, who, having exchanged their full powers, found in good and due form, have agreed upon the following articles:

All words between crotchets to be struck out.

[1]

[2] settle,

[3] differences

[4] employment by either of the two Powers of the subjects or citizens of the other, in their public or private marine, and from the practice of impressment,

[5] causes

[6]

Article 1.

The high contracting parties engage and bind themselves to adopt, without delay, and in the manner that may best correspond with their respective laws, such measures as may be most effectual for excluding [1][the natural born subjects of either party from serving in the public or private marine of the other:] *Provided, always*, That nothing contained in this article shall be understood to apply to such natural born subjects[2] of either Power as [may][3] have been naturalized[4] by [5][their] respective laws[6] previous to the [7][signature] of the present treaty. And such measures, when adopted, shall be immediately communicated to each party, respectively.

[1] respectively from serving in their public or private marine the natural born subjects or citizens of the other party

[2] or citizens

[3] shall

[4] with their own consent

[5] the

[6] of either Power

[7] exchange of ratifications

Article 2.

For the better ascertaining the number of persons, on either side, that may fall within the exception contained in the preceding article, the high contracting parties engage to deliver, each to the other, within [twelve][1] months from the ratification of the present treaty, a list [2][of all persons] falling within the said exception, specifying the places of their birth, with the date of their becoming naturalized. And it is further agreed that [3][none other than the persons whose names shall] be included in the said lists, shall be deemed to fall within the said exception.[4]

[1] eighteen

[2] as far as it may be found practicable to obtain it, of the seamen

[3] no natural born subject or citizen of either Power, whose name shall not

[4] unless he shall produce proof of his having been duly naturalized prior to the exchange of ratifications of this treaty.

Article 3.

The high contracting parties, however, reserve to themselves the power to authorize and permit,[1] by proclamation,[2] their respective subjects or citizens to serve in the public or private marine of the other country. And it is hereby expressly understood that, so long as such permission shall remain in force, it shall be competent for the Government of the other Power, notwithstanding the engagement set forth in the first article of this treaty, to admit the performance of the said service: *Provided, always*, That, whenever the Power so granting permission to the said subjects or citizens to serve in the marine of the other shall withdraw the same, notification thereof shall forthwith be made to the other contracting party; and, on receipt of such notification, the Power receiving the same shall forthwith notify it in the most public and official manner, and shall use its utmost endeavors to restrain the said subjects[3] of the other party from further serving in its public or private marine, and shall enforce the exclusion of such of the said subjects[4] of the other Power as may then be in its service,[5] as if no such permission had been promulgated.

[1] by law,

[2] or otherwise, either generally, or in special cases,

[3] or citizens

[4] or citizens

[5] on their return to port, from the voyages or service in which they may then be engaged, or sooner, if practicable,

ARTICLE 4.

[1][In consideration of the stipulations contained in the preceding articles,] it is agreed by the high contracting parties that, during the continuance of the present treaty, neither Power shall impress or forcibly withdraw, nor cause to be impressed or forcibly withdrawn, any person or persons from the vessels of the other Power, when met upon the high seas,[2] on any plea or pretext whatsoever: *Provided, always*, That nothing contained in this article shall be construed to [3][apply to the vessels of either Power which may be within the ports or within the maritime jurisdiction of the other:] [4][*And, also, provided*, That nothing herein contained shall be construed to impair or affect the established right of search, as authorized in time of war by the law of nations.]

[1] (*a*.)

[2] or anywhere without the ordinary jurisdiction of either of the two Powers, as acknowledged by the law of nations,

[3] impair or affect the right of either Power to withdraw its natural born subjects or citizens, not falling within the exception mentioned in the preceding articles, from any vessel lying within its ports or within its ordinary maritime jurisdiction, as acknowledged by the law of nations.

[4] (*a*.)

(*a*.) See 6th article, [2].

ARTICLE 5.

The high contracting parties have agreed to extend the duration of the present treaty to ten years; and they reserve to themselves to concert as to its renewal, at such convenient period, previous to its expiration, as may insure to their respective subjects[1] the uninterrupted benefit which they expect from its provisions: *Provided, always*, That either Power may, if it deem it expedient, upon giving six months' previous notice to the other, wholly abrogate and annul the present treaty.

[1] or citizens

ARTICLE 6.

It is agreed that nothing contained in the preceding articles shall be understood to [1]affect the rights and principles on which the high contracting parties have heretofore acted in respect to any of the matters to which these stipulations refer,[2] except so far as the same shall have been modified, restrained, or suspended, by the said articles. And whenever the present treaty shall cease to be in operation, either by the expiration of the term for which it is enacted, without any renewal of the same, or by the abrogation thereof, by either of the contracting parties, as hereinbefore provided, or (which God forbid) by any war between the high contracting parties, each of the said high contracting parties shall stand, with respect to the other, as to its said rights and principles, as if no such treaty had ever been made.

[1] impair or

[2] nor any of the belligerant or neutral rights of either party, as acknowledged by the law of nations,

No. 5.

Protocol of the fifth conference held between the American and British plenipotentiaries, at Whitehall, on the 6th of October, 1818.

Present: Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

The protocol of the preceding conference was agreed upon and signed.

The British plenipotentiaries gave in the five annexed articles, on the fisheries, the boundary, the Mississippi, the intercourse between Nova Scotia and the United States, and the captured slaves. (A, B, C, D, E.)

It was agreed to meet again on the 9th instant.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN.

ARTICLE A.

It is agreed that the inhabitants of the United States shall have liberty to take fish, of every kind, on that part of the western coast of Newfoundland which extends from Cape Ray to the Quirpon islands, and on that part of the southern and eastern coasts of Labrador which extends from Mount Joli to Huntingdon island; and it is further agreed that the fishermen of the United States shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of the said south and east coasts of Labrador, so long as the same shall remain unsettled; but as soon as the same, or any part of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

And it is further agreed that nothing contained in this article shall be construed to give to the inhabitants of the United States any liberty to take fish within the rivers of His Britannic Majesty's territories, as above described; and it is agreed, on the part of the United States, that the fishermen of the United States resorting to the mouths of such rivers shall not obstruct the navigation thereof, nor wilfully injure nor destroy the fish within the same, either by setting nets across the mouths of such rivers, or by any other means whatever.

His Britannic Majesty further agrees that the vessels of the United States, *bona fide* engaged in such fishery, shall have liberty to enter the bays and harbors of any of His Britannic Majesty's dominions in North America, for the purpose of shelter, or of repairing damages therein, and of purchasing wood and obtaining water, and for no other purpose; and all vessels so resorting to the said bays and harbors shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein.

It is further well understood that the liberty of taking, drying, and curing fish, granted in the preceding part of this article, shall not be construed to extend to any privilege of carrying on trade with any of His Britannic Majesty's subjects residing within the limits hereinbefore assigned for the use of the fishermen of the United States, for any of the purposes aforesaid.

And in order the more effectually to guard against smuggling, it shall not be lawful for the vessels of the United States, engaged in the said fishery, to have on board any goods, wares, or merchandise whatever, except such as may be necessary for the prosecution of the fishery, or the support of the fishermen whilst engaged therein, or in the prosecution of their voyages to and from the said fishing grounds. And any vessel of the United States which shall contravene this regulation may be seized, condemned, and confiscated, together with her cargo.

ARTICLE B.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the forty-ninth parallel of latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn due north or south, as the case may be, until it shall intersect the said parallel of north latitude, and from the point of such intersection, due west, along and with the said parallel, shall be the line of demarcation between the territories of His Britannic Majesty and those of the United States; and that the said line shall form the southern boundary of the said territories of His Britannic Majesty, and the northern boundary of the territories of the United States, from the said Lake of the Woods to the Stony mountains; and, in order to prevent any disputes as to the territorial rights of either of the contracting parties on the northwest coast of America, or anywhere to the westward of the Stony mountains, it is agreed that so much of the said country as lies between the forty-fifth and forty-ninth parallels of latitude, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, shall be free and open to the subjects and citizens of the two states, respectively, for the purpose of trade and commerce; it being well understood that, although, by virtue of this arrangement, the two high contracting parties agree not to exercise as against each any other sovereign or territorial authority within the above-mentioned country lying between the forty-fifth and forty-ninth parallels of latitude, this agreement is not to be construed to the prejudice of any claim to which either of the two high contracting parties may have to any territorial authority in any part of the country lying within the said limits: nor shall it be taken to affect the claim of any other Power or State to any part of the said country; the only object of the two high contracting parties being to prevent disputes and differences between themselves.

ARTICLE C.

It is further agreed that the subjects of His Britannic Majesty shall have and enjoy the free navigation of the river Mississippi from its source to the ocean, and shall at all times have free access from such place as may be selected for that purpose, in His Britannic Majesty's territories, to the river Mississippi, with their goods, wares, and merchandise, the importation of which into the United States shall not be entirely prohibited, on the payment of the same duties as would be payable on the importation of the same article into the Atlantic ports of the United States.

ARTICLE D.

British vessels shall have liberty to export, from any of the ports of the United States to which any foreign vessels are permitted to come, to the ports of Halifax, in His Britannic Majesty's province of Nova Scotia; to the port of St. John's, in His Britannic Majesty's province of New Brunswick, and to any other port within the said provinces of Nova Scotia or New Brunswick, to which vessels of any other foreign nation shall be admitted, the following articles, being of the growth, produce, or manufacture of the United States, viz: scantling, planks, staves, heading-boards, shingles, hoops, horses, neat cattle, sheep, hogs, poultry, or live stock of any sort, bread, biscuit, flour, pease, beans, potatoes, wheat, rice, oats, barley, or grain of any sort, pitch, tar, turpentine, fruits, seeds, and tobacco.

And vessels of the United States shall, in like manner, have liberty to import from any of the aforesaid ports of the United States into any of the aforesaid ports within the said provinces of Nova Scotia and New Brunswick, the above-mentioned articles, being of the growth, produce, or manufacture of the United States.

British vessels shall also have liberty to import from any of the aforesaid ports within the provinces of Nova Scotia and New Brunswick, into any of the aforesaid ports of the United States, gypsum and grindstones, or any other articles, being of the growth, produce, or manufacture of the said provinces, and, also, any produce or manufacture of any part of His Britannic Majesty's dominions, the importation of which into the United States shall not be entirely prohibited.

And vessels of the United States shall have liberty to import from the said provinces to the said United States, slates, gypsum, and grindstones, or any other article, being of the growth, produce, or manufacture of any part of His Britannic Majesty's dominions, the importation of which into the United States from any other place shall not be entirely prohibited.

The vessels of either of the two parties employed in the trade provided for by this article shall be admitted in the ports of the other party, as above mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party. The same duties shall also be paid, respectively, in the dominions of both parties, on the importation and on the exportation of the articles which may be imported or exported, by virtue of this article; and the same bounties shall also be allowed on the exportation thereof, whether such importation or exportation shall be in vessels of the United States or in British vessels.

ARTICLE E.

Whereas it was agreed by the first article of the treaty of Ghent, that "all territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property:" and whereas doubts have arisen whether certain slaves, originally captured in certain forts and places belonging to the United States, and removed therefrom, but remaining within the territories of the United States, or on board the ships of His Britannic Majesty, lying within the harbors of the United States at the time of the exchange of the ratifications of the said treaty, are to extend under the above-recited provisions of the said treaty, the high contracting parties do hereby agree to refer the said doubts to some friendly sovereign or state, to be named for that purpose; and the high contracting parties engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters so referred.

No. 6.

LONDON, *October* 7, 1818.

Mr. Gallatin and Mr. Rush present their compliments to Mr. Robinson and Mr. Goulburn, and beg leave to send them the enclosed paper, containing some remarks on the articles handed to them at the conference yesterday. They are to be considered as unofficial, according to the intimation given yesterday, when they were promised, and have been drawn up merely under the hope that, by possessing the British plenipotentiaries of some of the views of the American plenipotentiaries before the next meeting on the 9th, the progress of the negotiation may be accelerated.

Fisheries.

The American plenipotentiaries are not authorized by their instructions to assent to any article on that subject which shall not secure to the inhabitants of the United States the liberty of taking fish of every kind on the southern coast of Newfoundland, from Cape Ray to the Ramea islands, and on the coasts, bays, harbors, and creeks, from Mount Joli, on the southern coast of Labrador, to and through the straits of Belleisle, and thence northwardly, indefinitely, along the coast: and, also, the liberty of drying and curing fish in any of the unsettled bays, harbors, and creeks of Labrador and of the southern coast of Newfoundland, as above described; with the proviso respecting such of the said bays, harbors, and creeks as may be settled.

The liberty of taking fish within rivers is not asked. A positive clause to except them is unnecessary, unless it be intended to comprehend under that name waters which might otherwise be considered as bays or creeks. Whatever extent of fishing-ground may be secured to American fishermen, the American plenipotentiaries are not prepared to accept it on a tenure or on conditions different from those on which the whole has heretofore been held. Their instructions did not anticipate that any new terms or restrictions would be annexed, as none were suggested in the proposals made by Mr. Bagot to the American Government. The clauses forbidding the spreading of nets, and making vessels liable to confiscation in case any articles not wanted for carrying on the fishery should be found on board, are of that description, and would expose the fishermen to endless vexations.

Mississippi.

The American plenipotentiaries are not authorized to agree to any condition that would bring the British in contact with the Mississippi. The right to the navigation of that river could only be derived from the treaty of 1783; and, if viewed as a matter of compromise, that right is much less valuable and important than the portion of the fisheries which the United States would lose by the agreement, even on the terms proposed by them.

Boundary.

That portion of the article which relates to the country west of the Stony mountains cannot be agreed to in its present shape. The American plenipotentiaries cannot consent to throw in a common stock that part only of the country to which the United States deny the claim of Great Britain, and which lies within the same latitudes as their own territories east of the Stony mountains; thus, also, implying the exclusion of their citizens from the trade on the northwest coast of America, (north of 49°,) which they have enjoyed without interruption for a number of years, and as early as the British.

Nor are they authorized to agree to expressions implying a renunciation of territorial sovereignty, although perfectly disposed not to insist on an extension of the line of demarcation to that country. They will propose either that the whole of the article relating to that subject, and immediately following the words "to the Stony mountains," should be omitted, inserting, in lieu thereof, a proviso similar to what had on former occasions been agreed to, viz: "But nothing in the present article shall be construed to extend to the northwest coast of America, or to territories belonging to or claimed by either party on the continent of America westward of the Stony mountains;" or, that the proposed article should be amended in the manner stated in the enclosed copy.

Slaves.

The American plenipotentiaries had hoped that this subject might have been arranged without a reference to a friendly Power. If this cannot be done, they will agree to the reference; observing, however, that a change in the phraseology will be necessary, so as to bring the whole claim before the foreign sovereign. They are also authorized to agree that the Emperor of Russia should, by the article, be designated as the umpire.

No. 7.

Protocol of the sixth conference between the American and British plenipotentiaries, held at Whitehall, on the 9th of October, 1818.

Present: Mr. Gallatin, Mr. Rush, Mr. Robinson.

The American plenipotentiaries declared that they could not agree to the article upon the fisheries brought forward by the British plenipotentiaries at the preceding conference, nor to that respecting the navigation of the Mississippi, nor to any article that would bring the British in contact with that river.

They also stated that they could not take into consideration the article respecting the intercourse with Nova Scotia and New Brunswick, unconnected with the subject of the British West Indies.

They presented several amendments (A, B) to the articles respecting the boundary line and slaves carried away, proposed at the last conference by the British plenipotentiaries.

It was agreed to meet again on Tuesday, the 13th instant.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON.

ARTICLE.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the forty-ninth parallel of latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn[1] due north or south, as the case may be, until [2][it] shall intersect the said parallel of north latitude,

A.

[1] from the said point,
[2] the said line

and from the point of such intersection, due west, along and with the said parallel, shall be the line of demarcation between the territories of His Britannic Majesty and those of the United States; and that the said line shall form the southern boundary of the said territories of His Britannic Majesty, and the northern boundary of the territories of the United States, from the said Lake of the Woods to the Stony mountains;* and [3][in order to prevent any disputes as to the territorial rights of either of the contracting parties on the northwest coast of America, or anywhere to the westward of the Stony mountains, it is agreed that so much of the said country as lies between the forty-fifth and forty-ninth parallels of latitude,] together with its harbors, bays, and creeks, and the navigation of all rivers within the same, shall be free and open to the subjects and citizens of the two [4][states] respectively, for the purpose of trade and commerce, it being well understood that [5][although, by virtue of this arrangement, the two high contracting parties agree not to exercise, as against each other, any other sovereign or territorial authority within the above-mentioned country, lying between the forty-fifth and forty-ninth parallels of latitude] this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any territorial authority in any part of the country, [6][lying within the said limits,] nor shall it be taken to affect the claim of any other Power or State to any part of the said country; the only object of the two high contracting parties being to prevent disputes and differences between themselves.

ARTICLE.

Whereas it was agreed, by the first article of the treaty of Ghent, that "all territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves, or other private property:" and whereas [1][doubts have arisen whether certain slaves, originally captured in certain forts and places belonging to the United States, and removed therefrom, but remaining within the territories of the United States, or on board the ships of His Britannic Majesty lying within the harbors of the United States, at the time of the exchange of the ratifications of the said treaty, are to be restored under the above-recited provisions of the above treaty,] the high contracting parties do hereby agree to refer the said [2][doubts to some friendly sovereign or state, to be named for that purpose,] and the high contracting parties engage to consider the decision of [3][such friendly sovereign or state to be] final and conclusive on all the matters referred.

[3] it is further agreed that so much of the country on the northwest coast of America, or anywhere to the westward of the Stony mountains, as may be claimed by, or be in the possession of, either of the two parties,

[4] Powers,

[5] ——.

[6] aforesaid,

B.

[1] under the aforesaid article, the United States claim for their citizens, and as their private property, the restitution of, or full compensation for, all slaves, who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, and who were afterwards removed or carried away by the said forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessels lying in waters within the territory or jurisdiction of the United States: and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for, all slaves as above described,

differences to His Imperial Majesty the Emperor of all the Russias,

[3] his said Imperial Majesty

No. 8.

OCTOBER 12, 1818.

Mr. Gallatin and Mr. Rush present their compliments to Mr. Robinson and Mr. Goulburn, and beg leave to state that, on full consideration, since the meeting on Friday, they do not feel themselves authorized to consent to the condition annexed to the second article of the projet on impressment, which declares that "none other than the persons whose names shall be included in the said lists shall be deemed to fall within the said exception." Their reasons are stated in the enclosed unofficial memorandum.

Mr. G. and Mr. R. give this notice of their disagreement previous to the meeting fixed for to-morrow, in the hope that, if the alteration which they have heretofore proposed should not, contrary to their expectations, be found acceptable, some other amendment or modification may suggest itself to the British plenipotentiaries, rather than that the arrangement should fall through.

* Or all the words that follow to be omitted, and the following to be inserted in lieu thereof, viz:
"But nothing in the present article shall be construed to extend to the northwest coast of America, or to territories belonging to, or claimed by, either party, on the continent of America, westward of the Stony mountains."

MEMORANDUM.

Lists of seamen naturalized.

It is required by the British plenipotentiaries that persons whose names shall not appear on the lists of naturalized seamen, to be mutually furnished by the two Governments, shall not be considered as falling within the exception contemplated by the agreement; that is to say, that such persons, although naturalized, shall, respectively, be excluded from the public or private marine of either party.

But it is impracticable for the Government of the United States to procure complete lists of naturalized seamen, for the following reasons:

Prior to the year 1790, aliens might be naturalized according to the laws of the several States; and it is known that in some of them, (Pennsylvania for instance,) the naturalization took place before justices of the peace. In these cases, and also when the records of a court may have been destroyed, it would be found difficult, if not impossible, to obtain any other evidence of the naturalization than the certificate given at the time to the naturalized person.

Since the year 1790, although the term of previous residence has varied, the mode has been uniform. Aliens have been naturalized only in conformity with the laws of the United States, and before such courts of record as were designated by those laws. But that designation embraced not only the courts of the United States, properly so called, but also the courts of the several States, including even those of a subordinate jurisdiction, amounting, together, to several hundred. It is necessary to add, that minor children of naturalized persons, if dwelling in the United States, become, also, by virtue of their father's naturalization, *ipso facto*, naturalized themselves.

If an attempt is made to compile the lists required from the records of the several courts, a first and leading objection is, that the courts of the several States, not being bound to obey in that respect the orders of the General Government, it will be optional with them whether the clerks shall abstract from the records of thirty years those of the naturalization of aliens which are interspersed among them, and transmit those abstracts to the Government of the United States.

But supposing that every one of those courts should comply with the order, the lists must contain the names of all the British natural born subjects, (and for the years 1790 to 1795, during which time no discrimination of birthplace was recorded, of all aliens,) who have been naturalized for a period of thirty years, without pointing out those who were seamen; no specification of the profession or calling of the parties ever having been required by law to be entered on the records. And those lists, although containing the names of many thousand persons, not seamen, would be defective, by the total omission of the names of the minor children above mentioned, their names not having been directed, by law, to make a part of the record, and the burden of the proof of their citizenship resting with themselves.

There is but one other source of information from which the lists required might be partially obtained.

The collectors of the customs have been required, by a law passed in 1796, to keep books, in which the names of seamen, citizens of the United States, should, on their application, be entered. It is known that this law was never fully complied with, and that the returns are defective. But, even in the cases where the collectors have complied with it, the registers must necessarily be incomplete, since no names were entered but on the application of the parties; besides which, the names of the native citizens were not, by the law, directed to be distinguished from those of naturalized persons.

From this statement of facts, it follows that, although partial lists may be compiled, which will contain the names of many naturalized British seamen, those lists will still be very imperfect. If the condition now urged was complied with, the consequence would be that aliens, naturalized prior to the treaty, who have become citizens of the United States on the faith of a public law, and are thereby entitled to every political and civil right enjoyed by native citizens, (that of becoming President or Vice President of the United States only excepted,) would, by a retrospective, and therefore unconstitutional act, be deprived not of a privilege merely political, but of the right of exercising the only profession they have for the support of themselves and their families. And minors, too, who have never known any other country but America, would be precluded from following the seas when they came to a proper age.

The American plenipotentiaries cannot assent to a condition involving such results. They are expressly bound by their instructions, whilst admitting, as a general principle, that neither Government shall employ, in its public or private marine, the natural born subjects or citizens of the other country, to except from its operation all those who shall have been naturalized prior to the treaty. That exception has been mutually assumed as one of the foundations of the agreement; and the effect of the condition alluded to would necessarily be that a portion only of the persons thus previously naturalized in the United States would be embraced by the exception.

The American plenipotentiaries beg leave to add that the condition appears to them unnecessary. According to that which they propose, every British natural born subject, not included in the lists, and claiming to be employed as a seaman on board an American vessel, must adduce proofs of his having been naturalized prior to the exchange of ratifications. He must produce either the original certificate of his naturalization, or an authentic copy, attested as such by the proper court. If claiming as a minor, by virtue of his father's naturalization, he must, in addition, produce legal proofs of the fact. In the cases for which the condition is intended to provide, proofs may always be given similar to those which, in every case, would be admitted as conclusive by the laws of Great Britain, as well as by those of the United States.

Finally, the right reserved to either party of annulling the agreement at will, affords security in this case as well as in all others. This reservation, which had not been contemplated by the Government of the United States, has been acceded to by their plenipotentiaries, in order to remove every objection to the arrangement, and to avoid the necessity of entering into details respecting the measures necessary to carry it into effect. Great Britain being thereby effectually secured against every risk, and holding in her own hands a complete remedy against deviations from the terms of the compact in all cases, no necessity appears to exist for an additional security on this particular point.

No. 9.

Protocol of the seventh conference between the American and British plenipotentiaries, held at Whitehall, on the 13th of October, 1818.

Present: Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

The British plenipotentiaries acquiesced in the amendment proposed at the preceding conference by the American plenipotentiaries, in the article respecting captured slaves, except as far as related to the insertion in the article of the name of any particular Power.

They brought forward new articles (A, B, C, D, E) respecting the fisheries, the boundary, impressment, and maritime points, and accompanied the articles D with the annexed memorandum E. They agreed to the omission of the article respecting the Mississippi.

It was agreed to meet again on Monday, the 19th instant.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN.

Article A.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America: It is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ramea islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon islands, on the shores of the Magdalen islands, and also on the coasts, bays, harbors, and creeks, from Mount Joli, on the southern coast of Labrador, to and through the straits of Belleisle, and thence, northwardly, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood and obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Article B.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then, that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection, due west, along and with the said parallel, shall be the line of demarcation between the territories of His Britannic Majesty and those of the United States; and that the said line shall form the southern boundary of the said territories of His Britannic Majesty, and the northern boundary of the territories of the United States, from the Lake of the Woods to the Stony mountains. But nothing in the preceding part of this article shall be construed to extend to the northwest coast of America, or to territories belonging to, or claimed by, either party, on the continent of America westward of the Stony mountains; and any such country as may be claimed by either party westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open to the vessels, subjects, or citizens of the two Powers, respectively, for the purposes of trade and commerce. It being well understood that nothing contained in this article shall be taken to affect the claims of any other Power or State to any part of the said country; the only object of the two high contracting parties being to prevent disputes and differences between themselves.

Article C.

His Majesty the King of the United Kingdom of Great Britain, &c. &c. &c. and the United States of America, animated with an equal desire to prevent, by conventional regulations, the recurrence of inconveniences which have heretofore arisen from the employment of the natural born subjects of His Britannic Majesty in the public or private marine of the United States, and from the employment of the natural born citizens of the United States in the public or private marine of His Britannic Majesty, have nominated plenipotentiaries to negotiate a convention for this desirable object.

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c. &c. &c. has nominated the right honorable Frederick John Robinson, &c. &c. &c. and Henry Goulburn, Esq., &c. &c., and the President of the United States has nominated Albert Gallatin, Esq., &c. &c. &c. and Richard Rush, Esq., &c. &c. &c., who, having exchanged their full powers, found in good and due form, have agreed upon and signed the following articles:

1. The high contracting parties engage and bind themselves to adopt, respectively, without delay, the most effectual measures for excluding, respectively, from serving either in their public or private marine, the natural born subjects and the natural born citizens of the other party; that is to say: His Majesty the King of the United Kingdom of Great Britain and Ireland, for excluding the natural born citizens of the United States from serving either in the public or private marine of his dominions; and the United States, for excluding the natural born subjects of His Britannic Majesty from serving either in the public or private marine of the United States; and such measures, when adopted, shall be immediately communicated by each party to the other: *Provided always*, That nothing contained in this article shall be understood to apply to any seamen, being natural born subjects of His Britannic Majesty, or natural born citizens of the United States, who have been naturalized by the respective laws of either Power previous to the signature of the present convention.

2. The high contracting parties engage to deliver, each to the other, within eighteen months from the ratification of the present convention, a list, as far as it may be found practicable to obtain it, containing the names and description of the seamen falling within the said exception, specifying the places of their birth, and the date of their becoming naturalized. And it is further agreed that no person, whose name shall not be included in the said lists, shall be deemed to fall within the said exceptions.

3. It is, however, agreed that, if one of the high contracting parties shall, at any time during the continuance of this convention, think fit to notify to the other that it does not insist upon the exclusion of its natural born subjects, or natural born citizens, from the public or private marine of the other party, it shall be competent to the said other party, notwithstanding the engagement set forth in the first article of this convention, no longer to exclude the said subjects or citizens: *Provided always*, That, whenever thePower which has made the said notification shall recall

the same, its recall shall be immediately communicated to the other contracting party; and, on receipt of such communication, the Power receiving the same shall forthwith make it known, in the most public and official manner, and shall use its utmost endeavors to restrain the said subjects or citizens of the other party from further serving in its public or private marine, and shall enforce the exclusion of such of the said subjects or citizens of the other Power as may then be in its service, as if no such stipulations as are contained in the preceding part of this article had been agreed to.

4. It is agreed by the high contracting parties, that, during the continuance of the present convention, neither Power shall impress or forcibly withdraw, or cause to be impressed or forcibly withdrawn, any person or persons from the vessels of the other party, when met upon the high seas, or upon the narrow seas, on any plea or pretext whatsoever: *Provided always*, That nothing contained in this article shall be construed to impair or affect the rights of either Power to impress or forcibly withdraw, or cause to be impressed or forcibly withdrawn, its natural born subjects or natural born citizens, not falling within the exceptions mentioned in the preceding articles, from any vessel being within its ports, or within its ordinary maritime jurisdiction, as acknowledged by the law of nations: *And also provided*, That nothing herein contained shall be construed to impair or affect the established right of search, as authorized in time of war by the law of nations.

5. The high contracting parties have agreed to extend the duration of the present treaty to ten years, and they reserve to themselves to concert as to its renewal, at such convenient period, previous to its expiration, as may insure to their respective subjects or citizens, as aforesaid, the uninterrupted benefit which they expect from its provisions: *Provided always*, That either Power may, if it deem it expedient, upon giving six months' previous notice to the other, wholly abrogate and annul the present treaty.

6. It is agreed that nothing contained in the preceding articles shall be understood to impair or affect the rights and principles on which the high contracting parties have heretofore acted in respect to any of the matters to which these stipulations refer, except so far as the same shall have been modified, restrained, or suspended by the said articles. And whenever the present convention shall cease to be in operation, either by the expiration of the term for which it is enacted, without any renewal of the same, or by the abrogation thereof by either of the contracting parties, as hereinbefore provided, or (which God forbid) by any war between the high contracting parties, each of the said high contracting parties shall stand, with respect to the other, as to its said rights and principles, as if no such convention had ever been made.

ARTICLE D.

(*a.*) Whenever one of the high contracting parties shall be at war, any vessel of the other party, sailing for a port or place belonging to an enemy of the party at war, without knowing that the same is blockaded, may be turned away from such port or place; but she shall not be detained on account of such blockade, unless, after such notice, she shall again attempt to enter. And, in order to determine what characterizes a blockade, it is agreed that that denomination shall apply only to a port where there is, by the disposition of the Power which blockades it with a naval force, stationary or sufficiently near, an evident danger in entering.

(*b.*) In order to regulate what is in future to be deemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or by sea, such as cannon, mortars, muskets, pistols, and other fire-arms, petards, bombs, grenades, carcasses, saucisses, rockets, carriages for cannon, firelocks, musket-rests, bandoliers, gunpowder, saltpetre, match, balls and bullets, helmets or head-pieces, cuirasses, swords, pikes, halberts, lances, javelins, saddles, bridles, and other horse furniture, holsters, pouches, belts, and generally all other implements of [war; as, also, timber for shipbuilding, tar, or rosin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

(*c.*) In all cases of unfounded detention, or other contravention of the regulations stipulated by the present treaty, the owners of the vessel and cargo detained shall be allowed damages proportioned to the loss occasioned thereby, together with the costs and charges of the trial. All proper measures shall be taken to prevent delays in deciding the cases of ships or cargoes so brought in for adjudication, and in payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships or cargoes. And whenever sentence shall be pronounced against any vessel thus captured or detained, or against her cargo, or any part thereof, a duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered, without delay, to the commanders of the said vessels, or to the owner thereof, or to the agent of either, on payment of all legal fees and demands for the same.

The commanders of ships of war and privateers of the belligerant party shall, in the searching of the merchant ships of the other party, conduct themselves according to the acknowledged principles and rules of the law of nations, and as favorably, moreover, as towards the most friendly Power that may remain neuter. The said commanders, their officers and crews, shall forbear doing any damage to the subjects or citizens of the other party, or committing any outrage against them; and if they act to the contrary they shall be punished, and shall also make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

(*d.*) The ships of war and privateers of the two nations, as well as their prizes, shall be treated in their respective ports as those of the most favored nation.

It shall not be lawful for any Power or State at war with either of the high contracting parties, or the subjects or citizens of such Power or State, to fit out or arm ships of war, or privateers, in the ports of the other of the high contracting parties, nor to sell what they may take as prize from the ships or vessels of the high contracting party with whom such Power or State may be at war, in the ports of the other, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Power or State to which they belong.

(*e.*) In the event of a shipwreck happening to any vessel or vessels belonging to either of the high contracting parties, or their subjects and citizens, on the coasts of the other, every assistance shall be given for the protection of the unfortunate persons, and for the preservation of the ship, cargo, and all effects which may be saved, either from on board the ship, or in any other manner whatever; and the same shall not be concealed, nor detained, nor damaged, under any pretext whatever. On the contrary, the same shall be preserved and restored to them, upon a suitable recompense being given to those who shall have assisted in saving their persons, vessels, or effects.

(*f.*) If at any time a rupture should take place (which God forbid) between His Britannic Majesty and the United States, neither the debts due from individuals of one of the two nations to individuals of the other, nor shares or moneys which they may have in the public funds, or in the public or private banks, shall be sequestered or confiscated; and the merchants and others of each of the two nations residing in the dominions of the other shall in no case be detained as prisoners of war, but they shall be permitted to remove, with their families, effects, and property; each Government having, nevertheless, the right, during their remaining in its dominions, to make such regulations, and to take such precautions, as it may deem necessary with respect to such persons.

MEMORANDUM E.

Upon the subject of those articles numbered from *a* to *k*, which were brought forward by the American plenipotentiaries, and annexed to the protocol of the third conference, the British plenipotentiaries stated that, although they were not instructed to bring any of these topics before the conferences on the part of Great Britain, and although they considered it by no means necessary that the two countries should now come to any conventional arrangement relating to them, they were, nevertheless, ready to agree to the annexed articles, *(a, b, c, d, e, f,)* which embraced all the points upon which, in their judgment, it was expedient that the two countries should enter into positive stipulations.

Slaves.

ARTICLE. Whereas it was agreed by the first article of the treaty of Ghent, that "all territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, originally captured in the said forts or places, which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property:" And whereas, under the aforesaid article, the United States claim for their citizens, and as their private property, the restitution of, or full compensation for, all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore or on board any British vessels lying in waters within the territory or jurisdiction of the United States: And whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for, all or any slaves, as above described; the high contracting parties do hereby agree to refer the said difference to some friendly sovereign or state, to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters referred.

No. 10.

Amendment to boundary line, proposed by American plenipotentiaries at the eighth conference.

In lieu of the latter part of the article insert:

"And it is agreed that any such country as may be claimed by either party on the northwest coast of America, or on the continent of America westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of this treaty, to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the last-mentioned country; nor shall it be taken to affect the claims of any other Power or State to any part of the said country—the only object of the two high contracting parties, in that respect, being to prevent disputes and differences amongst themselves."

No. 11.

Protocol of the eighth conference between the American and British plenipotentiaries, held at Whitehall, on the 19th of October, 1818.

Present: Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

The protocols of the two preceding conferences were agreed to and signed.

The several articles upon the fisheries; the boundary; the territory westward of the Stony mountains; the captured slaves; and the renewal of the existing commercial convention, were agreed to.

The American plenipotentiaries expressed their regret that the rejection of several of the amendments which they had offered to the projet on impressment, and which they deemed essential, compelled them to decline acceding to that projet.

The great alterations made by the British plenipotentiaries to the articles proposed by the American plenipotentiaries on maritime rights, also induced the latter to think that, although a season of peace appeared the most favorable time for arranging such subjects, it would be inexpedient to discuss them any further, more especially as it had never been the intention of the American plenipotentiaries to adopt or propose any articles upon maritime subjects, without an adjustment of that on impressment.

The British plenipotentiaries brought forward an article, as annexed, (F,) upon the subject of the direct intercourse between the West Indies and the United States of America; but they stated that they could not consent to sign any article upon that subject, unless the American plenipotentiaries were prepared at the same time to accede to articles which should put the intercourse between Bermuda and the United States, as well as between Nova Scotia and New Brunswick and the United States, upon the footing contemplated in the article originally offered by the British Government with respect to Bermuda, and in that respecting Nova Scotia and New Brunswick, brought forward at a former conference by the British plenipotentiaries.

The American plenipotentiaries declared that their instructions did not authorize them to sign the West India article as proposed by the British plenipotentiaries, but agreed to take the whole question *ad referendum* to their Governments.

It was agreed to meet on Friday, the 20th instant.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN.

F.

It is agreed that the vessels of the United States shall have liberty to import from *[any of the ports of the United States to which any foreign vessels are permitted to come, to] any of the ports of His Britannic Majesty's dominions in the West Indies, which shall be open to the vessels of any other foreign Power or State, tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules, poultry, live stock, and provisions of all sorts, ex-

* The words within the brackets were not inserted, as is supposed by an accidental omission in the copy handed in by the British plenipotentiaries.

cept salted provisions of any description, whether meat, fish, or butter, such articles being of the growth, produce, or manufacture of the United States; and the said vessels shall also have liberty to import, in the same manner, any other articles of the growth, produce, or manufacture of the United States, the importation of which into the above-mentioned ports shall not be entirely prohibited from every other foreign country or place.

The vessels of the United States shall likewise have liberty to export from any of the aforesaid ports of His Britannic Majesty's dominions in the West Indies, to any of the aforesaid ports of the United States, rum, molasses, and salt, being of the growth, produce, or manufacture of any of His Britannic Majesty's above-mentioned dominions in the West Indies; and the said vessels shall also have liberty to export, in the same manner, any other articles of the said growth, produce, or manufacture, the exportation of which in foreign vessels from the said ports to any other foreign country or place shall not be entirely prohibited.

British vessels shall, in the same manner, have liberty to import from any of the aforesaid ports of His Britannic Majesty's dominions to any of the ports of the United States, rum, molasses, and salt, being of the growth, produce, or manufacture of His Britannic Majesty's above-mentioned dominions in the West Indies; and British vessels shall also have liberty to import, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which from the said dominions of His Britannic Majesty to the United States shall be allowed as aforesaid in vessels of the United States.

British vessels shall likewise have liberty to export from any of the aforesaid ports of the United States to any of the aforesaid ports of His Britannic Majesty's dominions in the West Indies, tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules, poultry, live stock, and provisions of all sorts, except salted provisions of any description, whether meat, fish, or butter, such articles being of the growth, produce, or manufacture of the United States; and the said vessels shall also have liberty to export, in the same manner, every other article, being the growth, produce, or manufacture of the United States, the importation of which into the said British ports from the said United States shall be allowed in vessels of the United States.

The vessels of either of the two parties, employed in the trade provided for by this article, shall be admitted in the ports of the other, as above mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party; and they shall have liberty, respectively, to touch, during the same voyage, at one or more of the above-mentioned ports of the other party, for the purpose of disposing of their inward and of taking on board their outward cargoes.

No other or higher duties shall be paid on the importation into the United States of any of the articles which may be imported therein, by virtue of this article, when imported in British vessels, than when imported in vessels of the United States; nor when imported directly from the above-mentioned ports of His Britannic Majesty's dominions, than when imported in a circuitous manner. And no other or higher duties shall be paid on the importation into any of the above-mentioned ports of His Britannic Majesty's dominions of any of the articles which may be imported therein by virtue of this article, when imported in vessels of the United States, than when imported in British vessels; nor when imported directly from the United States, than when imported in a circuitous manner. It is agreed, moreover, that no other or higher duties shall be charged upon any of the above-mentioned articles, being of the growth, produce, or manufacture of the two countries, respectively, when imported by virtue of this article, on the one hand, into the said ports of His Britannic Majesty's dominions, or into the ports of the United States, on the other, than may be charged on similar articles when imported from any other foreign country; but His Britannic Majesty reserves to himself the right to impose higher duties upon all articles so allowed to be imported into the said British ports from the United States, than are, or may be, chargeable upon all similar articles, when imported from any of His Majesty's dominions: *Provided*, That in such case such similar articles shall be of the growth, produce, or manufacture of His Majesty's possessions. The same duties shall be paid, and the same bounties shall be allowed on the exportation of any articles which may, by virtue of this article, be exported either from the said ports of His Britannic Majesty's dominions in the West Indies to the United States, as from the United States to the above-mentioned ports, whether such exportation shall be in vessels of the United States or in British vessels.

No. 12.

Protocol of the ninth conference between the American and British plenipotentiaries, held at Whitehall, on the 20th of October, 1818.

Present: Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

The protocol of the preceding conference was agreed to and signed. The plenipotentiaries then proceeded to sign the convention.

ALBERT GALLATIN,
RICHARD RUSH,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN.

Mr. Rush to the Secretary of State.

SIR: LONDON, *October* 27, 1818.

I had the honor to write you a few lines on the 19th instant, and immediately forwarded them in triplicate to the consul at Liverpool, to be sent off by the earliest ships, to say that we had on that day agreed to sign a treaty with the British plenipotentiaries on the points which I enumerated. It was signed on the 20th. The joint despatch from Mr. Gallatin and myself, bearing date on the same day, giving an account of the whole progress of the negotiation, was, together with the convention itself and all the accompanying documents, forwarded from hence to Liverpool on the 24th.

After consulting with Mr. Gallatin, I did not feel at liberty to employ a special messenger to be the bearer of the convention, trusting to the ordinary opportunities by our merchant vessels, which are so constant, and in general so safe. I accompanied the packet with a special letter to Mr. Maury, apprizing him of the importance of committing it to hands that were trustworthy, and with directions that it should be delivered to the postmaster at New York, or wherever else the ship may arrive, without any delay. It will thus, I hope, reach Washington with all expedition and safety. On the side of the British plenipotentiaries a special secretary was employed for the business of this negotiation. On ours Mr. Smith has acted; a circumstance which is alluded to only that I may add how unremitting has been his attention, and how useful his services. Mr. Gallatin set out on his return to Paris on the morning of the 22d. Duplicates of the convention, the despatch, and all the other papers, will be transmitted at the earliest moment that they can be copied.

After what is said in your despatch of the 28th of July, to the joint mission, respecting Judge Wallace's decree, on the 29th of August, 1817, at Halifax, in the cases of the captured fishing vessels, it is proper I should state that I have been informed by Mr. Slade, in a note of the 14th of this month, that no appeal has been entered by the captors from the sentences of restitution; and that, the time having now gone by allowed by the practice of the admiralty for entering appeals, none can be entered. He adds, that as the owners of the vessels were obliged to give bail at Halifax to answer the appeals, it is possible that they may also have been made to place counter-security in the hands of the bail; in which case, the bail may refuse to part with such security, without *a desertion* from the appellate court here; that is, a decree that the appeals had not been prosecuted, and that the original sentence should be carried into effect. But as such a decree would be attended with expense, he does not advise it for the present. In the event of its becoming necessary to the owners, they should be informed that they cannot have the benefit of it until office copies of the decrees of restitution at Halifax are first forwarded. Mr. Slade is the proctor whom I employed contingently to give attention to these cases, as mentioned in my despatch of the 21st of March.

From the instructions of the 28th of July, I infer that Government contemplated becoming instrumental to the solemn argument of the great question of right under the treaty of 1783, only in the event of no article respecting the fisheries being agreed upon. As one has been signed, I design to take no further steps on this head, should the convention be ratified, without further instructions from the Department. I mention this, perceiving, from the newspapers, that there have been fresh captures of our fishing vessels during the last season, followed by sentences of condemnation, from which appeals, on the part of the claimants, may, I take it for granted, be anticipated.

With very great respect, I have the honor to be, &c.

RICHARD RUSH.

Mr. Adams to Messrs. Gallatin and Rush.

GENTLEMEN: DEPARTMENT OF STATE, WASHINGTON, *November* 2, 1818.

From the despatches which, since I last had the honor of writing to you, have been received at this Department, from Mr. Rush, dated the 24th and 26th of June and the 15th of August, it appears that there are two subjects likely to be brought under consideration in your conferences with the British plenipotentiaries, which were not contemplated by the President at the time when your former instructions were prepared—impressment and the slave trade.

Impressment.

In the notes Nos. 1 and 2, delivered by Mr. Rush to Lord Castlereagh, the first on the 18th of April, and the second on the 20th of June, both the offers had been made to the British Government, warranted by his former instructions of legislative measures for excluding British seamen from the naval and merchant service of the United States, on condition of a formal stipulation on the part of Great Britain that the impressment of men from the vessels of the United States shall henceforth cease.

Both these proposals, at the time when they were offered, or shortly afterwards, had been rejected, with an intimation from Lord Castlereagh to Mr. Rush, in the latter instance, that the objections of the British cabinet against them would be presented in writing.

Afterwards, however, on the 14th of August, he expressed his willingness that the subject should be taken up in the proposed negotiation of a commercial treaty, and avowed, as an opinion of his own, upon which he had indeed not consulted with his colleagues in the cabinet, that these proposals might, with certain modifications, which he thought very important to Great Britain, and of little moment to the essential object of the United States, be rendered acceptable. These were: 1. That the treaty containing the stipulation should be limited to a duration of ten or twelve years, with liberty to each party to be absolved from its stipulations on a notice of three or six months. 2. That the British boarding officer, entering American ships at sea for a purpose justified under the laws of nations, should have the liberty of calling for a list of the crew, and, if he saw a man whom he knew or suspected of being an Englishman, he should, without taking the man, have the privilege of making a record or *procès verbal* of the fact, to be presented to the consideration of the American Government.

These suggestions have received the fullest and most deliberate consideration of the President, with the earnest disposition, on his part, to view them in the most favorable light. He welcomes them, especially, as the first indications of a consciousness in the British cabinet that the permanency of peace between the two countries is utterly incompatible with the resumption of the practice of impressing men from our vessels on the high seas—a conviction so profoundly impressed upon his own mind, that he scarcely thinks any discouragement could justify a remission of our efforts to remove this inevitable cause of future collisions, so long as the practice hitherto persevered in shall continue to exist.

It is readily agreed that the treaty to contain the stipulation shall be limited in duration to eight, ten, or twelve years; but that either party should have the liberty of putting an end to the whole treaty by a notice of three or six months would seem to place the whole commercial relations between the two countries upon too precarious a foundation. Some of the stipulations proposed in your negotiation are, in their nature, intended to be permanent, even in the event of a war; others would require legislative regulations to protect interests which would be deeply affected by the sudden termination of the treaty. The President, nevertheless, authorizes you to agree that, besides the general limitation of the temporary articles of the treaty to eight, ten, or twelve years, either party shall be at liberty to dissolve them after a notice of two years given to and received by the other; or, if preferable to the British Government, the article relative to impressment may be made a separate article, distinct from the rest of the treaty, and limited to a term of four years. This course would indeed be most convenient, as it would give us the opportunity of taking the sense of the Senate upon it, without implicating it with the other parts of the treaty. Our intention and expectation is, that, the practice of taking men from our ships being once formally renounced by Great Britain, she will, in point of fact, never recur to it again.

If the intention of Lord Castlereagh was that this right of dissolving the compact by a notice of three or six months should apply only to the article against impressment, its acceptance is objectionable on other grounds. The engagement to exclude all British seamen from our sea service will operate, immediately from its commencement, with some inconvenience to our merchants. Since the peace and the dispersion of the vast number of seamen disbanded from the British navy, there are, no doubt, considerable numbers of them who have found employment on board of our vessels, and their exclusion from them will not be accomplished without some inconvenience. The effect of the stipulation of Great Britain to take no men from our vessels is remote, and contingent upon the event of her being engaged in a maritime war with other Powers: the onerous part of the engagement is, therefore, to us immediate and certain; the benefit to be derived from it distant and eventual. If to this apparent inequality should be added a power reserved by Great Britain to cancel the bargain by a simple notice of three or six months,

we could scarcely consider it as a contract. It would be a positive concession and sacrifice, on our part, for the mere chance of a future equivalent for it, altogether dependant upon the will of the other party. The alternatives now proposed, it is hoped, will answer the purposes intended by the expedient suggested by Lord Castlereagh, without being equally liable to the difficulties which arrest our assent to it otherwise than as thus modified. It would also be desirable that the commencement of the engagement to exclude British seamen should be postponed for some time, (say to the 1st of October, 1820,) that a sufficient notice may be given to the merchants and mariners whose interests will be affected by it.

The second proposal (that British officers entering our merchant vessels for purposes warranted by the law of nations shall be authorized to call for the list of the crew, and, if they should find or suspect an Englishman to be on board, make a record of the fact for the purpose of remonstrance to the Government of the United States) is, in the view of the President, still more objectionable. In the first place, the distrust which it implies that the laws for excluding British seamen will, though stipulated, not be faithfully executed, is not warranted by any experience, nor can this Government give countenance to it by assenting to any stipulation which would be considered as resulting from it. If the United States bind themselves to this exclusion, they will sincerely and faithfully carry it into execution. It was not expressly asked by Lord Castlereagh in his proposal, as reported by Mr. Rush, that the officer, in calling for the shipping paper, should also have the power of mustering the crew, to examine them by comparison with the list; but as the mere view of the list would be useless unless coupled with that power, we consider it as having been intended to be included in the proposal; and this very inspection of the crews of our vessels by a foreign officer has been found among the most insulting and grievous aggravations of the practice of impressment. Besides this, the tendency of such an examination in every single instance would be, to produce altercation between the British officer and the commander of the American vessel. If the officer should be authorized to make a record of his suspicions, the master, on his side, and the suspected seamen, must of course have the privilege of making their counter-record; and as there would be no tribunal to judge between them, the probable ultimate result could be no other than that of exciting irritation between the two nations, and fractious discussions between the Governments.

If the engagement to exclude British seamen from our service should fail of being executed to an extent worthy of the slightest attention of the British Government, they could not avoid having notice of it, by proofs more effectual and more abundant than could be furnished by this sort of scrutiny. A failure of execution on our part to any such extent would give them not only the right of remonstrating to ours, but even of cancelling their obligation within a lapse of time, which must guard them against the danger of any material national injury. We have the fullest confidence that, if the engagement on both sides be once contracted, Great Britain will, thenceforward, have no lawful or even plausible motive either for wishing it cancelled, or for inspecting the crews of our vessels in search of men.

Slave Trade.

The President desires that you would make known to the British Government his sensibility to the friendly spirit of confidence with which the treaties lately contracted by Great Britain with Spain, Portugal, and the Netherlands, and the legislative measures of Parliament founded upon them, have been communicated to this Government, and the invitation to the United States to join in the same, or similar arrangements, has been given. He wishes you, also, to give the strongest assurances that the solicitude of the United States for the accomplishment of the common object—the total and final abolition of that odious traffic, continues with all the earnestness which has so long and so steadily distinguished the course of their policy in relation to it. As an evidence of this earnestness, he requests you to communicate to them a copy of the act of Congress of the last session, in addition to the act of 1807, to prohibit the importation of slaves into the United States, (acts of the last session, chap. 86, p. 81,) and to declare the readiness of this Government, within their constitutional powers, to adopt any further measures which experience may prove to be necessary for the purpose of obtaining so desirable an end.

But you will observe that, in examining the provisions of the treaties communicated by Lord Castlereagh, all their essential articles appear to be of a character not adaptable to the institutions or to the circumstances of the United States.

The power agreed to be reciprocally given to officers of the ships of war of either party to enter, search, capture, and carry into port for adjudication, the merchant vessels of the other, however qualified and restricted, is most essentially connected with the institution, by each treaty, of two mixed courts, one of which to reside in the external or colonial possessions of each of the two parties, respectively. This part of the system is indispensable to give it that character of reciprocity, without which the right granted to the armed ships of one nation to search the merchant vessels of another would be rather a mark of vassalage than of independence. But to this part of the system, the United States, having no colonies either on the coast of Africa or in the West Indies, cannot give effect.

You will add that, by the constitution of the United States, it is provided that the judicial power of the United States shall be vested in a supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. It provides that the judges of these courts shall hold their offices during good behavior, and that they shall be removable by impeachment and conviction of crimes or misdemeanors. There may be some doubt whether the *power* of the Government of the United States is competent to institute a court for carrying into execution their penal statutes beyond the territories of the United States—a court consisting partly of foreign judges, not amenable to impeachment for corruption, and deciding upon the statutes of the United States without appeal.

That the disposal of the negroes found on board the slave-trading vessels which might be condemned by the sentence of these mixed courts, cannot be carried into effect by the United States: for, if the slaves of a vessel condemned by the mixed court should be delivered over to the Government of the United States as free men, they could not, but by their own consent, be employed as servants or free laborers. The condition of the blacks being, in this Union, regulated by the municipal laws of the separate States, the Government of the United States can neither guaranty their liberty in the States where they could only be received as slaves, nor control them in the States where they would be recognised as free.

That the admission of a right in the officers of foreign ships of war to enter and search the vessels of the United States in time of peace, under any circumstances whatever, would meet with universal repugnance in the public opinion of this country. That there would be no prospect of a ratification, by advice and consent of the Senate, to any stipulation of that nature. That the search by foreign officers, even in time of war, is so obnoxious to the feelings and recollections of this country, that nothing could reconcile them to the extension of it, however qualified or restricted to a time of peace. And that it would be viewed in a still more aggravated light, if, as in the treaty with the Netherlands, connected with a formal admission that even vessels under convoy of ships of war of their own nation should be liable to search by the ships of war of another.

You will, therefore, express the regret of the President that the stipulations in the treaties communicated by Lord Castlereagh are of a character to which the peculiar situation and institutions of the United States do not

permit them to accede. The constitutional objection may be the more readily understood by the British cabinet, if they are reminded that it was an obstacle proceeding from the same principle which prevented Great Britain from becoming, formally, a party to the Holy Alliance: neither can they be at a loss to perceive the embarrassment under which we should be placed, by receiving cargoes of African negroes, and be bound at once to guaranty their liberty, and to employ them as servants. Whether they will be as ready to enter into our feelings, with regard to the search, by foreign navy lieutenants, of vessels under convoy of our own naval commanders, is, perhaps, of no material importance. The other reasons are presumed to be amply sufficient to convince them that the motives for declining this overture are compatible with an earnest wish that the measures concerted by these treaties may prove successful in extirpating that root of numberless evils—the traffic in human blood; and with the determination to co-operate, to the utmost extent of our powers, in this great vindication of the sacred rights of humanity.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Rush to the Secretary of State, dated

LONDON, *December* 8, 1818.

The despatch of the 2d of November, addressed to Mr. Gallatin and myself, arrived here on the 6th instant.

Of the subjects to which it relates, viz. impressment and the slave trade, the Department will have been long since informed by our joint communications that only the former had a place in the late negotiation. As we came to no agreement on it, I am happy to think that none of the expectations of the President will have been departed from. It will also have been seen that, had this despatch reached us before the negotiation closed, although it would have affected our conduct on one of the points, the result would have been the same. I design to transmit a copy of it to Paris for Mr. Gallatin's information.

Extract of a letter from Mr. Adams to Mr. Rush, dated

DEPARTMENT OF STATE, WASHINGTON, *December* 1, 1818.

Your despatches to No. 36, inclusive, have been received at this office. Of the various subjects to which they relate, and which appear to require particular notice, I propose now to take a review, according to the successive order of their dates.

The first is No. 22, dated 19th June, and enclosing your correspondence with Lord Castlereagh relative to a passage in a printed report of a committee of the House of Representatives of the United States to that body, mentioning the rejection by the President of the four articles which had been proposed by the British Government as additions to the commercial convention of 3d July, 1815, and approving that rejection, upon an idea entertained by the committee that the fourth of those articles would have interfered with the settled policy of the United States in relation to the Indians within their limits. This remark of the committee appears to have affected the sensibility of the British cabinet upon two grounds: first, as they considered that the rejection of those articles had not been previously communicated to them; and, secondly, because they thought the article in question did not bear the construction, and they explicitly disclaimed the intention that it should bear such a construction as the committee of Congress had thought applicable to it.

With regard to the first point, the explanation which ensued between you and Lord Castlereagh appears to have placed it in the proper point of view. The articles had been presented to your predecessor as embracing the utmost extent which the British Government would consent to give to our commercial intercourse with their colonial possessions in this hemisphere. Before your departure from this country, the President had made up his mind not to accept them, and your instructions had authorized you to make this determination known to the British Government in the manner which it was supposed would be most friendly and conciliatory. The articles had been delivered without any accompanying document, note, or commentary; and as it was not believed here that they could, under any modification, be made the basis of an arrangement between the two Governments, upon the subject to which they relate, and as it was given us explicitly to understand that Great Britain could concede nothing more of relaxations to her colonial and navigation system, it was thought useless to enter into discussion, of which there was no prospect that it would terminate in agreement, and which might tend to irritation, and that the most inoffensive manner of communicating the non-acceptance of the articles would be verbally, in a personal interview between yourself and Lord Castlereagh. On reference to your report of your first conference with him, on the 3d of January, it appears that the part of your instructions to which I allude was then executed; and that, without using the unaccommodating term of *rejection*, you communicated to him the disposition of the President, with regard to the four articles, in a manner altogether congenial to the spirit of that formula of the British constitution by which the dissent of the Crown is signified to an act which has passed both Houses of Parliament—*le Roy s'avisera*. There was, indeed, so little of ambiguity in the intimations given by you at that time, that when, before the receipt of your despatch No. 22, Mr. Bagot came to me with a copy of Lord Castlereagh's note to you of 29th May, which had been sent to him, I recurred immediately to the file of your despatches, and read to him that part of your report of what passed between you and Lord Castlereagh at your conference on the 3d of January; observing to him that I had little imagined, after that disclosure of the President's sentiments concerning the four articles, that the British Government would have expected any further reference to them on the part of the United States.

A copy of the four articles was furnished to the committee of the House of Representatives charged with the duty of reporting to the House upon the state of the commercial relations between the United States and the British West Indies. That committee drew their own conclusions upon the probable operation of the articles, and particularly of the fourth. They were communicated to them without comment on the part of the Executive. They knew the articles had not been accepted, but the reasons of the non-acceptance had not been stated to them. It is true that the article was the same which, at the negotiation of the commercial convention of July, 1815, had been offered by the British plenipotentiaries; that the objection to it, now suggested by the committee, had, at that time, been avowed by those of the United States; that the British plenipotentiaries did then disclaim the intention of giving it a construction which would import the admission of British traders to any intercourse with Indians within the territories of the United States, and did offer to introduce into the article any words which might be necessary to guard it against that construction; and that the article was then finally declined upon another ground. But the same reason for declining it still subsists, and is now as operative as it was in 1815; and, if it did not occur to the committee, it

was because the other, being more obvious upon the face of the article as presented to them, doubtless struck them more forcibly, as of itself decisive, and needing no further notice of objections less important, though not less insuperable.

In the negotiation with which you are now occupied, for the renewal and extension of that compact, we have not altogether abandoned the hope that the British cabinet will ultimately concede something further of principle; and, if this article should be discussed in your conferences, that they will consent to remove the other feature of exclusion from it, which still renders it inadmissible. Your powers will enable you to agree to it with such modifications as may divest it both of the exceptionable construction disclaimed, and of the restrictive exclusion yet adhered to by Great Britain.

The Secretary of State to Mr. Rush.

SIR: DEPARTMENT OF STATE, *Washington, May* 7, 1819.

From the documents transmitted by Mr. Gallatin and you, relating to the negotiation of the commercial convention of 20th October last, it appears—

That, at the third conference, a draught of two articles was proposed by the American plenipotentiaries for regulating the commercial intercourse between the United States and, 1, the British islands in the West Indies, and, 2, the provinces of Nova Scotia and New Brunswick, in North America.

That, at the fifth conference, the British plenipotentiaries offered the counter-projet of an article for the intercourse between the United States and Nova Scotia and New Brunswick; and, at the eighth conference, an article for that between the United States and the British West Indies.

That, in presenting this last article, they stated that they could not consent to sign an article upon that subject unless the American plenipotentiaries would accede, in substance, to the article proposed at the fifth conference concerning Nova Scotia and New Brunswick, and to an article proposed by the British Government on the 19th of March, 1817, concerning the trade between the United States and the island of Bermuda.

And that the American plenipotentiaries, not feeling themselves authorized by their instructions to sign the West India article as proposed by the British plenipotentiaries, agreed to take the whole question *ad referendum* to their Government.

In comparing the West India article, proposed by the American plenipotentiaries at the third conference, with that offered by the British plenipotentiaries at the eighth, it appears—

1. That, in the American projet, the ports in the West Indies proposed to be opened to American shipping are specifically named; while, in the British projet, they are only designated as the ports which shall be open to the vessels of any other foreign Power or State. It is observed, in your joint letter of 20th October, that these ports are the same as those proposed by the American projet, with the exception of St. Christopher's, St. Lucia, Demarara, Essequibo, and Berbice; but the difference between the two draughts is otherwise material: for, if the ports were specifically named, the privilege of admission to them would be positive, and not revocable at the pleasure of Great Britain; but if passing under the general description, it might at any time be revoked merely by prohibiting the admission to any other foreign vessels.

2. That, in the American projet, the articles of naval stores, provisions, and lumber, in general terms, are among those stipulated for admission; while, in the British counter-projet, the naval stores are restricted to pitch, tar, and turpentine; the lumber to staves, headings, and shingles; and from the article of provisions are excepted salted provisions of every description. The American article provides for the liberty of importing other articles of the growth, produce, or manufacture of the United States, and the importation of which shall not be entirely prohibited from every other place whatever. The British article narrows the limitation to articles not prohibited from every other *foreign* place, so that it would reject articles which might, at the same time, be imported from the British colonies in North America.

3. That the American projet provides for the liberty of exporting molasses and salt (omitting rum) and sugar and coffee, to the amount of one-fourth part of the tonnage of the vessel, and other articles, the exportation of which to other foreign countries is not entirely prohibited. The British projet, adding the article of rum, denies those of coffee and sugar, and allows only the exportation of other articles not prohibited to be exported to other foreign countries *in foreign vessels;* so that articles allowed to be exported to other foreign countries in British vessels would still be prohibited from exportation in vessels of the United States.

These differences, so important in themselves, became still further aggravated by a comparison between the two articles for regulating the intercourse between the United States and the British North American provinces of Nova Scotia and New Brunswick, respectively connected with the West India trade article. The American proposal is, that the vessels of both nations should be allowed to export from the United States into Nova Scotia and New Brunswick *the same* articles, the importation of which should be allowable by the West India article into the West Indies in American vessels, and any other articles, the importation of which from every other country should not be prohibited; and that the vessels of both nations should have liberty to import from Nova Scotia and New Brunswick into the United States, gypsum and grindstones, and any other article the growth, produce, or manufacture of *those provinces*, the importation of which into the United States from every other foreign country shall not be prohibited.

The British proposal is, that the vessels of both nations should be allowed to export from the United States into Nova Scotia and New Brunswick, not only the same articles to be admitted by the direct trade to the West Indies, but the additional articles of scantling, planks, hoops, fruits, and seeds, with a specific enumeration of grain and bread-stuffs instead of provisions; and that the vessels of both nations should be allowed to import from Nova Scotia and New Brunswick into the United States, not only gypsum, grindstones, and any other articles, the growth, produce, or manufacture of *the said provinces*, but also any produce or manufacture of *any part of His Britannic Majesty's dominions*, the importation of which into the United States shall not be entirely prohibited.

To complete this review, we are to compare the proposals of the two parties in relation to the trade between the United States and the island of Bermuda.

The American proposal is to include it in the West India trade article, and thereby place it on precisely the same footing as the West India islands.

The British article of 19th March, 1817, proposed that the vessels of both nations should be allowed to import from the United States into the island of Bermuda, not only the articles proposed by the British West India article to be admissible in the West Indies, but hemp, flax, masts, yards, bowsprits, plank, timber, and lumber of any sort, bread-stuffs enumerated, and grain of any sort, of the growth or production of the United States; and that they should be allowed to export from Bermuda to the United States any goods or commodities whatsoever, exportable

by law from the British West Indies to any foreign country in Europe; and, also, sugar, molasses, coffee, cocoa-nuts, ginger, and pimento, and all goods of British growth, produce, or manufacture.

The views of the British Government, in these connected proposals, are elucidated by the right which, in the West India trade article, they insist upon reserving, to impose higher duties upon all articles so importable from the United States to the West Indies, than upon all similar articles when imported from any of His Majesty's dominions, and being of the growth, produce, or manufacture of His Majesty's possessions; and, by the statement of the British plenipotentiaries, at the eighth conference, as entered upon the protocol, that they could not sign any article concerning the direct trade between the United States and the West Indies, unless with *their* proposed articles concerning the intercourse of the United States with Nova Scotia and New Brunswick, and with the island of Bermuda.

No objection will, on our part, be made to the exception of the articles proposed by the British projet to be excluded entirely from the trade, namely, salted provisions of every description, although their probable value is equal to one-third of the whole mass of the exports to the West Indies; but it cannot be disguised that, if the three articles, taken together, would not, in their immediate operation, secure the carrying of the whole trade in British shipping, to the exclusion of that of the United States, they would at least leave the ultimate operation entirely at the discretion of the British Government, who, by proportioning the difference of duties upon the articles of our growth, produce, or manufacture, and upon the like articles of the produce, growth, or manufacture of the British dominions, to the experience of their own interest, may annul entirely the direct importations, and secure the conveyance of the whole to their own ships. They agreed, indeed, to stipulate that the duties upon the direct shall not be other or higher than upon the indirect importations; but all the effect of this engagement is demolished by the right reserved of imposing higher duties on articles of our growth, produce, or manufacture, than upon like articles of their own; for, as the indirect importations would be exclusively in British vessels, it must be expected that all articles imported from British colonies would be received as British produce, without scrutiny with regard to their origin; and thus the produce or manufactures of the United States, imported indirectly, through Halifax, St. John's, or Bermuda, would be received as of British produce or manufacture, and less imposed than the same articles imported directly from the United States. And the reserved right of aggravating the duty upon the direct importation being unlimited, might at any time, at the pleasure of the British Government, be made equivalent to a total prohibition; while, at the same time, our power of countervailing legislation would be locked up by the terms of the compact.

With the convention of 20th October, all the documents transmitted by you, relating to the negotiation, were submitted to the Senate. Those relating to the subject of this suspended article were referred to the Committee of Foreign Relations of that body, by whom, towards the close of the session, a confidential report was made, a copy of which is herewith enclosed. The shortness of the time not having admitted of a discussion of the report, it was referred to this Department; and as it is probable that, unless an amicable arrangement of the subject can be effected before the next winter, by negotiation, the measures suggested at the close of the report, as essential for completing the experiment of our counteracting system, will be brought forward in Congress, the President, always preferring the principle of arrangement by amicable compromise to the conflict of adversary laws, wishes to make another effort to prevail upon the British cabinet to adjust this concern by mutual concession and upon terms of practical reciprocity.

You are, therefore, authorized to agree to two additional articles, as supplementary to the convention, accepting the restricted list of articles, as proposed by the article which the British plenipotentiaries offered at the eighth conference, and submitting to the exclusion of salted provisions, and to the confined list of naval stores and lumber, among the importable, and to the exclusion of sugar and coffee from the list of the exportable articles in American vessels, in the direct trade with the West Indies; but with the condition that the list of importable articles to the West Indies shall be the same as that to Bermuda and to the North American colonies; and that the exportable articles shall be confined to such as are of the growth, produce, or manufacture of the British West India and North American colonies; and that no other or higher duties shall be payable on importations from the United States, directly or indirectly, than on similar articles imported from any foreign country, or from any of the British colonies themselves.

A draught of two articles to this effect, and forming a compromise between the articles proposed by you at the third, and those offered by the British plenipotentiaries at the fifth and eighth conferences, is herewith enclosed. We consent, by this proposal, to restrict the list of articles to be admitted in the trade, even as the British cabinet itself desires; but we adhere to the principle that, of this traffic, thus limited, our shipping shall have the chance of carrying its fair proportion, and shall stand upon equal terms of competition with the British. It is not intended that you should be confined to the letter of this draught. It may be modified in regard to the expression, as you think proper; and, if desired by the British Government, the two passages included within brackets, in the draught of the first article, may be omitted. But you will candidly state to Lord Castlereagh that our ultimate object of participating in the *navigation* of this necessary trade, having been explicitly avowed, must be steadily pursued; that we deem it more for our interest to leave it on the footing of reciprocal mutual regulation, than to bind ourselves by any compact, the result of which must be to disappoint us of that object; that we think the effect of the three articles declared to be inseparable by the British plenipotentiaries would be to deprive us even of the portion of the carrying which we have already secured by our existing laws, and which we believe we can further secure; and that it is far better for the harmony of the two nations to avoid any bargain, in which either party, after agreeing to it, shall have, by the experience of its effect, the sentiment of having been *overreached* brought home to its councils. We ask for no such engagement on the part of Great Britain. We have too much confidence in the wisdom and liberality of her cabinet to believe that they would wish to obtain such an engagement from us. At every step of counteracting regulation that we have taken, or shall take, in this concern, we proceed with reluctance, because we are convinced it might be adjusted more to the mutual interest and mutual understanding by amicable arrangement than by countervailing legislation. But, to whatever arrangement we may subscribe, we are convinced it can answer no useful purpose, unless it shall prove to be founded on the reciprocity of real effects, instead of hinging upon that of words.

Your power heretofore given is considered sufficient to authorize you to sign two additional articles of the substance of those enclosed, with any person or persons duly authorized by the British Government. If agreed to, they may be declared supplementary to those of the convention of the 20th of October, and to be of the same duration. They must, of course, be submitted to the sanction of the Senate for ratification here.

I am, very respectfully, &c.

JOHN QUINCY ADAMS.

ARTICLE 1.

The vessels of the United States and British vessels shall have liberty to import, from any of the ports of the United States to which any foreign vessels are permitted to come, into any of the following ports, namely: Kingston,

Savannah le Mer, Montego Bay, Santa Lucia, Antonio, Saint Anne, Falmouth, and Porta Maria, in the island of Jamaica; San Joseph, in the island of Trinidad; Scarborough, in the island of Tobago; Saint George, in the island of Granada; Kingston, in the island of Saint Vincent; Bridgetown, in the island of Barbadoes; Rosseau, in the island of Dominica; St. John's, in the island of Antigua; Road Harbor, in the island of Tortola; the principal port of Turk's island; Nassau, in the island of New Providence; Pittstown, in Crooked island; and the principal port of the island of Bermuda, tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules, poultry, live stock, and provisions of all sorts, (except salted provisions of any description, whether meat, fish, or butter,) such articles being the growth, produce, or manufacture of the United States, [and any other articles of the growth, produce, or manufacture of the United States, the importation of which into the above-mentioned ports shall not be entirely prohibited from every other foreign country or place.] And the vessels of the United States and British vessels shall have liberty to export, from any of the said ports of His Britannic Majesty's dominions, to any of the aforesaid ports of the United States, rum, molasses, and salt, being of the growth, produce, or manufacture of any of the above-mentioned dominions, [and any other articles of the said growth, produce, or manufacture, the exportation of which to any other foreign country or place shall not be entirely prohibited.]

The vessels of either party, employed in the trade provided for by this article, shall be admitted in the ports of the other, as above-mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party; and they shall have liberty, respectively, to touch, during the same voyage, at one or more of the above-mentioned ports of the other party, for the purpose of disposing of their inward, and of taking on board their outward cargoes.

No other or higher duties shall be paid on the importation from the United States into the above-mentioned ports of the British colonies, or from the said ports into the United States, of any of the articles importable by virtue of this convention, when imported in the vessels of either of the two nations, than when imported in the vessels of the other; nor when imported directly between the United States and the said ports, or *vice versa*, than when imported in a circuitous manner. No other or higher duties shall be charged upon any of the above-mentioned articles, when imported by virtue of this convention into the United States, or into any of the ports aforesaid, than may be charged on similar articles when imported from any foreign country into the United States, or from any other country or place whatsoever into the said ports. The same duties shall be paid, and the same bounties shall be allowed on the exportation of any articles which may, by virtue of this article, be exported from the said British ports to the United States, or from the United States to the said ports, whether exported in vessels of the United States or in British vessels.

ARTICLE 2.

The vessels of the United States and British vessels shall have liberty to export from any of the ports of the United States to which any foreign vessels are permitted to come, to the ports of Halifax, in Nova Scotia, and of St. John's, in New Brunswick, and to any other port within the said provinces of Nova Scotia and New Brunswick to which vessels of any other foreign nation shall be admitted, any article of the growth, produce, or manufacture of the United States, which, by virtue of the preceding article, is importable from the United States into the British colonial ports therein named, and upon the same terms in regard to the payment of duties and charges; and they shall have liberty to import from any of the aforesaid ports within the provinces of Nova Scotia and New Brunswick into any of the aforesaid ports of the United States, gypsum and grindstones, the produce or manufacture of the said provinces, and any other article of the said produce or manufacture, the exportation of which from the said provinces, and the importation of which into the United States, to or from any other foreign country, shall not be altogether prohibited. The vessels of either party, employed in this trade, shall pay no other or higher duties or charges than those of the other. The same duties of importation and of exportation shall be paid on the articles imported or exported by virtue of this article, and the same bounties allowed on their exportation, whether in vessels of the United States or in British vessels.

Extract of a letter from Mr. Rush, Envoy, &c. at London, to Mr. Adams, Secretary of State, dated

LONDON, *June* 14, 1819.

I was honored, on the 8th instant, with your despatch No. 17, of the 7th of May.

On the 9th I addressed a note to Lord Castlereagh, to request an interview, that I might proceed to lay before this Government, without losing any time, the determinations to which the President had come on the important subject of the commercial intercourse between the United States and the West Indies. His lordship appointed yesterday for me to wait upon him.

I commenced with calling to mind the point at which the discussions had left off upon this branch of the negotiation last autumn, and gave a new assurance of the President's earnest desire to see this trade opened upon a footing of entire and liberal reciprocity, rather than stand any longer upon the conflict of arbitrary laws. In this spirit I was instructed to offer a projet, which had been carefully drawn up upon the basis of a compromise between the pretensions of the two parties, and which, indeed, would be found to fall in so entirely with the propositions of Great Britain, in some respects, and to make such an approximation to them in others, that a hope was cherished of its proving acceptable.

That, in particular, it would be found to adopt the description of naval stores and of lumber, as articles to be exported from the United States, upon which the British plenipotentiaries had themselves insisted—confining the former to pitch, tar, and turpentine, and the latter to staves, headings, and shingles, contrary to the more enlarged signification which it had been the desire of the American plenipotentiaries to give to them; that it acquiesced, also, in the exclusion of all salted provisions, including the important article of fish; that it, moreover, came wholly into the British views, in consenting to the exclusion of sugar and coffee as articles to be imported into the United States from the British West Indies; it being understood that the above traffic was to be opened upon equal terms, in all respects, to American and British vessels.

In return for such an accommodation to the colonial views of Great Britain, the projet asked, on the other hand, that the list of articles exportable from the United States to the West Indies should be the same as to Bermuda and to the British North American colonies; that the articles exportable to the United States should be confined to such as were of the growth, produce, or manufacture of the above islands or colonies; and that the same duties, and no more, should be payable on importations from the United States into the West Indies, whether the articles were brought directly or indirectly, as on similar articles imported into the West Indies from any foreign country, or from any of the British colonies.

With this outline of its contents, I handed a copy of the projet which came enclosed in your despatch to his lordship. The discussions between the plenipotentiaries of the two Governments having recently been so ample on

the matters which it embraces, I thought that nothing was likely to be gained by my leaving room for the possible hope that any of its essential provisions would be departed from. Accordingly, I deemed it best to say with candor, in the first instance, that, as it was offered, so was it to be taken; for that my present instructions would admit of no deviations, unless on points verbal, or otherwise immaterial. I shall bear in mind that the parts within crotchets may be omitted. His lordship received it with an assurance that a full and candid consideration would be given to it. The pressure of parliamentary business might, he said, delay an attention to it for some weeks, but that, at as early a day as was practicable, it would be taken up. I replied that I believed that the great object would be attained on our side if a decision were communicated to me in full time to be made known to the President before the next session of Congress. Should our propositions prove acceptable, I was empowered, I added, to make them supplementary to the convention of the 20th of October, subject always to the ratification of the Senate. I here closed, having endeavored, in the course of my remarks, to convey to his lordship's mind those general reasonings applicable to our propositions which are unfolded in your despatch, and to which I shall again advert on future occasions, should it become necessary. The confidential report of the 19th of February, by the Committee of Foreign Relations in the Senate, was safely received under cover of your despatch.

Extracts of a letter from Mr. Rush to the Secretary of State, dated

LONDON, *September* 17, 1819.

Lord Castlereagh came to town on the 15th instant, and granted me an interview yesterday on the business of the West India trade.

Holding in his hands the proposals I had submitted, his lordship premised that he thought it would perhaps be best for him to answer them in the same general way that the British articles, submitted through my predecessor in 1817, had been answered; that is, not in any formal manner, but merely by a word of conversation with me. I said that I was sure that the form of the answer would make no difference; its transmission to my Government, in whatever mode his lordship might be pleased to convey it to me, would doubtless effect every substantial purpose.

In the answer there was no hesitation. Our proposals, he said, were not of a nature to form the basis of any agreement between the two countries. They would effect an entire subversion of the British colonial system: from this system they were not prepared to depart. Their colonies were, in many respects, burdensome, and even liable to involve the country in wars. Garrisons, and other establishments, were constantly maintained in them, at a heavy charge. In return, it was just that they should be incumbered with regulations, the operation of which might help to meet, in part, the expenses which they created. The great principle of these regulations was known to be the reservation of an exclusive right to the benefit of all their trade—a principle, of which the free port acts had, it was true, produced some relaxation; but it had never been the intention of this Government to do any thing more than offer to us a participation in these acts. Some modifications of them would have been acquiesced in, suggested by local causes, and an anxious desire that our two countries might come to an understanding on this part of their intercourse. But to break down the system was no part of their plan. Our proposals, therefore, could not be accepted. Such were his remarks.

I observed, that to break down the system was not our aim. All that we desired was, that the trade, as far as it was gone into at all, should be open to the vessels of both nations upon precisely equal terms. If the system fell by such an arrangement, it was as an incident, and only showed how difficult it seemed to render its long continuance consistent with a proper measure of commercial justice towards us.

So broad and unequivocal was his lordship's refusal, that it seemed almost superfluous to ask him to be more particular; yet, perceiving in me a wish to be made acquainted rather more specifically with the objections, he said that he would not scruple to mention them without, however, entering into details, for which he was not prepared, and which had been amply unfolded on both sides during the negotiation this time twelvemonth. The objections were threefold. First, we asked an enumeration, by name, of all the ports in the West Indies that we desired should be open to our vessels; secondly, that the trade between the United States and the British colonies on the continent of America, and with Bermuda, should be confined within the same limits as that between the United States and the West India islands direct; and, thirdly, we asked that the duties on articles imported from the United States into the islands, in American ships, should be no higher than on the same articles when imported in British ships from the United States, or from any other country, without saying *foreign* country. These three provisions, particularly the second and third, would form insurmountable obstacles to the conclusion of any convention which should purport to embrace them.

I contented myself with replies as general. The communications from the joint mission last year, as well as some separate ones from this legation after it was over, will have informed the President how fully the views of our Government, on the injustice of this system, in all its past effects upon us, have heretofore been stated. On this occasion I remarked, as to the first objection, that it was plain that, if the ports were not specially named, the privilege of admission to them would, at any time, be revocable whenever Great Britain thought fit to exclude from them any other foreign vessels. It would be, in short, a privilege with nothing positive or certain in its character. As to the second, I said that, should an indirect trade be opened with the islands in any greater extent than the direct trade, nothing was more clear than that the greater part, or the whole, would soon be made to flow in the channel of the former, to the manifest advantage of British bottoms. On the third objection, I said that an explanatory remark or two was all that I should add (it would be but repetition) to what had often been urged before. That we should deny to Great Britain the common right of protecting the industry of a part of her own dominions, by laying discriminating duties in its favor, might be thought, at first blush, to wear an appearance not defensible; but it would be found, on a moment's examination, to be strictly so. The system built up by Britain must be looked at altogether. It was in itself so inverted and artificial, that principles not disputed in the abstract ceased to be just when applied to it. Though one and all of these colonies were, indeed, of her dominion, yet were they made to stand, with respect to us, in the light of separate and independent countries. This was the keystone of the colonial doctrine. Why should we not, in turn, adopt and apply it to Great Britain? If we stipulated not to impose upon articles imported into the United States from the British West Indies any higher duties than upon the same articles coming from any other foreign country, a similar provision by Great Britain, to impose on articles exported from the United States to her islands no higher duties than on the same articles when brought from any other *foreign* country, would obviously be one of but nominal reciprocity; since, after *her own* dominions on the continent of America, there was no other place whence such exportations to her islands would ever be made. Thus it was that this third provision, combined with the two others, became necessary to enable the United States, whilst prosecuting a trade with the British West Indies, to place their navigation upon a footing, not of

verbal merely, but of real equality. It was the latter alone that could lay the foundations of a compact between the two nations that could ever be satisfactory or lasting.

His lordship did not hold to such views, and the conversation was not prolonged. It is proper for me to add, that he requested it to be understood that, whilst our proposals were declined, it was altogether in a friendly spirit, and that no complaint would be made, as had frequently been intimated, at our resorting to any just and rightful regulations of our own which we might deem necessary to meet theirs, in relation to these islands. I rejoined, that I thought it probable that some such regulations would, before long, in addition to those existing, be adopted.

Having earnestly endeavored to fulfil all my instructions, in their full spirit of anxiety for a different result upon this subject, my duty appears now to have arrived at its close.

Extract of a letter from Mr. Adams, Secretary of State, to Mr. Rush, Envoy, &c. at London, dated

DEPARTMENT OF STATE, *May* 27, 1820.

I have the honor of transmitting, herewith, a copy of the laws passed at the last session of Congress, which closed on the 15th instant, among which you will find one, page 116, entitled "An act supplementary to an act concerning navigation," which has an important bearing upon our commercial relations with Great Britain.

The subject to which that act relates has so recently and so fully been discussed between the two Governments, that it may be superfluous, though it cannot be unseasonable, to assure the British cabinet, as you are authorized to do, that it was adopted with a spirit in nowise unfriendly to Great Britain; and that, if at any time the disposition should be felt there to meet this country by arrangements founded on principles of reciprocity, it will be met, on the part of the United States, with an earnest wish to substitute a system of the most liberal intercourse, instead of that of counter-prohibitions, which this act has only rendered complete.

CONVENTION WITH GREAT BRITAIN.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective plenipotentiaries, that is to say: the President of the United States, on his part, has appointed Albert Gallatin, their envoy extraordinary and minister plenipotentiary to the court of France; and Richard Rush, their envoy extraordinary and minister plenipotentiary to the court of His Britannic Majesty: and His Majesty has appointed the right honorable Frederick John Robinson, treasurer of His Majesty's navy, and president of the committee of privy council for trade and plantations; and Henry Goulburn, Esq., one of His Majesty's under secretaries of state: who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

ART. 1. Whereas differences have arisen respecting the liberty, claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ramea islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon islands; on the shores of the Magdalen islands; and also on the coasts, bays, harbors, and creeks, from Mount Joli, on the southern coast of Labrador, to and through the straits of Belleisle, and thence northwardly, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company: and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

ART. 2. It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection, due west, along and with the said parallel, shall be the line of demarcation between the territories of the United States and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony mountains.

ART. 3. It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers: it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

ART. 4. All the provisions of the convention "to regulate the commerce between the territories of the United States and of His Britannic Majesty," concluded at London on the third day of July, in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting, also, so far as the same was affected by the declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner as if all the provisions of the said convention were herein specially recited.

ART. 5. Whereas it was agreed, by the first article of the treaty of Ghent, that "all territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property:" and whereas, under the aforesaid article, the United States claim for their citizens, and as their private property, the restitution of, or full compensation for, all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States: and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restoration of, or full compensation for, all or any slaves, as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or state, to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters referred.

ART. 6. This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and on His Majesty: and the ratifications shall be exchanged in six months from this date, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have hereunto affixed the seal of their arms. Done at London, this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

[L. S.] ALBERT GALLATIN,
[L. S.] RICHARD RUSH,
[L. S.] FREDERICK JOHN ROBINSON,
[L. S.] HENRY GOULBURN.

15th CONGRESS.] No. 307. [2d SESSION.

SPAIN—RATIFICATION OF THE CONVENTION OF 1802.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1819.

To the House of Representatives of the United States: WASHINGTON, *January* 4, 1819.

I transmit to Congress a proclamation, dated the 22d of last month, of the convention made and concluded at Madrid, between the plenipotentiaries of the United States and His Catholic Majesty, on the 11th of August, 1802, the ratifications of which were not exchanged till the 21st ultimo.

JAMES MONROE.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas a convention between the United States of America and His Catholic Majesty, made and concluded at Madrid on the 11th day of August, in the year one thousand eight hundred and two, by Charles Pinckney, at that time minister plenipotentiary of the United States in Spain, and Don Pedro Cevallos, counsellor of state, gentleman of the bedchamber, first secretary of state, and superintendent of posts and post offices, fully authorized and empowered by their respective Governments, was duly ratified by the then President of the United States, by and with the advice and consent of the Senate thereof, on the 9th day of January, in the year one thousand eight hundred and four, and was ratified by the King of Spain on the 9th day of July last past: and whereas the ratifications of the two Governments were exchanged in this city on the 21st day of December, by John Quincy Adams, Secretary of State of the United States, on the part of the United States, and Don Luis de Onis, envoy extraordinary and minister plenipotentiary from Spain, on the part of Spain; which convention is, word for word, as follows:

Convencion entre Su Magestad Catolica y los Estados Unidos de America, sobre indemnizacion de perdidas, daños, y perjuicios irrogados durante la ultima guerra en conseqüencia de los excesos cometidos por individuos de ambas naciones, contra el derecho de gentes ó tratado existente.

Deseando Su Magestad Catolica y el Gobierno de los Estados Unidos de America, ajustar amistosamente las demandas que han ocasionado los excesos cometidos durante la ultima guerra, por individuos de una y otra nacion, contra el derecho de gentes ó el tratado existente entre los dos paises, ha dado Su Magestad Catolica plenos poderes á este efecto á Don Pedro Cevallos, su consejero de estado, gentilhombre de camara con exercicio,

A convention between His Catholic Majesty and the United States of America, for the indemnification of those who have sustained losses, damages, or injuries, in consequence of the excesses of individuals of either nation, during the late war, contrary to the existing treaty or the laws of nations.

His Catholic Majesty and the Government of the United States of America wishing amicably to adjust the claims which have arisen from the excesses committed during the late war by individuals of either nation, contrary to the laws of nations or the treaty existing between the two countries, His Catholic Majesty has given, for this purpose, full powers to his excellency Don Pedro Cevallos, counsellor of state, gentleman of the bedcham-

primer secretario de estado y del despacho universal, superintendente general de correos y postas en España é Indias; y el Gobierno de los Estados Unidos de America á Don Carlos Pinckney, ciudadano de dichos Estados, y su ministro plenipotenciario cerca de Su Magestad Catolica, quienes han convenido en lo siguiente:

1°. Se formara una junta compuesta de cinco vocales de los quales, dos seran nombrados por Su Magestad Catolica, otros dos por el Gobierno de los Estados Unidos, y el quinto de comun consentimiento; y en el caso de no poderse convenir en el sugeto para quinto vocal, nombrara uno cada parte dexando la eleccion entre los dos á la suerte, y se procedera en la misma forma en adelante al nombramiento ulterior de los sugetos que reemplazaren á los que actualmente lo son en los casos de muerte, enfermedad, ó precisa ausencia.

2°. Hecho asi el nombramiento prestara cada uno de los vocales el juramento de examinar, discutir, y sentenciar las demandas sobre que juzgaren con arreglo al derecho de gentes y tratado existente, y con la imparcialidad que dicta la justicia.

3°. Residiran los vocales y celebreran las juntas en Madrid, en donde en el prefixo termino de diez y ocho meses, contados desde el dia en que se junten, admitiran todas las demandas que á consequencia de esta convencion hicieren, tanto los vasallos de Su Magestad Catolica como los ciudadanos de los Estados Unidos de America, que tuvieren derecho á reclamar perdidas, daños, y perjuicios, en consequencia de los excesos cometidos por Españoles y ciudadanos de dichos Estados durante la ultima guerra contra el derecho de gentes y tratado existente.

4°. Se autoriza por dichas partes contratantes á los vocales para oir y examinar, baxo la sancion del juramento, qualesquiera puntos concernientes á las referidas demandas, y á recibir como digno de fe todo testimonio de cuya autenticidad no puede dudarse con fundamento.

5°. Bastara el acuerdo de tres vocales para que sus sentencias tengan fuerza de irrevocables y sin apelacion tanto por lo que respecta á la justicia de las demandas, como por lo que hace á las cantidades que se adjudicaren por indemnizacion á los demandantes; pues se obligan las partes contratantes á satisfacerlas en especie, sin rebaxa, en las epocas y parages señalados, y baxo las condiciones que se expresaren en las sentencias de la junta.

6°. No haviendo sido posible ahora á dichos plenipotenciarios convenirse en el modo de que la referida junta arbitrarse las reclamaciones originadas en consequencia de los excesos de los corsarios, agentes, consules, ó tribunales extrangeros, en los respectivos territorios, que fueren imputables á los dos Gobiernos, se han convenido expresamente en que cada Gobierno se reserve, como por esta convencion se hace, para si, sus vasallos y ciudadanos, respectivamente, todos los derechos que ahora les asistan, y en que promuevan en adelante sus reclamaciones en el tiempo que les acomodare.

7°. La presente convencion no tendra ningun valor ni efecto hasta que se haya ratificado por las partes contratantes, y se cangearan las ratificaciones lo mas pronto que sea posible.

En fe de loqual, nosotros, los infrascriptos plenipotenciarios, hemos firmado esta convencion, y hemos puesto nuestros sellos respectivos.

Hecho en Madrid, a 11 de Agosto, de 1802.

[L. S.] PEDRO CEVALLOS.
[L. S.] CHARLES PINCKNEY.

ber in employment, first secretary of state and universal despatch, and superintendent general of the posts and post offices in Spain and the Indies; and the Government of the United States of America to Charles Pinckney, a citizen of the said States, and their minister plenipotentiary near His Catholic Majesty, who have agreed as follows:

1. A board of commissioners shall be formed, composed of five commissioners, two of whom shall be appointed by His Catholic Majesty, two others by the Government of the United States, and the fifth by common consent; and, in case they should not be able to agree on a person for the fifth commissioner, each party shall name one, and leave the decision to lot; and hereafter, in case of the death, sickness, or necessary absence of any of those already appointed, they shall proceed, in the same manner, to the appointment of persons to replace them.

2. The appointment of the commissioners being thus made, each one of them shall take an oath to examine, discuss, and decide on the claims which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.

3. The commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all claims which, in consequence of this convention, may be made, as well by the subjects of His Catholic Majesty as by citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.

4. The commissioners are authorized, by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive, as worthy of credit, all testimony the authenticity of which cannot reasonably be doubted.

5. From the decisions of the commissioners there shall be no appeal, and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims as to the amount of the indemnification which may be adjudged to the claimants; the said contracting parties obliging themselves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the board of commissioners.

6. It not having been possible for the said plenipotentiaries to agree upon a mode by which the above-mentioned board of commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, consuls, or tribunals, in their respective territories, which might be imputable to their two Governments, they have expressly agreed that each Government shall reserve (as it does by this convention) to itself, its subjects or citizens, respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.

7. The present convention shall have no force or effect until it be ratified by the contracting parties, and the ratifications shall be exchanged as soon as possible.

In faith whereof, we, the underwritten plenipotentiaries, have signed this convention, and have affixed thereto our respective seals.

Done at Madrid, this 11th day of August, 1802.

[L. S.] PEDRO CEVALLOS.
[L. S.] CHARLES PINCKNEY.

Now, therefore, be it known that I, James Monroe, President of the United States, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

[L. S.] Done at the city of Washington, this twenty-second day of December, in the year of our Lord one thousand eight hundred and eighteen, and of independence the forty-third.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

15th Congress.] No. 308. [2d Session.

GREAT BRITAIN—WEST INDIA TRADE.

COMMUNICATED TO THE SENATE, JANUARY 27, 1819.

The following Acts of the British Parliament were communicated to the Senate by the Committee of Foreign Relations:

AN ACT to consolidate and extend the several laws now in force for allowing the importation and exportation of certain goods and merchandise into and from certain ports of the West Indies. [June 27, 1805.]

Whereas, by an act passed in the twenty-seventh year of His present Majesty's reign, entitled An act for allowing the importation and exportation of certain goods, wares, and merchandise, in the ports of Kingston, Savannah le Mer, Montego Bay, and Santa Lucia, in the island of Jamaica; in the port of Saint George, in the island of Granada; in the port of Rosseau, in the island of Dominica; and in the port of Nassau, in the island of New Providence, one of the Bahama islands, under certain regulations and restrictions; and by several other acts passed subsequently thereto, the ports of Kingston, Savannah le Mer, Montego Bay, Santa Lucia, and Port Antonio, in the island of Jamaica; the port of Saint George, in the island of Granada; the port of Rosseau, in the island of Dominica; the port of Saint John's, in the island of Antigua; the port of San Josef, in the island of Trinidad; the port of Scarborough, in the island of Tobago; the port of Nassau, in the island of New Providence, one of the Bahama islands; and the port of Road Harbor, in the island of Tortola, were opened for the importation of certain goods and merchandise, under certain regulations and restrictions: and whereas it is expedient that such of the provisions of the said acts relating to the importation or exportation of any goods, wares, or merchandise to or from the aforesaid ports, or any of them, or to the admission of any ships or vessels into the said ports, or any of them, or to any duties payable on such importation, exportation, or admission, as are now in force, should be consolidated into one act, and that such of the said laws as are now temporary should be made perpetual; and that, in addition to the aforesaid ports, the port of Saint Anne, in the island of Jamaica; the port of Pittstown, in Portland harbor, in Crooked island, another of the Bahama islands; the port of Kingston, in the island of Saint Vincent; and the principal port in the island of Bermuda, should be opened under certain regulations and restrictions: may it, therefore, please your Majesty that it may be enacted, and

Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this act, wool, cotton wool, indigo, cochineal, drugs of all sorts, cocoa, logwood, fustic, and all sorts of wood for diers' use, hides, skins, and tallow, beaver, and all sorts of furs, tortoise shell, hard wood, or mill-timber, mahogany, and all other woods for cabinet ware, horses, asses, mules, and cattle, being the growth or production of any of the colonies or plantations in America, or of any country on the continent of America belonging to or under the dominion of any foreign European sovereign or state, and all coin and bullion, diamonds and precious stones, may be imported from any of the said countries into the several ports of Kingston, Savannah le Mer, Montego Bay, Santa Lucia, Antonio, and Saint Anne, in the island of Jamaica; the port of Saint George, in the island of Granada; the port of Rosseau, in the island of Dominica; the port of Saint John's, in the island of Antigua; the port of San Josef, in the island of Trinidad; the port of Scarborough, in the island of Tobago; the port of Road Harbor, in the island of Tortola; the port of Nassau, in the island of New Providence, one of the Bahama islands; the port of Pittstown, in Portland harbor, in Crooked island, another of the Bahama islands; the port of Kingston, in the island of Saint Vincent; and the principal port in the island of Bermuda, in any foreign sloop, schooner, or other vessel whatever, not having more than one deck, and being owned and navigated by persons inhabiting any of the said colonies or plantations in America, or countries on the continent of America belonging to or under the dominion of any foreign European sovereign or state, any law, custom, or usage to the contrary notwithstanding.

2. *And be it further enacted,* That, from and after the passing of this act, tobacco, being the growth or production of any island in the West Indies, or of any country on the continent of America belonging to or under the dominion of any foreign European sovereign or state, may be imported from any of the said islands or countries into any of the said ports hereinbefore enumerated, in the like foreign ships and vessels, and be again exported from thence to any part of the United Kingdom, under the same rules, regulations, and restrictions, and subject to the like penalties and forfeitures as are in this act mentioned and contained, with regard to the goods, wares, and merchandise hereinbefore enumerated.

3. *And be it further enacted,* That all such tobacco so imported into any of the said ports shall, when imported into any part of the United Kingdom from any of the said ports, pay the same duties of customs and excise, and none other, as tobacco the growth or production of any of His Majesty's plantations in the West Indies, or of the territories of the United States of America, and be subject to the same rules, regulations, conditions, and restrictions, and be liable to the same forfeitures and penalties for the breach thereof.

4. *And be it further enacted,* That it shall and may be lawful, from and after the passing of this act, to import into the said port of Nassau, in the island of New Providence, and into the said port of Pittstown, in Portland harbor, in Crooked island, and into such other port or ports in the said Bahama islands, and into the principal port in the island of Bermuda, and into such port or ports in the islands called Caicos, as shall be approved by His Majesty in council, sugar and coffee the produce of any foreign country or plantation, in such foreign ships or vessels, and subject to such rules, regulations, and restrictions as are prescribed in this act with respect to the goods, wares, and merchandise hereinbefore enumerated.

5. *And be it further enacted,* That sugar and coffee which shall be imported into the port of Nassau, in the island of New Providence, or the port of Pittstown, in Crooked island, or into such port or ports in the said Bahama islands, or into the principal port in the island of Bermuda, or into any such port or ports in the said islands called Caicos, as have been, or may hereafter be, approved by His Majesty in council, may be imported into and again exported from any of the said ports, without payment of any duties of customs whatever, any law, custom, or usage to the contrary notwithstanding.

6. *And be it further enacted,* That, on the importation of any sugar or coffee into any part of the United Kingdom from the said port of Nassau, in the island of New Providence, or the said port of Pittstown, in Crooked island, or such other port or ports in the Bahama islands, or the island of Bermuda, or any such ports in the said islands called Caicos, such sugar or coffee shall, respectively, be deemed to be not of the British plantations, and

shall be liable to, and shall pay, duty of customs and excise as such, and may be warehoused in like manner, and shall be subject to the regulations of any act or acts of Parliament in force at the time of importation of such sugar or coffee, so far as they relate to sugar or coffee not of the British plantations.

7. *And be it further enacted*, That, from and after the passing of this act, no goods, wares, or merchandise, except such as are hereinbefore enumerated, shall be imported in any foreign ship, sloop, schooner, or vessel whatever, from any of the colonies or plantations in America, or any countries on the continent of America, belonging to or under the dominion of any foreign European sovereign or state, into any of the before-mentioned ports, upon any pretence whatever, upon pain of forfeiting the same, together with the ship, sloop, schooner, or vessel in which the same shall be imported, and the guns, tackle, apparel, and furniture of such ship, sloop, schooner, or vessel; and, in every such case, the same shall and may be seized by any officer or officers of His Majesty's customs or navy who are or shall be authorized or empowered to make seizures in cases of forfeiture, and shall and may be prosecuted in such manner as hereinafter directed.

8. *And be it further enacted*, That it shall and may be lawful, from and after the passing of this act, to export from any of the said ports to any of the colonies or plantations in America, or any countries on the continent of America, belonging to or under the dominion of any foreign European sovereign or state, in any sloop, schooner, or other vessel whatever, not having more than one deck, and being owned and navigated by persons inhabiting any such colony, plantation, or country, rum of the produce of any British island, and also negroes who shall have been brought into the said islands, respectively, in British built ships, owned, navigated, and registered according to law; and all manner of goods, wares, or merchandise, which shall have been legally imported into the said islands, respectively, except masts, yards, or bowsprits, pitch, tar, and turpentine, and also except such iron as shall have been brought from the British colonies or plantations in America, any law, custom, or usage to the contrary in anywise notwithstanding.

9. *And be it further enacted*, That, from and after the passing of this act, it shall be lawful to export, in any British ship or vessel, owned and navigated according to law, from any of the said islands in this act enumerated to any British colony or plantation in America or the West Indies, any goods or commodities whatever of the manufacture of Europe, and also any goods, wares, or merchandise which shall have been legally imported into any of the said islands from any of the colonies or plantations in America, or any country on the continent of America, belonging to or under the dominion of any foreign European sovereign or state.

10. *Provided always, and be it further enacted*, That, if any doubts shall arise whether any such goods, wares, or merchandise intended to be so exported shall have been legally imported into the said islands, respectively, in this act enumerated, the legality of such importation shall be made appear to the satisfaction of the collector and comptroller, or other principal officer of the customs at the port of exportation, before such goods, wares, or merchandise shall be suffered to be shipped for exportation.

11. *And it is hereby further enacted*, That, from and after the passing of this act, all wool, cotton wool, indigo, cochineal, drugs of all sorts, cocoa, logwood, fustic, and all sorts of wood for diers' use, hides, skins, and tallow, beaver, and all sorts of furs, tortoise-shell, mahogany, and all other woods for cabinet ware, of the growth or production of any of the colonies or plantations in America, or countries on the continent of America, belonging to or under the dominion of any foreign European sovereign or state, shall be allowed to be exported from any of the said islands in this act enumerated to any part of the United Kingdom of Great Britain and Ireland, under the rules, regulations, securities, restrictions, penalties, and forfeitures particularly mentioned and provided in an act of Parliament made in the twelfth year of the reign of King Charles II., entitled "An act for encouraging and increasing shipping and navigation," and in another act of Parliament made in the twenty-second and twenty-third years of the reign of King Charles II., entitled "An act to prevent the planting of tobacco in England, and for regulating the plantation trade," and in another act of Parliament made in the twentieth year of His present Majesty's reign, entitled "An act to allow the trade between Ireland and the British colonies and plantations in America and the West Indies and the British settlement on the coast of Africa to be carried on in like manner as it is now carried on between Great Britain and the said colonies and settlements," or in any of the said acts, with respect to the goods, wares, or merchandise therein enumerated or described.

12. *And be it further enacted*, That, from and after the passing of this act, no goods or commodities whatever, of the growth, production, or manufacture of the East Indies, or other places beyond the Cape of Good Hope, shall, upon any pretence whatever, be exported from any of the ports enumerated in this act, to any other British colony or plantation in America or the West Indies, upon pain of forfeiting such goods or commodities, together with the ship or vessel in which the same shall be so exported, and the guns, tackle, apparel, and furniture of such ship or vessel.

13. *And be it further enacted*, That, from and after the passing of this act, if any foreign ship or vessel as aforesaid, arriving at or in any of the aforesaid ports, shall have on board any goods or commodities whatever of the growth, production, or manufacture of the East Indies, or other places beyond the Cape of Good Hope, such goods or commodities shall be forfeited, together with the ship or vessel in which the same shall be brought, and all her guns, ammunition, tackle, and apparel, whether such goods or commodities shall be intended to be landed or not, or whether bulk shall have been broken or not.

14. *And be it further enacted*, That no duty of gunpowder, nor any fee or reward whatever, shall be demanded, taken, or received by any officer or officers whatever in the said islands, respectively, in this act enumerated, for any entry, cocket, clearance, or passport, for any foreign ship or vessel, or for any goods, wares, or merchandise imported into or exported from the said islands, respectively, in such foreign ships or vessels, under the like pains and penalties as are inflicted upon officers exacting or receiving greater fees than are allowed by any act or acts of Parliament now in force for regulating the fees of the officers of the customs in His Majesty colonies and plantations in America.

15. *And be it further enacted*, That all penalties and forfeitures imposed by this act shall and may be respectively prosecuted, sued for, recovered, and divided, in Great Britain, Guernsey, Jersey, or the Isle of Man, or in any of His Majesty's colonies or islands in America, in the same manner and form, and by the same rules and regulations in all respects, in so far as the same are applicable, as any other penalties and forfeitures imposed by any act or acts of Parliament made for the security of the revenue of the customs, or for the regulation or improvement thereof, or for the regulation of trade or navigation, and which were in force immediately before the passing of this act, may be respectively prosecuted, sued for, recovered, and divided, in Great Britain, Guernsey, Jersey, or the Isle of Man, or in any of His Majesty's colonies or islands in America.

16. *And be it further enacted*, That all such clauses, provisions, articles, matters, and things, in any former act or acts of Parliament contained, as relate to the opening and establishing any ports in the islands hereinbefore mentioned, or any of them, for the more free importation and exportation of the goods, wares, and merchandise in this act enumerated, shall, from and after the passing of this act, be, and the same are hereby, repealed.

AN ACT to permit the importation of rice, grain, and flour from any foreign colonies on the continent of America into certain ports in the West Indies, and to allow certain articles to be imported from the United States of America into the British provinces in North America, for the purpose of exportation to the British islands in the West Indies. [June 30, 1808.]

Whereas, by an act passed in the twenty-eighth year of his present Majesty's reign, entitled An act for regulating the trade between the subjects of His Majesty's colonies and plantations in North America and in the West India islands, and the countries belonging to the United States of America, and between His Majesty's said subjects and the foreign islands in the West Indies, it is enacted, that it shall and may be lawful in certain cases for any of the governors of the provinces in British North America, therein enumerated, with the advice and consent of their respective councils, to authorize the importation of certain articles, for a limited time, from any of the territories belonging to the United States of America, for the supply of the inhabitants of the said provinces, respectively: and whereas it is expedient that the importation of such articles should be allowed for the purpose of supplying other of His Majesty's colonies than are therein mentioned:

Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for any of the governors, lieutenant governors, or commanders-in-chief for the time being, of the provinces of Nova Scotia or New Brunswick, or of the islands of Cape Breton or St. John's, with the advice and consent of their respective councils, to authorize the importation of the articles enumerated in the said recited act for a limited time, from any of the territories of the United States of America, for the purpose of the same being re-exported to any other of His Majesty's colonies or plantations.

2. And whereas it is provided by an act passed in the forty-fifth year of His present Majesty's reign, entitled An act to consolidate and extend the several laws now in force for allowing the importation and exportation of certain goods and merchandise into and from certain ports in the West Indies, that certain articles therein enumerated may be imported into the several ports therein named from foreign colonies in the West Indies, and it is expedient that the permission for such importation should be extended: *Be it enacted*, That, in addition to the articles enumerated in the said act, it shall be lawful to import, under the like authority, restrictions, rules, regulations, penalties, and forfeitures provided in the said recited act, the articles of rice, grain of all sorts, and flour, from any colonies or plantations in America, belonging to or under the dominion of any foreign European sovereign or state, into any of the free ports in colonies or plantations belonging to His Majesty in the West Indies, which are particularly named in the said act, or in another act passed in the forty-seventh year of His Majesty, respecting the port of Amsterdam, in the island of Curacoa, in any foreign ship, schooner, or other foreign vessel whatever, not having more than one deck, and being manned and navigated by persons inhabiting any of the said colonies or plantations belonging to any foreign sovereign or state.

AN ACT to allow British plantation sugar and coffee, imported into Bermuda in British ships, to be exported to the territories of the United States of America in foreign ships or vessels, and to permit articles the production of the said United States to be imported into the said island in foreign ships or vessels. [1st July, 1812.]

Whereas it is expedient to allow sugar and coffee, the produce of any British colony or plantation in the West Indies, imported into the island of Bermuda in British ships or vessels, to be exported from the port of Saint George, in the said island, to the territories of the United States of America, in foreign ships or vessels; and to allow certain articles of the growth or production of the territories of the said United States to be imported into the said island in foreign ships or vessels, and to be re-exported from thence in British built ships or vessels, to British islands in the West Indies:

Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in the present Parliament assembled, and by the authority of the same, That it shall be lawful for sugar and coffee, the produce of any British colony or plantation in the West Indies, imported into the island of Bermuda in any British ship or vessel, to be exported from the port of St. George, in the said island of Bermuda, to any part of the territories of the United States of America, in any foreign ship or vessel belonging to any country in amity with His Majesty, above the burden of sixty tons, any law now in force to the contrary notwithstanding.

2. *And be it further enacted*, That it shall and may be lawful to import tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading-boards, and plank, timber, shingles, and lumber of any sort, horses, neat cattle, sheep, hogs, poultry, and live stock of any sort, bread, biscuit, flour, pease, beans, potatoes, wheat, rice, oats, barley, and grain of any sort, such commodities being of the growth or production of the territories belonging to the United States of America, from the said territories to the port of St. George, in the island of Bermuda, in any foreign ship or vessel belonging to any country in amity with His Majesty, any thing in an act passed in the twenty-eighth year of His present Majesty's reign, entitled "An act for regulating the trade between the subjects of His Majesty's colonies and plantations in North America and in the West India islands, and the countries belonging to the United States of America, and between His Majesty's said subjects and the foreign islands in the West Indies," or in any other act to the contrary notwithstanding.

3. *And be it further enacted*, That it shall and may be lawful to and for any of His Majesty's subjects to export any of the articles before enumerated, which shall have been imported in any foreign ship or vessel from the territories of the United States into the island of Bermuda from said port of St. George to any of His Majesty's islands or dominions in the West Indies, in British built ships and vessels, owned and navigated according to law.

[By a subsequent act, the port of Hamilton is placed on the same situation as the port of St. George.]

AN ACT to permit the importation of certain articles into His Majesty's colonies or plantations in the West Indies, or on the continent of South America; and also certain articles into certain ports in the West Indies. [May 23, 1818.]

Whereas it is expedient to allow the importation of certain articles into His Majesty's colonies or plantations in the West Indies, or on the continent of South America:

Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to import tobacco, rice, grain, pease, beans, and flour, into any of His Majesty's colonies or plantations in the West Indies, or on the continent of South America, for the supply of the inhabitants thereof, in British built ships, owned, registered, and navigated according to law, from any colony or possession in the West Indies, or on the continent of America, under the dominion of any foreign European sovereign or state.

2. *And be it further enacted*, That it shall and may be lawful to import pease and beans, being the growth or production of any of the colonies or possessions in the West Indies, or on the continent of America, belonging to

or under the dominion of any foreign European sovereign or state, into any of the ports in His Majesty's colonies or plantations in the West Indies, enumerated in an act passed in the forty-fifth year of the reign of his present Majesty, entitled An act to consolidate and extend the several laws now in force for allowing the importation and exportation of certain goods and merchandise into and from certain ports in the West Indies; and in another act, passed in the forty-sixth year of the reign of his said Majesty, entitled An act for enabling His Majesty to permit the importation and exportation of certain goods and commodities into and from the port of Road Harbor, in the island of Tortola; and likewise in another act, passed in the forty-ninth year of his present Majesty's reign, entitled An act for allowing the importation and exportation of certain goods and commodities into and from the port of Falmouth, in the island of Jamaica; and in another act, passed in the fifty-second year of his said Majesty's reign, entitled An act for allowing certain articles to be imported into the Bahama islands, and exported therefrom in foreign vessels, and for encouraging the exportation of salt from the said islands; and in another act, passed in the fifty-seventh year of the reign of his said Majesty, entitled An act to extend several acts for allowing the importation and exportation of certain goods and merchandise to Porta Maria, in the island of Jamaica, and to the port of Bridgetown, in the island of Barbadoes, in vessels of the like description, and subject to the like rules, regulations, and restrictions as are required by the aforesaid acts permitting certain articles to be imported into the ports enumerated therein, and in vessels of the like description, and subject to the like rules, regulations, and restrictions as are required in an act passed in the fiftieth year of his said Majesty's reign, entitled An act for amending, and continuing so amended until the twenty-fifth day of March, one thousand eight hundred and twelve, an act of the forty-fifth year of his present Majesty, for consolidating and extending the several laws in force for allowing the importation and exportation of certain goods and merchandise into and from certain ports in the West Indies, which was afterwards continued by an act passed in the fifty-second year of his said Majesty's reign, until the twenty-fifth day of March, one thousand eight hundred and fourteen, and revived and made perpetual by another act passed in the fifty-fourth year of the reign of his said Majesty, entitled An act to revive and make perpetual certain acts for consolidating and extending the several laws in force for allowing the importation and exportation of certain articles into and from certain ports in the West Indies.

15th Congress.] No. 309. [2d Session.

INDEPENDENT GOVERNMENTS OF SOUTH AMERICA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 30, 1819.

WASHINGTON, *January* 29, 1819.

I transmit to the House of Representatives, in compliance with their resolution of the 14th of this month, a report from the Secretary of State concerning the applications which have been made by any of the independent Governments of South America to have a minister or consul general accredited by the Government of the United States, with the answers of this Government to the applications addressed to it.

JAMES MONROE.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 14th instant, requesting of the President information whether any application has been made by any of the independent Governments of South America to have a minister or consul general accredited by the Government of the United States, and what was the answer given to such application, has the honor of submitting copies of applications made by Don Lino de Clemente to be received as the representative of the republic of Venezuela; and of David C. De Forest, a citizen of the United States, to be accredited as consul general of the United Provinces of South America, with the answers respectively returned to them. The reply of Mr. De Forest is likewise enclosed, and copies of the papers, signed and avowed by Mr. Clemente, which the President considered as rendering any communication between this Department and him, other than that now enclosed, improper.

It is to be observed that, while Mr. Clemente, in March, 1817, was assuming, with the name of deputy from Venezuela, to exercise with the United States powers transcending the lawful authority of any ambassador, and while, in January, 1818, he was commissioning, in language disrespectful to this Government, Vicente Pazos, in the name of the republic of Venezuela, to "protest against the invasion of Amelia island, and all such further acts of the Government of the United States as were contrary to the rights and interests of the several republics and the persons sailing under their respective flags duly commissioned," he had himself not only never been received by the Government of the United States as deputy from Venezuela, but had never presented himself to it in that character, or offered to exhibit any evidence whatsoever of his being invested with it. The issuing of commissions authorizing acts of war against a foreign nation is a power which not even a sovereign can lawfully exercise within the dominions of another in amity with him, without his consent. Mr. Pazos, in his memorial to the President, communicating the commission signed by Mr. Clemente at Philadelphia, and given to General McGregor, alleges, in its justification, the example of the illustrious Franklin in Europe; but this example, instead of furnishing an exception, affords a direct confirmation of the principle now advanced. The commissions issued by the diplomatic agents of the United States in France, during our revolutionary war, were granted with the knowledge and consent of the French Government, of which the following resolution from the Secret Journal of Congress of 23d December, 1776, is decisive proof:

"*Resolved*, That the commissioners [at the court of France] be authorized to arm and fit for war any number of vessels, not exceeding six, at the expense of the United States, to war upon British property; and that commissions and warrants be for this purpose sent to the commissioners: *provided the commissioners be well satisfied this measure will not be disagreeable to the court of France.*"

It is also now ascertained, by the express declaration of the supreme chief, Bolivar, to the agent of the United States at Angostura, "that the Government of Venezuela had never authorized the expedition of General McGregor, nor any other enterprise, against Florida or Amelia." Instructions have been forwarded to the same agent to give suitable explanations to the Government of Venezuela of the motives for declining further communication with Mr. Clemente, and assurances that it will readily be held with any person not liable to the same or like objection.

The application of Mr. De Forest to be accredited as consul general of the United Provinces of South America was first made in May last: his credential was a letter from the Supreme Director of Buenos Ayres, Pueyrredon, announcing his appointment by virtue of articles concluded in the names of the United States of America and of the United Provinces of Rio de la Plata, between persons authorized by him, and W. G. D. Worthington, as agent of this Government, who neither had, nor indeed pretended to have, any power to negotiate such articles. Mr. De Forest was informed, and requested to make known to the Supreme Director, that Mr. Worthington had no authority whatsoever to negotiate on the part of the United States any articles to be obligatory on them, and had never pretended to possess any full power to that effect; that any communication interesting to the Supreme Director, or to the people of Buenos Ayres, would readily be held with Mr. De Forest; but that the recognition of him as a consul general from the United Provinces of South America could not be granted, either upon the stipulation of supposed articles, which were a nullity, or upon the commission or credential letter of the Supreme Director, without recognising thereby the authority from which it emanated as a sovereign and independent Power.

With this determination, Mr. De Forest then declared himself entirely satisfied. But, shortly after the commencement of the present session of Congress, he renewed his solicitations, by the note dated the 9th of December, to be accredited as the consul general of the United Provinces of South America, founding his claim on the credentials from his Government, which had been laid before the President last May.

A conversation was shortly afterwards held with him, by direction of the President, in which the reasons were fully explained to him upon which the formal acknowledgment of the Government of Buenos Ayres for the present was not deemed expedient. They were also, at his request, generally stated in the note dated the 31st of December.

It has not been thought necessary, on the part of this Government, to pursue the correspondence with Mr. De Forest any further, particularly as he declares himself unauthorized to agitate or discuss the question with regard to the recognition of Buenos Ayres as an independent nation. Some observations, however, may be proper, with reference to circumstances alleged by him, as arguing that a consul general may be accredited without acknowledging the independence of the Government from which he has his appointment. The consul of the United States, who has resided at Buenos Ayres, had no other credential than his commission. It implied no recognition by the United States of any particular Government; and it was issued before the Buenos Ayrean declaration of independence, and while all the acts of the authorities there were in the name of the King of Spain.

During the period while this Government declined to receive Mr. Onis as the minister of Spain, no consul received an exequator under a commission from the same authority. The Spanish consuls, who had been received before the contest for the government of Spain had arisen, were suffered to continue the exercise of their functions, for which no new recognition was necessary. A similar remark may be made with regard to the inequality alleged by Mr. De Forest to result from the admission of Spanish consuls officially to protest before our judicial tribunals the rights of Spanish subjects generally, while he is not admitted to the same privileges with regard to those of the citizens of Buenos Ayres. The equality of rights to which the two parties to a civil war are entitled, in their relations with neutral Powers, does not extend to the rights enjoyed by one of them, by virtue of treaty stipulations contracted before the war; neither can it extend to rights, the enjoyment of which essentially depends upon the issue of the war. That Spain is a sovereign and independent Power, is not contested by Buenos Ayres, and is recognised by the United States, who are bound by treaty to receive her consuls. Mr. De Forest's credential letter asks that he may be received by virtue of a stipulation in supposed articles concluded by Mr. Worthington, but which he was not authorized to make; so that the reception of Mr. De Forest, upon the credential on which he founds his claim, would imply a recognition, not only of the Government of the Supreme Director, Pueyrredon, but a compact as binding upon the United States, which is a mere nullity.

Consuls are, indeed, received by the Government of the United States from acknowledged sovereign Powers with whom they have no treaty. But the exequator for a consul general can obviously not be granted without recognising the authority from whom his appointment proceeds as sovereign. "The consul," says Vattel, (book 2, chap. 2, § 34,) "is not a public minister; but *as he is charged with a commission from his sovereign*, and received in that quality by him where he resides, he should enjoy, to a certain extent, the protection of the law of nations."

If, from this state of things, the inhabitants of Buenos Ayres cannot enjoy the advantage of being officially represented before the courts of the United States by a consul, while the subjects of Spain are entitled to that privilege, it is an inequality resulting from the nature of the contest in which they are engaged, and not from any denial of their rights as parties to a civil war. The recognition of them, as such, and the consequent admission of their vessels into the ports of the United States, operate with an inequality against the other party to that contest, and in their favor.

It was stated in conversation to Mr. De Forest, and afterwards in the note of 31st December, that it would be desirable to the United States to understand whether Buenos Ayres itself claims an entire, or only an imperfect independence; that the necessity of an explanation upon this point arose from the fact that, in the negotiation of the supposed article with Mr. Worthington, the Supreme Director had declined contracting the engagement, though with the offer of reciprocity, that the United States should enjoy at Buenos Ayres the advantages and privileges of the most favored nation; that the reason given by him for refusing such an engagement was, that Spain having claims of sovereignty over Buenos Ayres, the right must be reserved of granting special favors to her for renouncing them, which other nations, having no such claims to renounce, could not justly expect to obtain. Without discussing the correctness of this principle, it was observed that the United States, in acknowledging Buenos Ayres as independent, would expect either to be treated on the footing of the most favored nation, or to know the extent and character of the benefits which were to be allowed to others and denied to them; and that, while an indefinite power should be reserved, of granting to any nation advantages to be withheld from the United States, an acknowledgment of independence must be considered premature.

Mr. De Forest answers that this reservation must appear to every one contrary to the inclination as well as interest of the Government of Buenos Ayres; that it must have been only a proposition of a temporary nature, not extending to the acknowledgment by the United States of the independence of South America, which he is confident would have rendered any such reservation altogether unnecessary, in the opinion of the Government of Buenos Ayres, who must have seen they were treating with an unauthorized person, and suggested the idea from an opinion of its good policy; and, he adds, that Portugal is acknowledged by the United States as an independent Power, although their commerce is taxed higher in the ports of Brazil than that of Great Britain.

It had not been intended to suggest to Mr. De Forest that it was, in any manner, incompatible with the independence or sovereignty of a nation to grant commercial advantages to one foreign state, and to withhold them from another. If any such advantage is granted for an equivalent, other nations can have no right to claim its enjoyment, *even though entitled to be treated as the most favored nations*, unless by the reciprocal grant of the same equivalent. Neither had it been meant to say that a nation forfeited its character of acknowledged sovereignty, even by granting, without equivalent, commercial advantages to one foreign Power, and withholding them from another. However absurd and unjust the policy of a nation granting to one, and refusing to another, such gratuitous conces-

sions might be deemed, the question whether they affected its independence or not would rest upon the nature of the concessions themselves. The idea meant to be conveyed was, that the reservation of an indefinite right to grant hereafter special favors to Spain for the remuneration of her claims of sovereignty, left it uncertain whether the independence of Buenos Ayres would be complete or imperfect, and it was suggested with a view to give the opportunity to the Supreme Director of explaining his intentions in this respect, and to intimate to him that, while such an indefinite right was reserved, an acknowledgment of independence must be considered as premature. This caution was thought the more necessary, inasmuch as it was known that, at the same time while the Supreme Director was insisting upon this reservation, a mediation between Spain and her colonies had been solicited by Spain, and agreed to by the five principal Powers of Europe, the basis of which was understood to be a compromise between the Spanish claim to sovereignty and the colonial claim to independence.

Mr. De Forest was understood to have said that the Congress at Tucuman had determined to offer a grant of special privileges to the nation which should be the first to acknowledge the independence of Buenos Ayres. He stated in his notes that he knew nothing of any such resolution by that Congress, but that it was a prevailing opinion at Buenos Ayres, and his own opinion also, that such special privileges would be granted to the first recognising Power, if demanded. It has invariably been avowed by the Government of the United States that they would neither ask nor accept of any special privilege or advantage for their acknowledgment of South American independence; but it appears that the Supreme Director of Buenos Ayres, far from being prepared to grant special favors to the United States for taking the lead in the acknowledgment, declined even a reciprocal stipulation that they should enjoy the same advantages as other nations. Nor was this reservation, as Mr. De Forest supposes, defeasible by the acknowledgment on the part of the United States of South American independence. The Supreme Director could not be so ignorant that it was impossible for this Government to ratify the articles prepared by his authority with Mr. Worthington, and yet to withhold the acknowledgment of independence. He knew that, if that instrument should be ratified, the United States must thereby necessarily be the first to grant the acknowledgment; yet he declined inserting in it an article securing to each party in the ports of the other the advantages of the most favored nation. It is, nevertheless, in conformity to one of those same articles that Mr. De Forest claimed to be received in the formal character of consul general.

With regard to the irregularities and excesses committed by armed vessels sailing under the flag of Buenos Ayres, complained of in the note of the 1st of January, it was not expected that Mr. De Forest would have the power of restraining them, otherwise than by representing them to the Supreme Director, in whom the authority to apply the proper remedy is supposed to be vested. The admission of Mr. De Forest in the character of consul general would give him no additional means of suppressing the evil. Its principal aggravation arises from the circumstance that the cruisers of Buenos Ayres are almost, if not quite, universally manned and officered by foreigners, having no permanent connexion with that country, or interest in its cause. But the complaint was not confined to the misconduct of the cruisers; it was stated that blank commissions for privateers, their commanders, and officers, had been transmitted to this country, with the blanks left to be filled up here, for fitting out, arming, and equipping them for purposes prohibited by the laws of the United States, and in violation of the laws of nations. It was observed, that this practice being alike irreconcileable with the rights and the obligations of the United States, it was expected by the President that, being made known to the Supreme Director, no instance of it would again occur hereafter. No reply to this part of the note has been made by Mr. De Forest; for it is not supposed that he meant to disclaim all responsibility of himself or of the Government of Buenos Ayres concerning it, unless his character of consul general should be recognised. As he states that he has transmitted a copy of the note itself to Buenos Ayres, the expectation may be indulged that the exclusive sovereign authority of the United States within their own jurisdiction will hereafter be respected.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE, *January* 28, 1819.

No. 1.

Don Lino de Clemente to the Secretary of State.

[TRANSLATION.]

WASHINGTON, *December* 11, *eighth year of the republic*, *A. D.* 1818.

MOST EXCELLENT SIR:

Having been appointed by the Government of the republic of Venezuela its representative near the United States of North America, I have the honor to inform you of my arrival in this city for the purpose of discharging the trust committed to me; to effect this, I have to request that you will be pleased to inform me at what time it will be convenient for you to afford me an opportunity of presenting my respects to you personally, and of communicating to you the object of my arrival in the federal city.

I avail myself of this occasion to tender to you the assurance of the high respect and consideration with which I have the honor to be, sir,

Your most obedient, humble servant,

LINO DE CLEMENTE.

The Hon. JOHN QUINCY ADAMS,
Secretary of State of the United States of North America.

No. 2.

The Secretary of State to Don Lino de Clemente.

SIR: DEPARTMENT OF STATE, WASHINGTON, *December* 16, 1818.

Your note of the 11th instant has been laid before the President of the United States, by whose direction I have to inform you that your name having been avowedly affixed to a paper, drawn up within the United States, purporting to be a commission to a foreign officer for undertaking and executing an expedition in violation of the laws of the United States, and also to another paper avowing that act, and otherwise insulting to this Government, which papers have been transmitted to Congress by the message of the President of the 25th of March last, I am not authorized to confer with you, and that no further communication will be received from you at this Department.

I am, with due consideration, sir, your very obedient servant,

JOHN QUINCY ADAMS.

DON LINO DE CLEMENTE.

No. 3.

No. 1. *Translation of Sir Gregor McGregor's commission.*

The deputies of free America, resident in the United States of the North, to their compatriot Gregor McGregor, general of brigade in the service of the United Provinces of New Granada and Venezuela, greeting:

Whereas it is highly important to the interests of the people whom we have the honor to represent, that possession should be taken, without loss of time, of East and West Florida, and the blessings of free institutions and the security of their natural rights imparted to their inhabitants, in pursuance of our instructions, and in conformity to the desires of our respective Governments, we have commissioned Brigadier General Gregor McGregor for the purpose of carrying into execution, either wholly or in part, an enterprise so interesting to the glorious cause in which we are engaged:

Therefore, taking into consideration your zeal and devotion to the republic, we request you, in the name of our constituents, to proceed, on your own responsibility and that of the above-named provinces, to adopt such measures as in your judgment may most effectually tend to procure for our brethren of both the Floridas, East and West, the speedy enjoyment of those benefits to which they are invited by the importance of their geographical situation; and for that purpose we authorize you, without departing from the usages and customs of civilized nations in like cases, and the due observance of the laws of the United States, and particularly those regulating their neutrality with foreign Powers, to cause vessels to be armed without the limits of their jurisdiction, and provisionally to grant rank to naval and military officers, until the Government to be established by the free will of the said people can provide in the most suitable mode for the arrangement of their several departments; in the execution of all which, the instructions delivered to you of this date will serve as your guide.

Signed, sealed, and delivered, at the city of Philadelphia, the 31st of March, 1817.

LINO DE CLEMENTE, *Deputy for Venezuela.*
PEDRO GUAL, *Deputy from New Granada, and as proxy for F. Zarate, Deputy from Mexico.*
MARTIN THOMPSON, *Deputy from Rio de la Plata.*

PHILADELPHIA, *January* 15, 1818—*8th.*

A true copy of the original in my possession:

LINO DE CLEMENTE.

A true copy:

PAZOS.

No. 4.

[TRANSLATION.]

From Don Lino de Clemente to Don Vicente Pazos.

PHILADELPHIA, *January* 15, 1818—*8th.*

By letters from General Don Luis de Aury and Don Pedro Gual, dated at Fernandina, the 26th December last, I have been informed that they have commissioned you, for the purpose of presenting to the President of the United States, a protest in the name of the Independent Government of South America, against the invasion of Amelia island by a naval and military force of the United States, on the 23d of December last, and to demand the restitution of the vessels captured from the enemy, which have been detained, and sent to different ports by American vessels of war.

Although the Government of Venezuela, of whose powers I am bearer, is included in your commission jointly with those in whose name possession was taken of Amelia island, yet it has seemed to me to be proper specially to authorize you, as I do hereby, to protest, in the name of my said Government, against the invasion of Amelia, and all such further acts of the Government of the United States as are contrary to the rights and interests of the several republics, and the persons sailing under their respective flags, duly commissioned.

And to enable you satisfactorily to prove that Amelia island was taken from the Spaniards by a competent authority, I enclose a copy of the commission granted to General McGregor on the 31st of March last by the deputies of the independent republics.

The motives alleged by the Government of the United States, in justification of their hostile measure, serve to prove their own futility, and clearly demonstrate that the sole object was the acquisition of the Floridas, without forming any other calculations than those founded on the more or less exhausted state to which the patriots may reduce the Spanish Government; and, in consequence, the pretext of a want of authority in the parties who took possession of Amelia and Galvezton, was one while resorted to; and, at others, that those establishments were formed to serve as a shelter to pirates and smugglers; finally, that no foreign Power could be permitted to establish itself in the Floridas, alleging a secret act passed in 1811, which is applicable to the present case.

I flatter myself it will be very easy for you to prove that the United States have no other grounds for this step than their own convenience, supported by force.

I have repeatedly transmitted an account to my Government of the occurrences at Amelia island, after its occupation by General McGregor, requesting it to communicate the same to the Government of New Granada, at Casanare; and to enable me to continue my communications, which existing circumstances make interesting, I request, sir, you will be pleased to inform me, as speedily as possible, of the result of your mission.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

LINO DE CLEMENTE.

A true copy:

PAZOS.

To Señor DON VICENTE PAZOS.

No. 5.

Mr. De Forest to the Secretary of State.

GEORGETOWN, *December* 9, 1818.

I have the honor to announce to Mr. Adams that I have again arrived in this District, in order to renew my solicitations to be accredited by this Government as the consul general of the United Provinces of South America, founding my claim on the credentials from my Government, which were laid before the President in the month of May last.

The information recently acquired by this Government respecting the provinces of South America, I presume has established the fact beyond a doubt, that Buenos Ayres, their capital, and a large proportion of their territory, are and have been free and independent of the Government of Spain for more than eight years, and possess ample ability to support their independence in future; that a regular system of government is established by their inhabitants, who show themselves, by the wisdom of their institutions, sufficiently enlightened for self-government; and that they look up to this great republic as a model, and as to their elder sister, from whose sympathies and friendship they hope and expect ordinary protection at least.

The messages of the President of the United States, as well the last as the present year, have created a general belief that the United States have placed us on an equal footing with Spain, as it respects our commercial operations; but, sir, it is found not to be the case. A consul of Spain is known and respected as such by your tribunals of justice, which enables him, *ex officio*, to protect and defend the interests of his countrymen; whereas, the verbal permission I have to act in the duties of my office will not avail in your tribunals; and a number of instances have already occurred where the property of my absent fellow-citizens has been jeopardized for want of a legally authorized protector. The case of the Spanish schooner ———, a prize to our armed vessels Buenos Ayres and Tucuman, which was brought into Scituate, some time since, by her mutinous crew, after having murdered the captain and mate, by throwing them overboard, is a striking instance of the necessity of there being resident here an accredited agent to superintend the commercial concerns of South America, and without such accredited agent our citizens cannot be considered as completely protected in their rights.

I request you, sir, to lay this communication before the President of the United States as early as it may be convenient, and to assure him that I duly appreciate the friendly reception I met with from his Government on my arrival in this country; and that, as circumstances have since materially altered, I have no doubt but I shall receive his permission to act in the accustomed form.

While I remain, with the highest consideration and respect, sir, your most obedient servant,

DAVID C. DE FOREST.

The Hon. J. Q. Adams, *Secretary of State.*

No. 6.

Mr. De Forest to the Secretary of State.

Georgetown, *December* 12, 1818.

I took the liberty, on the 9th instant, of addressing a note to Mr. Secretary Adams, requesting to be accredited as the consul general of the United Provinces of South America; and have now the honor of informing Mr. Adams that I have lately received an official communication from the Government of Buenos Ayres, directing me to inform the Government of this country that the supposed conspiracy against the person of the Supreme Director proves to have originated with an obscure and disappointed individual, who, to gain adherents, pretended to be connected with people of the first respectability and influence, several of whom he named, but who have convinced the Government that they had no knowledge whatever of his base project.

The Supreme Director, anxious to do away any unfavorable impressions which the report of such an affair might cause at this distance, has ordered me to assure the President of the United States that the Government of South America was never more firmly supported, nor its prospects more brilliant, than at the present time.

I have the honor to subscribe myself, with every sentiment of respect and esteem, Mr. Adams's most obedient and most humble servant,

DAVID C. DE FOREST.

Hon. John Quincy Adams, *Secretary of State.*

No. 7.

Mr. Adams to Mr. De Forest.

Washington, *December* 31, 1818.

Mr. Adams presents his compliments to Mr. De Forest, and has the honor of assuring him, by direction of the President of the United States, of the continued interest that he takes in the welfare and prosperity of the provinces of La Plata, and of his disposition to recognise the independent Government of Buenos Ayres as soon as the time shall have arrived when that step may be taken with advantage to the interests of South America as well as of the United States.

In the mean time, he regrets that an exequator to Mr. De Forest, as consul general of the United Provinces of South America, cannot be issued, for reasons stated in part by the President, in his message to Congress at the commencement of their present session; and further explained to Mr. De Forest by Mr. Adams, in the conversation which he has had the honor of holding with him. Mr. De Forest must have seen that any privileges which may be attached to the consular character cannot avail, in the judicial tribunals of this country, to influence in any manner the administration of justice; and, with regard to the schooner brought into Scituate, such measures have been taken, and will be taken, by the authorities of the United States, as are warranted by the circumstances of the case and by the existing laws.

With respect to the acknowledgment of the Government of Buenos Ayres, it has been suggested to Mr. De Forest, that, when adopted, it will be merely the recognition of a fact, without pronouncing or implying an opinion with regard to the *extent* of the territory or provinces under their authority, and particularly without being understood to decide upon their claim to control over the Banda Oriental, Santa Fé, Paraguay, or any other provinces disclaiming their supremacy or dominion. It was also observed that, in acknowledging that Government as independent, it would be necessary for the United States to understand whether Buenos Ayres claims itself an entire, or only an imperfect independence. From certain transactions between persons authorized by the Supreme Director, and an agent of the United States, (though unauthorized by their Government,) after the declaration of independence by the Congress at Tucuman, and within the last year, it appears that the Supreme Director declined contracting the engagement that the United States should hereafter enjoy at Buenos Ayres the advantages and privileges of the most favored nation, although with the offer of a reciprocal stipulation on the part of the United States. The reason assigned by the Supreme Director was, that Spain having claims to the sovereignty of Buenos Ayres, special privileges and advantages might ultimately be granted to the Spanish nation as a consideration for the renunciation of those claims. It is desirable that it should be submitted to the consideration of the Government of Buenos Ayres whether, while such a power is reserved, their independence is complete; and how far other Powers can rely that the authority of Spain might not be eventually restored. It has been stated by Mr. De Forest that the Congress at Tucuman had passed a resolution to offer special advantages to the nation which should first acknow-

ledge their independence; upon which the question was proposed whether such a resolution, if carried into effect, would not be rather a transfer of dependance from one nation to another, than the establishment of independence? rather to purchase support than to obtain recognition? The United States have no intention of exacting favors of Buenos Ayres for the acknowledgment of its independence; but, in acknowledging it, they will expect either to enjoy, in their intercourse with it, the same privileges and advantages as other foreign nations, or to know precisely the extent and character of the benefits which are to be allowed to others, and denied to them. It should, indeed, be known to the Supreme Director that, while such an indefinite power is reserved, of granting to any nation advantages to be withheld from the United States, an acknowledgment of independence must be considered premature.

In adverting to these principles, it was observed to Mr. De Forest that their importance could not but be peculiarly felt by the United States, as having been invariably and conspicuously exemplified in their own practice, both in relation to the country whose colonies they had been, and to that which was the first to acknowledge their independence. In the words of their declaration, issued on the 4th of July, 1776, they resolved thenceforth "to hold the British nation *as they hold the rest of mankind*—enemies in war; in peace, friends;" and in the treaty of amity and commerce, concluded on the 6th of February, 1778, between the United States and France, being the first acknowledgment by a foreign Power of the independence of the United States, and the first treaty to which they were a party, the preamble declares that the King of France and the United States, "willing to fix, in an equitable and permanent manner, the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish between their respective countries, states, and subjects, have judged that the said end could not be better obtained than by taking, for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all those burdensome preferences which are usually sources of debate, embarrassment, and discontent; by leaving, also, each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving, withal, to each party the liberty of admitting, at its pleasure, other nations to a participation of the same advantage."

In the second article of the same treaty it was also stipulated that neither the United States nor France should thenceforth grant any particular favor to other nations, in respect of commerce and navigation, which should not immediately become common to the other nations, freely, if the concession was free, or for the same compensation, if conditional.

In answer to Mr. De Forest's note of the 12th instant, Mr. Adams has the honor of assuring him that the President has received with much satisfaction the information contained in it, and will derive great pleasure from every event which shall contribute to the stability and honor of the Government of Buenos Ayres.

Mr. Adams requests Mr. De Forest to accept the assurance of his distinguished consideration.

DAVID C. DE FOREST, Esq., *Georgetown.*

No. 8.

Mr. Adams to Mr. De Forest.

WASHINGTON, *January* 1, 1819.

Mr. Adams presents his compliments to Mr. De Forest, and, in reference to the case of the schooner brought into Scituate, mentioned in Mr. De Forest's communication of the 9th instant, as well as to several others which have occurred of a similar character, requests him to have the goodness to impress upon the Government of Buenos Ayres the necessity of taking measures to repress the excesses and irregularities committed by many armed vessels sailing under their flag and bearing their commissions. The Government of the United States have reason to believe that many of these vessels have been fitted out, armed, equipped, and manned in the ports of the United States, and in direct violation of their laws.

Of the persons composing the prize crew of the vessel at Scituate, and now in confinement upon charges of murder and piracy, it is understood that three are British subjects, and one a citizen of the United States. It is known that commissions for private armed vessels to be fitted out, armed, and manned in this country, have been sent from Buenos Ayres to the United States, with the names of the vessels, commanders, and officers in blank, to be filled up here, and have been offered to the avidity of speculators stimulated more by the thirst for plunder than by any regard for the South American cause.

Of such vessels it is obvious that neither the captains, officers, nor crews can have any permanent connexion with Buenos Ayres; and, from the characters of those who alone could be induced to engage in such enterprises, there is too much reason to expect acts of atrocity such as those alleged against the persons implicated in the case of the vessel at Scituate.

The President wishes to believe that this practice has been without the privity of the Government of Buenos Ayres, and he wishes their attention may be drawn to the sentiment, that it is incompatible both with the rights and the obligations of the United States: with their rights, as an offensive exercise of sovereign authority by foreigners within their jurisdiction and without their consent; with their obligations, as involving a violation of the neutrality which they have invariably avowed, and which it is their determination to maintain. The President expects, from the friendly disposition manifested by the Supreme Director towards the United States, that no instance of this cause of complaint will hereafter be given.

Mr. Adams requests Mr. De Forest to accept the renewed assurances of his distinguished consideration.

DAVID C. DE FOREST, Esq.

No. 9.

SIR:

GEORGETOWN, *January* 8, 1819.

It is not my intention to give any unnecessary trouble to the Department of State; but having had the honor of receiving two notes from Mr. Secretary Adams on the 4th instant, dated December 31 and January 1, some explanation appears to be necessary.

In the first place, I do not suppose "that any privileges which may be attached to the consular character can avail in the judicial tribunals of this country to influence in any manner the administration of justice." But I suppose that a consul duly accredited is, *ex officio*, the legal representative of his fellow-citizens not otherwise represented by an express power; and that the tribunals of justice do and will admit the legality of such representation. Mr. Adams has misunderstood me in another observation, which was, in substance, that there was a general opinion prevailing at Buenos Ayres that the Power first recognising our independence would expect some extraordinary privilege or advantage therefor; and that, in my opinion, the Government of Buenos Ayres would readily grant it if demanded. I know nothing, however, of any resolution having been passed on this subject by the Congress at Tucuman.

It appears, from the relation of a fact in Mr. Adams's note of the 31st ultimo, that the Government of Buenos Ayres had intimated a desire (in the course of a negotiation with an agent of the United States) to reserve the right of granting more extraordinary privileges to Spain on the settlement of a general peace, which must appear to every one contrary to their inclination as well as interest; and it can be accounted for only by supposing that the proposition of the United States agent was merely of a temporary nature, and did not extend to an acknowledgment by the United States of the independence of South America; which act, I am confident, would have rendered any such reservation altogether unnecessary in the opinion of the Government of Buenos Ayres, who must have seen that they were treating with an unauthorized person, and must have thought it good policy at this time to suggest such an idea. Indeed, were the Government of Buenos Ayres to pursue that course, they would plead the example of a neighboring Power acknowledged to be independent by the United States, and its chief both illustrious and legitimate. It is well known that the Government of Brazil taxes the commerce of the United States about sixty per cent. higher than that of Great Britain. It may be that Great Britain is entitled to this preference on account of important services rendered by her to the King of Portugal; and permit me to ask you, sir, what services could be rendered to any nation already in existence so great as would be the acknowledgment by Great Britain or by the United States of the independence of South America? Such recognition merely, by either of these Powers, would probably have the immediate effect of putting an end to the cruel and destructive war now raging between Spain and South America, and crown with never-fading laurels the nation thus first using its influence in favor of an oppressed but high-minded people.

The account given by Mr. Adams in his note of the 1st instant, respecting the irregular conduct of vessels sailing under the Buenos Ayres flag, has caused me much mortification, and has already been transmitted to my Government by the Plattsburg; as also a copy of Mr. Adams's frank and friendly communication of the 31st ultimo. The Supreme Director will certainly be desirous to adopt the most prompt and efficacious measures within his power to remedy the evils complained of. But pray, sir, what can he do more than has already been done? The Government of Buenos Ayres have established the most just rules and regulations for the government of their vessels of war as well as of commerce, and have sent me to this country invested with the title and powers of their consul general, as well to guard against any breach of those rules and regulations by their citizens and vessels frequenting these seas and the ports of these United States, as to protect them in their rights; but, sir, without a recognition of my powers on the part of this Government, I can have no right whatever to question any individual on the subject of his conduct; nor can any responsibility justly attach to me nor to my Government, during such a state of things, for the irregularities committed.

A considerable number of our seamen are foreigners by birth, who have voluntarily entered our service; therefore, it is not a matter of surprise that, of the mutineers of the prize crew of the vessel at Scituate, three should have been born Englishmen, and one a North American. It is, however, an absolute fact, to which I am personally knowing, that the captors of that prize (the *Buenos Ayres* and *Tucuman* privateers) were legally fitted out at Buenos Ayres early in the last year, from which port they sailed on a cruise off Cadiz; and it will afford the Government of South America much satisfaction to learn that the United States will prosecute those mutineers, and punish such as are found guilty of crimes, according to the laws.

Before I close this note, I beg leave to make a few observations in answer to one of the reasons for not accrediting me, given by Mr. Adams, by direction of the President of the United States, in a conversation which I have had the honor of holding with him, viz: "That the act of accrediting me as consul general would be tantamount to the formal acknowledgment of the independence of the Government which sent me." I do not profess to be skilled in the laws of nations, nor of diplomacy; nor would I doubt the correctness of any opinion expressed by the President, for whose person and character I have ever entertained the most profound respect; yet I must say, that I cannot understand the difference between the sending of a consular agent duly authorized to Buenos Ayres, where one was accredited from this country, four or five years ago, and has continued ever since, in the exercise of the duties of his office, and the reception of a similar agent here. I also beg leave to mention that I was in this country soon after the arrival of the present minister of Spain, the Chevalier De Onis; and to have heard it observed that, being a political agent, he was not accredited, because the sovereignty of Spain was in dispute; but that the consuls who acknowledged the same Government (one of the claimants to the sovereignty, and the one not actually in possession of it) were allowed to exercise their functions. If this was the case at that time, the Government of the United States must have then had a different opinion on this subject from what it now has. Mr. Adams will please to bear in mind that I have only solicited to be accredited as a consular agent, having never agitated the question of an acknowledgment of our independence as a nation, which most certainly is anxiously desired by the Government and people of South America, but which, being a political question, I have never asked.

Mr. Adams will also be pleased to accept the renewed assurances of my most distinguished consideration and respect.

DAVID C. DE FOREST.

No. 10.

[TRANSLATION.]

The Supreme Director of the United Provinces of La Plata to His Excellency the President of the United States of North America.

MOST EXCELLENT SIR:

The Supreme Government of these provinces have long exerted their zealous efforts to establish the closest and most amicable relations with the United States of America, to which the most obvious interests seem mutually to invite them. This desirable object has hitherto been frustrated by the events of the times; but the moment appears at length to have arrived which presents to the people of these provinces the flattering prospect of seeing their ardent wishes accomplished. In consideration of these circumstances, and in conformity with the twenty-third of the articles agreed upon with citizen William G. D. Worthington, the agent of your Government in these provinces, I have nominated citizen David C. De Forest their consul general to the United States, with the powers specified in his commission and instructions respectively. I therefore request your excellency to grant him the attention and consideration which, in the like case, will be afforded to the public agents of your nation, thereby laying the foundation of those relations which will in future render the name of your excellency memorable in these regions.

I avail myself of this renewed occasion of reiterating to your excellency assurances of the sentiments of respect and consideration with which

I have the honor to be, your excellency's most obedient and most humble servant,

JN. MN. DE PUEYRREDON.

15th CONGRESS.] No. 310. [2d SESSION.

PRUSSIA, HAMBURGH, AND BREMEN.

COMMUNICATED TO CONGRESS, FEBRUARY 8, 1819.

To the Senate and House of Representatives of the United States: FEBRUARY 6, 1819.

I transmit to Congress, for their consideration, applications which have been received from the minister resident of Prussia, and from the Senates of the free and Hanseatic cities of Hamburgh and Bremen; the object of which is, that the advantages secured by the act of Congress of 20th April last, to the vessels and merchandise of the Netherlands, should be extended to those of Prussia, Hamburgh, and Bremen. It will appear from the documents that the vessels of the United States, and the merchandise laden in them, are, in the ports of those Governments, respectively, entitled to the same advantages in respect to imposts and duties as those of the native subjects of the countries themselves. The principle of reciprocity appears to entitle them to the return of the same favor on the part of the United States, and I recommend it to Congress that provision to that effect may be made.

JAMES MONROE.

PRUSSIA.

[TRANSLATION.]

The minister resident of Prussia to the Secretary of State.

WASHINGTON, *November* 14, 1818.

The undersigned, minister resident of His Majesty the King of Prussia, had the honor, on the 21st of November last, to address to the Secretary of State a note, in conformity with the orders of his Government, proposing to the Government of the United States, in relation to the commerce between the two nations, the adoption of the principle of perfect reciprocity as established by the act of 3d March, 1815.

This subject was recommended to the Congress by the President of the United States, in his message of 19th March last, conjointly with similar propositions made by the Government of the Netherlands, and by the Hanse towns of Hamburgh and Bremen. But the act of Congress of 20th April, regulating this object, applied only to the commerce of the Netherlands. By the President's proclamation of 25th July last, the same principle was adopted in regard to Bremen, and, by a subsequent proclamation of the 1st of August as to Hamburgh, with this difference: that these proclamations only speak of the produce and manufactures of those two towns; whereas the act of 20th April declares that not only the produce and manufactures of the kingdom of the Netherlands, imported into the United States in Dutch vessels, but such produce and manufactures generally, as can only be, or most usually are, shipped from a port or place in the kingdom of the Netherlands, should be subjected to no higher import duties than if imported in vessels of the United States.

Now, the cities of Hamburgh and Bremen, more favorably situated for commerce with the United States than the ports of Prussia on the Baltic, are the chief ports of export of the Prussian trade; consequently, the adoption of the principle of perfect commercial reciprocity, between the States of Prussia and the United States, would have but a very partial effect if the produce and manufactures of Prussia, exported in Bremen and Hamburgh vessels, did not enjoy similar advantages on importation into the United States in Prussian bottoms.

The object of the present note having been specially recommended to the undersigned in a memoir of the Chancellor of State of His Majesty the King of Prussia, an extract of which was annexed to the note of the 21st of November above referred to, and subsequently by His Majesty's Minister of Foreign Affairs, he had the honor to address the Secretary of State anew, and to repeat the request stated in his aforesaid note. He has to add, that the Government of Prussia the more confidently expects that the Government of the United States will adopt suitable measures to terminate this affair, as, in the ports of Prussia, there exists no discrimination on this point between Prussian vessels and those of the United States and their cargoes.

The undersigned eagerly avails himself of this occasion to offer to the Secretary of State the renewed assurances of his highest consideration.

F. GREUHM.

Mr. Greuhm to Mr. Adams.

[TRANSLATION.]

WASHINGTON, *November* 21, 1818.

The undersigned, minister resident of His Majesty the King of Prussia, conceives that he cannot better fulfil the orders of his Government, relative to the re-establishment and extension of the commerce of the States of Prussia with the United States, than by transmitting to the Secretary of State the copy of a memoir, in the form of an instruction, addressed to him at his departure from Berlin by His Majesty's Chancellor of State, the Prince of Hardenberg.

He begs leave to recommend it to the suitable attention of the Secretary of State until he can favor him with the honor of a conference on the subject of its contents; and he avails himself of this occasion to tender to him the assurances of his highest consideration.

F. GREUHM.

[TRANSLATION.]

BERLIN, *June* 30, 1817.

With a view to extend the commercial relation of Prussia and the United States of America by promoting the exchange of their produce and manufactures, and thereby rendering the trade of the two nations reciprocally as beneficial as possible, Mr. Greuhm shall propose to the Government of the United States—

1st. That Prussian vessels shall be subjected in the ports of the United States to no other imposts, charges, and duties than are paid by American vessels.

2d. That articles of Prussian manufacture imported into the United States in Prussian vessels shall pay no higher duties than those imported in American vessels.

Mr. Greuhm is therefore authorized to declare to the Government of the United States that the Government of Prussia is willing to establish a perfect reciprocity in this respect; that is to say, that vessels of the United States shall pay in the ports of the Prussian States no other imposts, charges, and duties than those paid by Prussian vessels, as well for ships as for cargoes, provided Prussian vessels and cargoes shall enjoy the same favors in the ports of the republic.

This principle of perfect reciprocity having already been formally and generally established by the act of 3d of March, 1815, copy of which is annexed, no other formality will consequently be necessary than an authentic declaration on the part of Prussia to obtain the adoption of it in her favor by the United States.

The commerce between the United States and Prussia will by this measure be rendered direct and immediate, and be exempt in future from the necessity of resorting to the intervention of any foreign nation for that purpose; and thus the Americans, instead of importing Prussian goods through the medium of the Hamburghers and others, will send their own ships and cargoes directly to Stettin, Dantzic, &c. for those goods. It will further tend to promote their national navigation, by opening a new and beneficial channel of trade. Coming themselves to procure such Prussian goods as they may want, and receiving them from the first hand, they will obtain them of better quality and at more moderate prices.

THE PRINCE OF HARDENBERG.

HAMBURGH.

[TRANSLATION.]

The Burgomasters and Senate of Hamburgh to the President of the United States.

PRESIDENT:

The blessings of peace having been restored to the world, and Hamburgh having resumed her pristine liberty and independence, it was amongst our foremost and most ardent wishes not only to renew our friendly intercourse with the Government of the United States, but, if possible, to make it more intimate and extensive. It is with a view of expressing these sentiments that we take the liberty of addressing your excellency, in full confidence that the friendship which the Government of the United States has formerly shown to us and our citizens is not changed by the severe misfortunes of which our city has been the victim of late years. We presume to rely the more on those sentiments, as we require the support of friendly Powers, and in particular of mercantile states, in order to raise us again to our former useful importance. It will be an object of our greatest care to improve our friendly relations with the Government of the United States, and nothing would give us more satisfaction than the mercantile intercourse which connects our town with the United States assuming the greatest importance, and resting upon the most solid foundation. To promote this desirable object, we have, immediately after the reorganization of the constitutional Government of this republic, caused the custom-house laws to be reported, and the duties to be determined as moderate as possible. These custom-house laws, which establish for the inhabitants of the United States, in respect of their ships, goods, and importations, a perfect equality with our own citizens, and the importations under our own flag, have passed and have already been promulgated last year. We are led, however, to dwell upon them at present, and to refer to these laws, the board of trade of this place having called our attention to an act of Congress dated the 3d of March, entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States, as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States;" desiring we might give to your excellency the assurance required by the said act of Congress of the 3d of March. To this effect we certify to your excellency by these presents:

That, by virtue of the existing laws of Hamburgh, and particularly the custom-house laws, the American ships, their loading and importations, are not subject in our city and its port to any higher duties on the tonnage and on the goods than our own Hamburgh ships, their loading and importations; and beg leave to request that your excellency may please to order that the trade and navigation of this city, as much as respects German produce and manufactures, may be relieved from the additional burdens which have till now been exacted, and that they may be admitted to the same privileges which have been bestowed on the trade and navigation of other nations in amity with the United States.

We have the honor to sign, with the sentiments of high consideration and respect, your excellency's most obedient servants, the Burgomasters and Senate of the free Hanseatic city of Hamburgh,

WILHELM AMSINCK, *Burgomaster, President.*
T. H. HEISED, *Secretary.*

Given the 13th of November, 1815.

Mr. Buck to the Secretary of State.

HAMBURGH CONSULATE GENERAL,
PHILADELPHIA, *August* 1, 1818.

SIR:

Under date of the 25th May last, I had the honor to acknowledge the receipt of your letter of the 11th of the same month, conveying to me the exequator as consul general for the republic of Hamburgh. At the same time, I took the liberty to renew my application to be informed from your Department of the determination of his excellency the President of the United States relative to the act of Congress of March 3, 1815, as far as it may interest the commerce with Hamburgh; but till now I still remain without any communication on that subject.

The certificate which accompanied the letter of March 3, 1817, from the Senate of Hamburgh, (testifying that, in the city and port of Hamburgh, American ships, their loading and importations, are perfectly treated on the same footing as, and in every respect equalized with, our own Hamburgh ships, their loading and importations, in regard to the custom-house and all other duties and tonnage,) I had the honor to transmit to the Department of State, and afterwards delivered the duplicate in person. This, I understood at the time, was fully satisfactory, and wanted

only the determination of his excellency the President of the United States to entitle the city of Hamburgh to the privileges prescribed in the act of Congress under date of March 3, 1815.

I observe now a proclamation, under date of the 24th of July last, on the same subject, relative to the Hanseatic city of Bremen, which induces me to a renewal of my application to give the same relief to the trade and navigation of Hamburgh.

In expectation of a speedy, favorable reply,

I have the honor to remain, with great consideration, sir, your most obedient servant,

C. N. BUCK, *Consul General from Hamburgh.*

Hon. JOHN QUINCY ADAMS.

Mr. Buck to the Secretary of State.

HAMBURGH CONSUL GENERAL'S OFFICE,

PHILADELPHIA, *January* 23, 1819.

SIR:

Since I last had the honor of conferring with you on the subject of the commercial relations between the free and Hanseatic city of Hamburgh and the United States of America, further advices have been received by me; in consequence of which, I take the liberty of addressing this letter to you.

I am instructed, sir, by the Senate of Hamburgh to express to you that they have received the communication of the President's proclamation of the 1st August, A. D. 1818, by which all discriminating duties on the tonnage and merchandise of the respective states are abolished; that the Senate of Hamburgh also derive the highest satisfaction from the manifestation of liberal and amicable dispositions on the part of the United States to their republic, and that the continuation of those friendly dispositions will always be duly appreciated by them.

But I am also instructed by the Senate of Hamburgh to represent to you, sir, that the concluding part of the proclamation of the President, in which it is stated that the aforesaid discriminating or countervailing duties on merchandise imported "are repealed, so far as the same respect the produce or manufacture of the said free and Hanseatic city of Hamburgh," has given to the Senate of Hamburgh sincere cause of objection and regret, as they cannot but perceive in the said modification a most injurious operation in relation to their carrying trade and peculiar interests, and which would, in its necessary tendency, almost destroy totally the basis on which the Senate of Hamburgh determined on the abolition of all discriminating or countervailing duties, and would almost entirely exclude their shipping from the ports of the United States.

This objection, sir, is considered by the Senate of Hamburgh as being further strengthened, by perceiving that the more favorable stipulation has been entered into by the United States, in relation to the same subject, with the Government of the Netherlands; the injurious consequences of which the Senate of Hamburgh are most sensibly aware of.

In addition, sir, I take the liberty of communicating to you that I am instructed by the Senate of Hamburgh to have a conference with you on the above subject, and to receive from the Government of the United States a statement of their views and decisions in relation to the same.

I consequently take the liberty to request of you that the subject of the above communication will be laid before the President of the United States, with a hope that the Congress of the United States will pass an act that will meet the views of the Senate of Hamburgh, to extend to them the privilege that such goods, produce, and manufactures, as most usually are first shipped from Hamburgh, may be considered as their native productions, when imported in Hamburgh vessels in the ports of the United States.

With great consideration, I have the honor to renew to you, sir, the assurances of my particular respect, and, in the expectation of your answer,

I remain, with great regard, sir, your most obedient servant,

C. N. BUCK,

Consul General of the Republic of Hamburgh in the U. S. of America.

The Hon. JOHN QUINCY ADAMS, *Secretary of State of the U. S. of America.*

BREMEN.

Mr. Wichelhausen to the Secretary of State.

SIR:

BALTIMORE, *January* 26, 1819.

I had the honor of addressing you on the 2d and 28th December, 1818, to which, however, I have not been favored with an answer.

I understand the collector of this port received yesterday a letter from the Treasury Department, stating circulars would be issued in a few days to give directions that Swedish vessels should be put on the same footing with American vessels, and that goods in Swedish vessels should pay no more duty than goods in American vessels. Permit me to hope that this opportunity will be seized by the Treasury Department to include the necessary instructions respecting the duty upon goods in Bremen vessels. The collector of this port appears to be decidedly of opinion that the Treasury Department, by the act of Congress of 3d March, 1815, is fully authorized to give the desired construction to that law, and direct the collectors accordingly.

The request of the Bremen Government being founded upon equity and justice, the Senate of Bremen was confident in the hope it would be granted by the American Government without delay.

I did not think it necessary to proceed again to Washington for the purpose of communicating with you in person on a subject which I understand required no further discussion. However, if it is not acceptable I should address you in writing, I beg to be instructed, and I shall do myself the honor to wait upon you at Washington.

With the highest consideration, I remain, sir, your very humble servant,

H. D. WICHELHAUSEN.

The Hon. JOHN QUINCY ADAMS, *Secretary of State, Washington.*

[TRANSLATION.]

The Burgomasters and Senators of the Free Hanse Town of Bremen to the President of the United States.

SIR:

We have been informed by Mr. Wichelhausen, who had the honor to present to your excellency our letter of the 20th January, 1818, of the proclamation you were pleased to issue on the 24th July last, for the purpose of giving effect to the act of Congress of 3d March, 1815, in favor of Bremen vessels entering American ports.

By this formal equalization of duties, and the simultaneous reimbursement of such as have been paid since the 12th of May, 1815, so far as they exceed the equalization decreed by law, the American Government has given a new and signal proof of that spirit of justice which characterizes its proceedings. We offer to your excellency our sincere acknowledgments for this evidence of your good will towards us, and for your favorable reception of our fellow-citizen, Mr. Wichelhausen.

We presume, however, that your excellency will not hesitate to direct that the provisions of the act of the 3d March, 1815, be made applicable to all such products and manufactures as, by the general course of trade carried on here, are exported from our port. The very terms of that act, referring the products or manufactures of *the nation* to which the foreign vessels belong, seem most clearly to designate articles of the growth or industry *of Germany*, as composed of a body of States, of which Bremen forms an integral part, and to stipulate the equalization of duties in favor of such goods, when exported in Bremen vessels. The treaty concluded with the Government of the Netherlands, extending the equalization of duties "to such produce or manufactures as can only be, or most usually are, first shipped from a port or place in the kingdom," &c., as well as the tenor of the American act of navigation of 1st May, 1817, seem to remove all doubt as to a correspondent application of the act of Congress to goods shipped from our port.

It is only in this view that the object of the act can be attained of removing all the obstacles which have hitherto obstructed the commerce of the Americans with foreign nations. It appearing to be highly interesting to both nations to favor, as much as possible, the trade carried on between the American ports and that of Bremen, we have submitted to your excellency the evidences of our sincere desire to grant the most special favors to the American commerce, and we therefore flatter ourselves that we shall receive the most unqualified proof of the establishment of that reciprocity which forms the avowed principle of the wise policy of the American Government—a policy eminently calculated to render their country prosperous and happy.

With these sentiments, inspired by a full and entire confidence, we recommend anew to your excellency the interest of our city; and we renew to you the assurances of the very high consideration with which we have the the honor to be, sir,

Your excellency's most devoted Burgomasters and Senators of the free Hanse Town of Bremen.

GEORGE DE GRONING, *Burgomaster presiding.*

15th CONGRESS.] No. 311. [2d SESSION.

SPAIN: INDEMNIFICATION—LIMITS—FLORIDA.

TREATY WITH SPAIN COMMUNICATED TO THE SENATE, FEBRUARY 22, 1819.

To the Senate of the United States: FEBRUARY 22, 1819.

I transmit to the Senate a treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty, concluded and signed this day, for the decision of the Senate as to its ratification. Copies of the correspondence between the Secretary of State and the minister from Spain, connected with this subject, since the renewal of the negotiation, are likewise enclosed.

JAMES MONROE.

Translation of a letter from the Minister of Spain to the Secretary of State.

SIR: WASHINGTON, *December* 30, 1815.

The diplomatic relations between the King, my master, and the United States being happily restored, and both Governments being disposed mutually to strengthen the ties of the most pure and perfect friendship, it is my duty to inform the President of whatever may contribute to so desirable an object, and remove the obstacles which may prevent it. On the important points on which this note must turn, I have written to you under other circumstances less favorable than the present. I will now confine myself to a plain and simple explanation of them.

The first of these points is, that the direct and official relations between Spain and the United States having been broken off since the year 1808, the affairs of both nations, as well as their respective frontiers, should now be placed in the same state and situation in which they were at that period; and that, in conformity to this principle, the part of West Florida which the United States took possession of during the glorious insurrection of Spain, and have retained until this day, should be restored to His Catholic Majesty. This just and conciliatory measure, at the same time that it will convince the King, my master, of the purity and sincerity of the sentiments of the American Government, and of their disposition to arrange and terminate amicably the several points of negotiation, will not in the least impair the right which it may believe it has to the whole or a part of the territory occupied, since it will remain subject, exactly as it was before its occupation, to a frank and friendly discussion between the two Governments.

The second point is as simple and obvious as the first, and I will treat of it with that confidence with which I ought to be inspired by the indisputable justice of my importunity, the justification of the American Government, and the importance of the affair.

It is known to you, and is universally public and notorious, that a factious band of insurgents and incendiaries continue with impunity, in the province of Louisiana, and especially in New Orleans and Natchitoches, the uninterrupted system of raising and arming troops to light the flame of revolution in the kingdom of New Spain, and to rob the pacific inhabitants of the dominions of the King, my master. The invasion of the internal provinces, the horrible assassinations committed in San Antonio de Bexar, and the names of the perfidious perpetrators of such unheard-of crimes, have acquired the publicity which great crimes always will acquire. All Louisiana has witnessed these armaments; the public enlistments, (*los enganches publicos;*) the transportation of arms; the junction of the insurgents, and their hostile and warlike march from the territory of this republic against the possessions of a friendly and neighboring Power. Neither threats, nor the laws, nor the indignation of well-disposed citizens, nor even the proclamation of the President of the 1st of September last, intended to restrain these highway robbers, have been sufficient to stop their nefarious plans. On the contrary, they prosecute them with the greatest ardor and rancor, more and more exasperated at seeing the glorious triumphs of the Spanish nation, the adhesion of his subjects to an adored monarch, and the approaching re-establishment of the relations between our respective nations. It is known to me that they are now enlisting in New Orleans men for other expeditions, both by land and water, to invade again the dominions of His Catholic Majesty, under the direction of ringleaders José Alvarez de Toledo and José Manuel de Herrera, who has just arrived in that city with the appointment (as he says) of minister to the United States from the self-styled Mexican Congress, who has delivered to Toledo fifteen hundred commissions in blank from that body of insurgents, that he may confer them on a like number of officers which he is recruiting in the territory of this Union. I omit mentioning to you other innumerable acts of this kind, which prove the publicity of these armaments, and the impunity with which they continue. I will confine myself to stating to you that the most common practice of nations, and the authority of the best writers on public law, would give a right to the King, my master, to require of this Government to deliver up these traitors as incendiaries, enemies of all social order, and disturbers of the peace of his subjects; but as the object of my sovereign is not to avenge himself of these banditti, but to shield his subjects against their barbarity, I confine myself to asking of you to obtain of the President orders for the prosecution of the principal persons concerned in this sedition, that is to say: José Alvarez de Toledo; Anaya; Ortez; the self-styled minister, Manuel de Herrera; Doctors Robinson and Humbert; Majors Piere and Preire, and their followers; that they may be punished with all the rigor which the laws prescribe in cases of this kind; that the troops which they have raised may be disarmed and dispersed, and that the necessary measures be taken to prevent, in future, these evil spirits from having an opportunity of pursuing their designs, and attempting to compromit the good intelligence which subsists between our respective Governments. The President cannot but have seen with sensibility as well the total want of effect of his proclamation of the lenient measures which he had adopted against these criminals, who boast of recognising no law, subordination, or moral principle, as the protection and support which they have received, and do receive, from the authorities at New Orleans, contrary to his express orders. His excellency, as he is encharged by this republic with watching over its security and the observance of its treaties and laws, cannot but consider himself authorized to restrain the projects and hostile measures of a set of adventurers who make open war against a friendly Power from the territory of this confederation, compromitting its tranquillity and high character, by availing himself of the means which the constitution, the laws, and his prudence offer to him for obliging these persons to abandon their designs, and to manifest to His Catholic Majesty the just indignation with which the United States view the hostile plans and the sedition of that band of incendiaries. I am certain that it cannot be concealed from the distinguished talents of the President and yourself, that the point of which I treat is not one under the civil (or municipal) law—in which case my sovereign must have recourse to the ordinary tribunals—but that it is a manifest and flagrant violation of the most sacred laws which bind together nations mutually, perpetrated by the citizens or residents of the Union, of which the King, my master, gives information, with positive and notorious proofs to the Government under whose jurisdiction it has been executed, that they may give him competent satisfaction, with a knowledge of the act, by causing the delinquents to be punished as guilty of high treason against both Governments.

The third and last point is reduced to this: that the President will be pleased to give the necessary orders to the collectors of the customs not to admit into the ports of the United States vessels under the insurrectionary flag of Carthagena, of the Mexican Congress, of Buenos Ayres, or of the other places which have revolted against the authority of the King, my master, nor those coming from them; that they should not permit them to land, or to sell in this country, the shameful proceeds of their piracy or atrocities, and much less to equip themselves in these ports, as they do, for the purpose of going to sea, to destroy and to plunder the vessels which they may meet with under the Spanish flag. This tolerance, subversive of the most solemn stipulations in the treaties between Spain and the United States, and diametrically opposed to the general principles of public security and good faith, and to the laws of nations, produces the most melancholy effects on the interest and the prosperity of the subjects of His Catholic Majesty. Certain it is that neither Carthagena, nor any other place in the Spanish dominions in this hemisphere, which has revolted, can be in communication with any Power friendly to Spain, since neither on its part, nor on that of any other Government, has their independence been acknowledged; and it is, consequently, an offence against the dignity of the Spanish monarchy, and against the sovereignty of the King, my master, to admit vessels from such places, manned and commanded by insurgents, and armed in the dominions of this confederation; particularly as they are all pirates, who do not respect any flag, are justly considered the disgrace of the seas, and are execrated by all nations.

The three preceding points are of such established equity and justice, that it would be offensive to the delicacy of this Government to suppose that it could delay, under any pretext, to determine on them in the manner I have proposed, and which I have an express order to request *(solicitar)* in the name of the King, my master. The prompt interposition of the President, that His Majesty may be gratified, would be a new testimony of his friendly disposition towards Spain; an evident proof that he is determined to put an end to the incalculable extortions and injuries which Spain has suffered for the space of seven years, from the gang of adventurers who have assailed her from the bosom of this republic; a means of fixing the frank and sincere system of good neighborhood which so much interests both states; and, finally, a sure preliminary to the removal of all the difficulties which may present themselves in the negotiations which ought to terminate all the pending discussions between the two Governments, and to fix forever between them a perpetual and solid friendship.

If, as I flatter myself, the President gives all the attention which is due to affairs of such transcendent importance, and yields to my solicitations, I can assure his excellency, and yourself, that there will be nothing which the King, my master, will not be disposed to do to satisfy this republic, which may be compatible with his dignity and with the interests of his subjects.

I renew to you the assurances of my particular respect, and of my constant desire to please you, and pray God to preserve your life many years.

LUIS DE ONIS.

Hon. JAMES MONROE, &c. &c.

Translation which accompanied a note of the 2d January, 1816, from the Chevalier de Onis to the Secretary of State.

SIR:

Since the last note I had the honor to address you, under date of the 30th December, I have received positive information that the expedition which the traitor Toledo was preparing in New Orleans against the dominions of the King, my master, has been suspended until the arrival at that city of two bodies of troops, (one thousand men from Kentucky, and three hundred from Tennessee,) commanded by two American citizens, that were to be united in twenty-four days to the army of the insurgents. I abstain, sir, from offering to you any observations on a subject of such high importance, and so well established. I am well persuaded that his excellency the President will easily perceive that if the States of Kentucky, Tennessee, Louisiana, and Georgia continue, as they do, allowing their citizens to commit hostilities against a friendly Power, notwithstanding the orders he has issued for dispersing and disarming the gang of *desperadoes* headed by Toledo, Humbert, Anaya, Bernardo Gutierrez, Istri, Doctor Robinson, Majors Piere and Preire, and their followers, the King, my master, will have reason to suspect that, if those meetings are not authorized by the Government, they are at least tolerated. All the assurances I may give to my sovereign of the friendly dispositions of his excellency the President will not suffice, when compared with the evident proofs I had the honor to communicate to you in this and my former note; particularly when His Majesty is well convinced of the resources and authority of the Federal Government, and the promptitude with which their orders are strictly observed in the whole Union. I do not entertain any apprehension of the result of the expedition of these incendiaries. The European wars being terminated, His Majesty will be able to direct all his attention, and his powerful armies, to stifle at once the growth of that insurrection; but the philanthropic heart of my sovereign, the humanity by which he is distinguished, and which constitutes the character of the Spanish nation, induce him to wish to re-establish order among the seduced rather by mildness than by the force of arms, which cannot be effected without the effusion of the blood of his beloved subjects. This object cannot fail to be obtained as soon as the Mexican insurgents and those of the internal provinces cease to be furnished, by the citizens of this republic, with arms, ammunition, and troops.

I shall never have the vain presumption to offer you, or the wise magistrate that is at the head of this administration, any observations on the consequences that might result against the interests of this republic by the independence of Spanish America. My wishes are only directed to equal you in moderation, and to re-establish, on the most firm and permanent basis, the relations between our Governments. This sincere desire will, I hope, serve as an apology for me, while I take the liberty to present an hypothesis in this note.

I grant, for a moment, that all the Mexican empire erects itself into an independent state; that it adopts the wise constitution of this confederation; establishes a complete system of legislation; and, finally, that it enjoys all the blessings of liberty in the same full extent as this republic. It is beyond question that the climate of Mexico is more temperate than that of the United States; the soil richer and more productive; the productions and fruits more abundant, rich, and of a superior quality; and that provisions, labor, wood, houses, clothing, &c. are, in consequence of the mildness and regularity of the climate, much cheaper than in this country. If this event should take place, do you not think, sir, as I do, that so many alluring prospects, and so many evident advantages, will deprive this republic of the successive emigrations from Europe, and, what is more, of a very considerable part of the most useful and industrious inhabitants of this confederation, who would carry with them to Mexico their flour and saw-mills, machines, manufactures, their enterprising genius—in a word, their general instruction, and all the means that actually promote and vivify the commerce of these States? I flatter myself that this event will not happen; but I am fully convinced that the consequences of this hypothesis can be demonstrated almost with a mathematical certainty; and that if the citizens of Kentucky, Tennessee, Louisiana, and Georgia should reflect deeply on this subject, far from giving any aid to those vagabonds, greedy of the acquisition of gold, and regardless of the happiness of their country, they would unite themselves with the authorities of the King, my master, to punish that gang of perfidious traitors that hide themselves in these States with the criminal design of devastating their country. I hope, sir, you will have the goodness to overlook this digression, to which I have been carried by my warm desire of strengthening the most perfect friendship between the two nations, and to inform his excellency the President that the orders I claim in His Catholic Majesty's name, directed to the trial and punishment of the ring-leaders of those armies, and to the prohibition of exporting arms of any kind from this country to the provinces, against my sovereign's authority, are of the greatest importance, and are supported by the existing treaty of friendship, limits, and navigation between Spain and the United States, especially the sixteenth article.

I expect, sir, your answer to these important points, and I have the honor to be, &c.

The Secretary of State to the Chevalier De Onis, Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty.

SIR: DEPARTMENT OF STATE, *January* 19, 1816.

I have had the honor to receive your letters of the 30th of December and 2d of January last, and to submit them to the President.

You demand that your sovereign shall be put in possession of West Florida; that certain persons, whom you have mentioned, shall be arrested and tried on the charge of promoting insurrection in the Spanish provinces, and exciting citizens of the United States to join in it; and, thirdly, that the flags of Carthagena, the Mexican Congress, Buenos Ayres, and other revolting provinces, shall be excluded from the ports of the United States.

On the re-establishment of the diplomatic relations between the United States and Spain, it was hoped that your Government would not have confined its attention to the objects in which Spain is alone interested, but have extended it to the injuries of which the United States have so long and so justly complained, with a view to such reparation as it might now be able to make. The subjects are in their nature intimately connected. In some important circumstances, indeed, it is impossible to separate them, since the exposition of the wrongs of the United States affords the proper answer, in those instances, to the complaints of Spain. It is my duty to bring these wrongs into view, that they may be duly considered and provided for, in case your Government has, as I am bound to presume, invested you with adequate powers for the purpose.

At a period anterior to either of the circumstances mentioned in your letters, the United States had suffered great injury by the unlawful seizure and condemnation of their vessels in the ports of Spain. A treaty providing an indemnity for those spoliations was agreed to and signed by a minister duly authorized by each Government; but its ratification, though negotiated and concluded in the presence of the Spanish Government, was afterwards declined by it. At an anterior period, too, the deposite at New Orleans, stipulated by the treaty of 1795, was suppressed. As the United States had done no injury to Spain, these acts, so hostile in their nature, and injurious

in their effect, excited much surprise. It had been the uniform object of this Government to make such arrangements with Spain respecting the free navigation of the Mississippi and the boundaries, as, securing to our citizens the full enjoyment of their rights, would place the peace and friendship of the two countries on a solid and durable basis. With this view, it was sought to obtain of Spain, at a fair equivalent, the territory eastward of the Mississippi. Overtures to this effect were made to the Spanish Government, and rejected. Being renewed, the minister of the United States was informed that Spain had ceded Louisiana to France, to whom he was referred for the acquisition of such territory in that quarter as he might be instructed to make. On the last very important event, the suppression of the deposite at New Orleans, a special mission was instituted to France and Spain, the object of which was to avert, by amicable negotiation and arrangement, the calamities of war. Affairs had, more especially by this act of violence and hostility, reached a crisis which precluded the idea of temporary palliatives. A comprehensive and permanent arrangement had become indispensable, of which, it was presumed, the Governments of France and Spain would be equally sensible. The cession of Louisiana by France to the United States was the immediate consequence of this mission, with such a description of its boundaries by the treaty as, it was presumed, would leave no cause of controversy with Spain.

The mission had thus succeeded in a very important object; but there were others, of a similar character, which remained to be adjusted. The differences with Spain still existed, and to them was added a circumstance of much interest, proceeding from the acquisition of Louisiana—the unsettled boundaries of the province, which were now to be established with Spain. Under the influence of the same policy, the special mission was ordered soon afterwards to Madrid, to invite a negotiation for the arrangement of all these important concerns. Spain still held territory to the eastward of the Perdido, which, by her cession of Louisiana, and its transfer to the United States, was separated from her other dominions, and lay, except on the side of the ocean, exclusively within our limits. The importance of this territory to Spain, in consequence of these events, in any view which might be taken of it, seemed to be much diminished, if not entirely lost; while, in certain views of which it was susceptible, it might prove highly injurious. There was danger that the continuance of a Spanish colony there might produce jealousy and variance between the two nations. On the other hand, the United States had acquired territory westward of the Mississippi, adjoining the provinces of Spain, which it was supposed she might be desirous of obtaining. By mutual cessions of territory in quarters most convenient to each other, and by forming an interval between their possessions to remain vacant, the danger of collision might be avoided, and their good understanding more effectually preserved. By rendering justice likewise to the claims of the United States, their citizens would be contented, and their Government be better enabled to control their conduct beyond their limits. Here, then, seemed to be a fair ground for amicable compromise between the parties. An opportunity was presented for terminating every difference, and securing their future harmony without loss or sacrifice by either. On the result of this mission I need not enlarge. I shall remark only that the friendly policy which produced it was not reciprocated by your Government—it was perhaps not felt—it was certainly disregarded. Every proposition of the American ministers, having these objects in view, was rejected, and none made in return by your Government.

This conduct of your Government would have justified, if it did not invite, the most decisive measures on the part of the United States. The refusal to make reparation for preceding injuries, or to surrender any portion of the territory in the possession of Spain, to which they considered their title indisputable, or to accept fair and liberal propositions for the accommodation of these differences, or to make a proposition of any kind for the purpose, left the United States perfectly free to pursue such course as, in their judgment, a just regard to the honor, rights, and interests of the nation might dictate. In the condition of Spain there was nothing to excite apprehension of the consequences, whatever might be the course decided on. Of this, the well-known state of the peninsula at the time, and since, and of the Spanish provinces in America, affords ample proof. The friendly policy which the United States have since pursued is the more conspicuous from the consideration that your Government has inflexibly maintained the unjust and hostile attitude which it then assumed, and has even added new injuries and insults to those of which I have already complained. I refer, in this latter remark, to the breaches of the neutrality of Spain, which her Government permitted, if it did not authorize, by British troops and British agents in Florida, and, through that province, with the Creeks and other Indian tribes, in the late war with Great Britain, to the great injury of the United States. It is under these circumstances that you have made the demands above recited, to which I will now proceed to give a more particular reply.

You require that Spain shall be put into possession of West Florida, as an act of justice, before a discussion of the right of the parties to it is entered on.

It is known to your Government that the United States claim by cession, at a fair equivalent, the province of Louisiana, as it was held by France prior to the treaty of 1763, extending from the river Perdido, on the eastern side of the Mississippi, to the Bravo or Grande, on the western. To the whole territory within those limits, the United States consider their right established by well-known facts and the fair interpretation of treaties. In a like spirit may the United States demand the surrender of all the territory above described, now in the occupancy of Spain, as a condition to the commencement of any negotiation for the adjustment of differences. When we consider how long your Government has maintained what is deemed an unjust possession; more especially when we recollect that the injuries before received are still unredressed, and that others have been since rendered, there can be, it is presumed, but one opinion as to the great moderation of this Government in acquiescing in it. But why restore this province to Spain, if it is the intention of your Government to make the title to it, in connexion with other differences, a subject of amicable negotiation and arrangement? May not such a negotiation be entered into as well while it is in the occupancy of the United States as if it were in that of Spain?

You demand, next, that Mr. Toledo, and others whom you mention, charged with promoting revolt in the Spanish provinces, and exciting citizens of the United States to join in it, shall be arrested and tried, their troops disarmed and dispersed.

You intimate that troops are levying in Kentucky, Tennessee, Louisiana, and Georgia, for the invasion of the Spanish provinces, of whom one thousand are from Kentucky, and three hundred from Tennessee, to be commanded by American citizens; but you do not state at what points these men are collected, or by whom commanded; and as to the forces said to be raised in Louisiana and Georgia, your communication is still more indefinite. The information recently obtained by this Department from persons of high consideration is of a very different character. It is stated that no men are collected, nor is there evidence of an attempt or design to collect any in Kentucky, Tennessee, or Georgia, for the purpose stated; and that the force said to be assembled under Mr. Toledo is very inconsiderable, and composed principally of Spaniards and Frenchmen. If any portion of it consists of citizens of the United States, their conduct is unauthorized and illegal. This force is not within the settled parts of Louisiana, but in the wilderness, between the settlements of the United States and Spain, beyond the actual operation of our laws. I have to request that you will have the goodness to state at what points in Kentucky, Tennessee, Georgia, and Louisiana, any force is collected, the number in each instance, and by whom commanded.

If such force is collected, or collecting, within the United States, for the purpose suggested, or other illegal purpose, it will be dispersed, and the parties prosecuted according to law.

This Government is under no obligation, nor has it the power, by any law or treaty, to surrender any inhabitant of Spain or the Spanish provinces on the demand of the Government of Spain; nor is any such inhabitant punishable by the laws of the United States for acts committed beyond their jurisdiction, the case of pirates alone excepted. This is a fundamental law of our system. It is not, however, confined to us; it is believed to be the law of all civilized nations, where not particularly varied by treaties.

In reply to your third demand—the exclusion of the flag of the revolting provinces—I have to observe that, in consequence of the unsettled state of many countries, and repeated changes of the ruling authority in each, there being at the same time several competitors, and each party bearing its appropriate flag, the President thought it proper, some time past, to give orders to the collectors not to make the flag of any vessel a criterion or condition of its admission into the ports of the United States. Having taken no part in the differences and convulsions which have disturbed those countries, it is consistent with the just principles, as it is with the interests, of the United States to receive the vessels of all countries into their ports, to whatever party belonging, and under whatever flag sailing, pirates excepted, requiring of them only the payment of the duties, and obedience to the laws while under their jurisdiction, without adverting to the question whether they had committed any violation of the allegiance or laws obligatory on them in the countries to which they belonged, either in assuming such flag, or in any other respect.

In the differences which have subsisted between Spain and her colonies, the United States have observed all proper respect to their friendly relations with Spain. They took no measure to indemnify themselves for losses and injuries; none to guard against the occupancy of the Spanish territory by the British forces in the late war, or to occupy the territory to which the United States considered their title good, except in the instance of West Florida; and in that instance under circumstances which made their interposition as much an act of accommodation to the Spanish authority there as of security to themselves. They have also prohibited their citizens from taking any part in the war, and the inhabitants of the colonies, and other foreigners connected with them, from recruiting men in the United States for that purpose. The proclamations which have been issued by the Governors of some of the States and Territories, at the instance of the President, and the proclamation lately issued by the President himself, are not unknown to your Government. This conduct, under such circumstances, and at such a time, is of a character too marked to be mistaken by the impartial world.

What will be the first result of the civil war which prevails between Spain and the Spanish provinces in America, is beyond the reach of human foresight. It has already existed many years, and with various success; sometimes one party prevailing, and then the other. In some of the provinces the success of the revolutionists appears to have given to their cause more stability than in others. All that your Government had a right to claim of the United States was, that they should not interfere in the contest, or promote, by any active service, the success of the revolution, admitting that they continued to overlook the injuries received from Spain, and remained at peace. This right was common to the colonists. With equal justice might they claim that we would not interfere to their disadvantage; that our ports should remain open to both parties, as they were before the commencement of the struggle; that our laws regulating commerce with foreign nations should not be changed to their injury. On these principles the United States have acted.

So much have I thought proper to state respecting the relations existing between the United States and Spain. The restoration of the diplomatic intercourse between our Governments forms an epoch which cannot fail to be important to both nations. If it does not produce a result favorable to their future friendship and good understanding, to your Government will the failure be imputable. The United States have at all times been willing to settle their differences on just principles and conditions, and they still are. Of this I informed you in my letter of the 5th of May, as I likewise did Mr. Cevallos, in a letter of the 17th of July. It will be very satisfactory to the President to find that your Government entertains now the same disposition, and has given you full power to conclude a treaty for these purposes.

I have the honor to be, &c.

JAMES MONROE.

Translation of a letter from Mr. Onis to the Secretary of State.

SIR: PHILADELPHIA, *February* 22, 1816.

The letter with which you honored me on the 19th of last month, in answer to mine of the 30th December and 2d January, had two objects: the first to make known to me the complaints which this Government considers itself as having against Spain for a long time past; the second, to communicate the resolution of the President on the three points embraced in my notes mentioned above.

You state that the President would have wished that I should not have confined myself to bringing forward the complaints of His Majesty, but should have likewise proposed a reparation for those of the United States against Spain.

The claim for damages and injuries of which you speak would have been definitively arranged and settled if the diplomatic relations between the two Powers had not been interrupted since the memorable epoch of 1808; and this Government cannot but know that this interruption ought not to be imputed to Spain; His Majesty having made, from that time, the greatest efforts to maintain them pure and unaltered.

I have assured you verbally and in writing that His Majesty desired nothing so anxiously as to satisfy the United States for every injury they may have received from Spain, and to proceed to give this satisfaction with that generosity and high sense of honor which have at all times distinguished the Spanish character, and which have always shone conspicuously in the conduct of the Government of the King, my master; but all these points, as being anterior to the epoch I have mentioned in my notes, and since then pending between the two cabinets, ought to be the object of a particular negotiation; and nothing is more natural or more conformable to justice and good faith than that, for facilitating this very negotiation, the state of things between the two nations should be reduced to the same footing on which it was at the epoch referred to, since, from that time, there has neither been any official correspondence between the two Governments, nor have the United States received the least injury from Spain; and if they have received any, it has been contrary to the will of His Majesty, and without his knowledge. Of this class, without doubt, is that which you mention in your note above cited, that is, that British troops and agents had been introduced into Florida, and had communication with the Indian enemies of this republic in its last war with Great Britain. The rigorous neutrality which His Majesty has observed in the island of Cuba, East Florida, and his other possessions, ought to convince the President that the Governor of West Florida (who

is, I suppose, the person to whom you allude) had like orders with the other chiefs to observe the most strict neutrality; and if he has failed in obeying them, he would have been severely chastised, had you have given to me the least intimation as to his conduct.

I will now pass to the second object of which your letter treats; that is to say, to the resolution which this Government has taken on the three points stated in my letters of the 30th December and 2d January.

The first was confined to a request that, in conformity to the principles I have stated, that is, that the affairs between the two nations should be placed on the same footing they were before the interruption of the diplomatic relations between them, His Majesty should be put in possession of that part of Florida which the troops of this Union had occupied. You were pleased to state, in reply, that this Government, believing that it had a well-founded right not only to the part of West Florida which their troops had occupied, but to a greater extent of territory, comprehended in the limits of the viceroyalty of Mexico, had judged that, with the same propriety that the King, my master, occupied those possessions, the United States might retain that part of West Florida they held, until it was decided by a friendly convention to whom it belonged.

Permit me to observe that there is no parity in the cases. The country to which you allude, extending to the Rio Bravo, or Del Norte, has been under the dominion of Spain, not only before and since France ceded Louisiana to His Majesty by the treaty of 1764, but from the time of the discovery and conquest of Mexico, without ever having passed by treaty to any other nation: whereas the Floridas ceased to be a French or Spanish possession, and passed into the hands of England, under the name of East and West Florida, in the year 1763. They remained under the power of His Britannic Majesty, as such, until the year 1783, when, by conquest, the Spanish arms, and by solemn treaty, they passed under the dominion of His Catholic Majesty. From this you will infer that, be the interpretation which may be wished to be given to the treaty of *retrocession* of Louisiana, made between France and Spain in 1800, what it may, the two Floridas can never be directly or indirectly included in it; first, because these provinces being in the legitimate possession of England from the year 1763 to the year 1783, France could not cede them to Spain by the treaty of 1764—nor Spain retrocede them to France, not having received them from her, unless there should have been an article on this point, in which express and direct mention was made of the cession; and, secondly, because the two contracting parties (Spain and France) have declared in the most solemn manner, the first, that she did not cede to France any part of the Floridas—the second, that she had not acquired them by the treaty of St. Ildefonso, or of *retrocession* of 1800; nor had had the least intention to set up a claim to them. You know very well that, according to all the acknowledged principles of justice, no one can be put out of the possession of what he holds until the right of the person who claims it shall be proved and recognised; and that, by a natural consequence of this principle, Spain having been in possession of West Florida when the United States laid claim to it, it is proper she should keep it until this republic shows a better right, which ought to be done in a friendly negotiation between the two Powers; and that it would be anticipating the negotiating to begin by taking possession of the territory, the right to which, so far as it respects the United States, ought to be the object of the negotiation itself. These are the grounds which support the first demand I made on you, in the name of His Majesty, in my letter of the 30th December; and I flatter myself that, reflecting on facts so well known, you cannot do less than consider them just.

I pass now to the second point. This is confined to asking the punishment, according to law, of those turbulent and seditious individuals who have taken up arms within the territory of this confederation, and from thence carrying desolation, destruction, and horror into the frontier provinces of the Crown of Spain; and not content with the atrocities they have heretofore committed, they are now actually engaged in recruiting troops, and preparing armaments in the bosom of this country, again to invade these provinces. I have named the ringleaders of these rebels, who have violated the neutrality and the most sacred laws of the United States, by the well-known fact of their having armed in their territory, and marched from thence, in military and hostile array, to subvert the peace and good order of the dominions of the King, my master. I have named Toledo, Bernardo Gutierrez, Doctor Robinson, and others, who perpetrated the horrible deeds at St. Antonio de Bexar; who recruited their troops in Louisiana, and even in the limits of New Orleans, and proceeded from thence, as an army, to assault the province of New Mexico; who committed there outrages never heard of even among savage tribes; and who, after being defeated, again took refuge in the territory of this Union, where they are now endeavoring to raise new forces to repeat the same excesses. Toledo, Bernardo Gutierrez, Doctor Robinson, and their followers, to this time, move about with impunity in Louisiana, and even in the city of New Orleans itself. The infraction of the laws of the United States, and the violation of the dignity and honor of the American people, of which they are guilty, is public and notorious, not only in this country, but in the whole world. I stated to you, in addition, on this point, that the ringleaders I had named to you were expecting considerable reinforcements from Kentucky and Tennessee, to undertake a hostile expedition against the neighboring possessions of my sovereign; and that I had advised that these reinforcements, composed of American citizens, were raised for the purpose of uniting with them.

You were pleased to state to me, in reply, on this point, that the President had determined not to take any part in the disputes which had arisen between His Catholic Majesty and the revolted provinces on this continent; and that, in conformity to this system, the Governors of different States, as well as the President himself, had issued repeated proclamations, directing that all those who set on foot, or promoted the recruiting of adventurers, with the design of invading the possessions of His Catholic Majesty, should be prosecuted according to law; that the information received at your Department, from very respectable persons, is, that the force collected by Toledo is very inconsiderable, and composed principally of Frenchmen and Spaniards, without the territory of the United States, where their laws do not reach; that my statements on this point are not circumstantial; and that as soon as I pointed out American citizens who promoted the expeditions, collected the troops, or facilitated the supplies to which I referred, and if these collections of troops, &c. were in the territory of this Union, they should be immediately dispersed, and the persons implicated should be prosecuted according to law.

To satisfy you on this point, with that simplicity and candor which belongs to me, I will divide into two classes these seditious persons of whom I have spoken to you in my notes. I will include in the first class Toledo, Bernardo Gutierrez, and Doctor Robinson, as violators of the laws of the neutrality of the United States—an infraction so notorious and so evident that I should do wrong to detain you in referring to the innumerable acts which demonstrate it in an incontestable manner. It is known to you, to your Government, and to the whole country, that, with the troops they individually raised three years ago in Louisiana, they marched in military array to invade the internal provinces of the viceroyalty of Mexico; the horrible assassinations they committed, particularly those by Bernardo Gutierrez at St. Antonio de Bexar, are known. And, finally, it is known that, being defeated by the troops of the King, my master, they took refuge again in this country, and that the Government of Louisiana permitted them to remain undisturbed in the very territory whose neutrality they had violated. This single fact is, in my opinion, a sufficient reason why the law should take hold on them before they leave the jurisdiction of the United States to renew melancholy scenes. But I will give to you even new proofs that these highway robbers have not ceased from that time to concert and to realize new projects against the tranquillity of the inhabitants of the dominions of the King, my master.

The annexed copies, marked Nos. 1, 2, and 3, of intercepted letters from Toledo, which have been officially sent to me, prove beyond doubt that Toledo had armed in New Orleans three vessels, in which he carried arms and munitions of war to give support to the insurrection in Mexico; and that he returned to that city, bringing back with him Herrera, who calls himself minister plenipotentiary from the revolted provinces to this Government. You will see with surprise that Toledo, not content with thus openly violating the most sacred laws of neutrality of this confederation, had the impudence to prostitute the respectable name of this Government, by asserting, in one of his said letters, that the United States only waited the arrival of the minister of the revolutionists of Mexico to acknowledge its independence. The other ringleaders have done the same thing to deceive adventurers, both in and out of Mexico, and even citizens of the United States, seducing them by false assurances that their Government was decided to support them, and that it would proceed immediately to recognise as an independent Power that band of highway robbers and insurgents. From the extract of a letter from a person of the greatest veracity and the best character, now forwarded to you, marked No. 4, you will observe that Toledo had deferred his expedition against the provinces of the King, my master, as I stated to you in my note of the 2d January, as the thousand men he expected from Kentucky, and the three hundred from Tennessee, could not form a junction with him in less than twenty-four days; and in Nos. 5 and 6 you will see this information confirmed under a posterior date, advising me that a number of Americans came down from the States adjacent to Louisiana to join the expedition which Toledo had concerted; and that he (Toledo) would carry with him the engineer Laford, Savary, and one Soubenet.

You will also learn that provisions and a Carthagenian flag were sent to the American brig, the Tom Bowline, from New York, at the moment of her arrival at the Balize, by a gun-boat of the United States, with the object, it would seem, of convoying with her the vessels which should sail from New Orleans with munitions of war for the establishment at the new port of Tampico; that they had purchased in New Orleans itself five other schooners, which they are actually arming to cruise against the Spanish commerce; and that it appears that Mr. John K. West, merchant of that place, is the agent for these vessels; and, finally, that in that city there has been a revolutionary junta, at the head of which is Toledo and Herrera, from which has issued the wicked decree mentioned in these letters—that four honorable Spaniards should be put to death for every revolutionist punished by the established laws of the monarchy of the King, my master.

As respects Doctor Robinson, it is notorious that he has been one of the most infuriated enemies of Spain, and the one who has, with the greatest eagerness, promoted the rebellion of the provinces of His Majesty. It was he who introduced himself into the internal provinces to seduce their inhabitants; it was he who sowed the seed of insurrection; it was he who procured intelligence in St. Antonio de Bexar for Bernardo Gutierrez, that he might possess himself of the place, and afterwards murder fourteen Spanish chiefs; and it was he who published, in these United States, proclamations, signed with his hand, inviting adventurers from all parts to form an army, pointing out the places of enlisting men, and the pay of those enlisted; and, in one word, declaring war himself, in a certain mode, against the Spanish nation, from the very bosom of this republic, as you will find more in detail in the authenticated copy (No. 7) which accompanies this, the original of which is in my possession.

I include in the second class those individuals who, seduced by the imposture of the principal authors of these hostile expeditions, have assisted, from the bosom of this republic, the revolutionists of Mexico—some by furnishing them arms and munitions of war, others by enlisting themselves, in this country, in the army of the insurgents, which passed over to subvert all order in the provinces of the King, my master. In this number are those other persons whom I have mentioned to you in this and my former notes. The information which I gave you respecting some persons who were preparing hostile expeditions from Georgia against the possessions of the King, my master, you will find established, officially, by the Governor of East Florida, in his letter (No. 8) which accompanies this; in which he advises me that John McIntosh and William Criach, who supported the last insurrection in that province, in the year 1812, are now recruiting in Georgia a considerable number of vagabonds, again to invade the territory under his command.

I flatter myself that this series of acts, so circumstantial, the information of which has been acquired through channels so respectable, will be sufficient to call the attention of the President to the necessity of cutting up by the roots these melancholy abuses, and to shut the door against the continual, violent movements of these turbulent people, who, from the bosom of this republic, make war on a friendly and neighboring Power. It has never been the intention of the King, my master, to request that the punishment of the laws should be inflicted on these disturbers of social order when their guilt is not fully proven. On the contrary, I have informed you that the object of His Majesty is not to take vengeance on these highway robbers, but to shelter his subjects from their barbarity. His Majesty has only thought proper to solicit from the rectitude and circumspection of this Government what might prevent the crimes which are meditated from taking effect, as otherwise it might be too late to prevent them, as the offenders will be beyond the territory of a friend, and at a distance from the arm of the law. Good order requires not only that the offences already committed should be punished, but that those which are contemplated should be prevented: and this is the case of the individuals I have comprehended in the second class. The personal knowledge I have of the rectitude of the President inspires me with a confidence that he will view the acts I have just stated as I do, and proceeding, in this particular case, with that integrity and humanity which is the most glorious distinction of the American character, he will be pleased to adopt those measures which he may believe most analogous to the system which, you tell me, this Government has adopted, not to mix in these dissensions, and not to permit the citizens of this republic to take part in them, nor to permit its territory to be a shelter to foreigners who try to make war on a friendly Power.

To the third point in my notes, intended to solicit from your Government that vessels from the insurgent or revolted provinces of Spanish America should not be admitted into the ports of the republic, as well because none of those provinces are recognised by any Power in the world, as because the obligations of friendship and good neighborhood demand that we should not in any way contribute to protect provinces or subjects who have revolted, you have been pleased to make known to me that the President, observing the change of government which had taken place among the revolutionists in Spanish America, had adopted the measure of ordering the collectors of the customs to admit every description of vessel, without regard to her character or flag, provided she paid the duties and observed the laws of the country during the time she was in port.

With due respect for the measures adopted by the chief of this confederation, I cannot do less than state to you that the changes of government which have taken place among the revolutionists of Spanish America do not appear to me to afford a sufficient motive for altering the friendly conduct towards a Power with whom one is in peace and harmony. You cannot but know that this measure places these factionists not only on a footing of equality with the Spanish nation, but gives them advantages over all independent Powers, since, according to the laws of neutrality, the United States would not permit any independent nation to arm its vessels in their ports, nor to sell prizes in them, as is permitted to these revolutionists.

By the two acts of Congress, one of the 28th of February, 1806, and the other of the 24th of the same month in 1807, all commerce with the rebels of St. Domingo was prohibited at the request of France. As the treaties subsisting between Spain and the United States place Spain on the footing of the most favored nations, His Majesty considers himself entitled to expect that this republic will now adopt in his favor a like measure during the disturbances in Spanish America, or for such other period as it may be considered proper to designate. Such is the spirit in which I have made the three requests to your Government, stated in my former notes. I hope that the present observations will merit a favorable reception from the rectitude and wisdom of the President and of yourself. I have given an account to my Government of all these particulars, sending it a copy of my notes, and of the answer I had the honor to receive from you. And, in the mean time, I ought to reiterate to you the most positive assurances of the disposition of the King, my master, to maintain and to strengthen the ties of friendship and good understanding with these States.

At the conclusion of your note which I am now answering, you are pleased to make known to me that this Government is anxious to terminate, by means of a friendly negotiation with the King, my master, all pending differences, and that it will be very satisfactory to the President to know that I am vested with powers to that effect. I have not lost any time in communicating to my sovereign this desire of the President, and I will have the satisfaction of announcing to you what His Majesty may determine on this point; nevertheless, I ought to state to you that although it would be highly flattering to me to treat with you, as your penetration and rectitude would facilitate the arrangement of these affairs, yet it appears to me that, as Mr. Erving has not yet sailed from the United States, the business would be expedited if the President would give him power and instructions to terminate the negotiations at Madrid. This arrangement cannot present great difficulties. The respective rights of each Power being once settled by common agreement, a friendly understanding being had on each point in discussion, and it being determined what are the reciprocal obligations of Spain and the United States, they would be still further obviated if you would have the goodness to inform me, frankly and plainly, as I requested in a former letter, what are the pretensions of right which the United States have against Spain, and what are those for their own convenience, which they desire to realize for an equivalent which may be advantageous to the two nations, to the end that, with the knowledge I have acquired of the mutual interests of both, I may recommend to the attention of His Majesty these particular points.

I renew to you my respects, and pray God to preserve your life many years.

LUIS DE ONIS.

Copy of a letter from the Secretary of State to the Chevalier de Onis.

SIR: DEPARTMENT OF STATE, *June* 10, 1816.

I had the honor to receive your letter of February 22d soon after its date, and to communicate it to the President.

Anxious as this Government has been to terminate all differences with His Catholic Majesty, on conditions of reciprocal advantage, and with equal honor to both parties, it would have been very satisfactory to the President to have found that you had been vested with full power to negotiate and conclude a treaty for these purposes.

I have the honor now to state that Mr. Erving, minister plenipotentiary of the United States to His Catholic Majesty, has been instructed on these important subjects, and that, as the views of this Government are just and liberal, a strong hope is entertained that your Government, bringing to the negotiation a similar disposition, will agree to such an arrangement as will be mutually advantageous and satisfactory to both nations.

However agreeable it might be to leave these high concerns in this train, without further discussion here, it is, nevertheless, proper to notice some passages in your letter of February 22d, notwithstanding the clear light in which the subjects to which they relate have been placed in former communications. You intimate, in your late letter of May 30th, a desire to receive a particular answer to that of February 22d; and it is just that you should see that my silence was imputable to the cause only which is above suggested.

You state that as that portion of Louisiana, which lies eastward of the Mississippi and the Iberville, had been ceded by France to Great Britain in 1763, and by Great Britain to Spain in 1783, it could not be comprised in the cession of Spain to France in 1800, nor of the latter to the United States in 1803; and you draw this conclusion from the supposed import of the term "retrocession" used in the two latter treaties; which, you say, applies to that portion only which Spain had received from France. My interpretation of these treaties, taking into view so much thereof as relates to this subject, is very different. As to the term "retrocession," it is evident that it was not the intention of the parties that it should have any effect whatever on the extent of the territory ceded. The import of this term is too vague, and the term itself was used in a manner too casual, to admit such an inference, even had there been nothing else in the treaty between Spain and France of 1800 to show that the construction you contend for is altogether inconsistent with the manifest intention of the parties. The import of this term would, in my opinion, be satisfied, if the whole province had passed in the first instance from France to Great Britain, and been conveyed afterwards by Great Britain to Spain, and by Spain back again to France. In regard to France, this last conveyance would have been a "retrocession," as, by it, the territory would have been ceded back to her. It was very natural, therefore, that this term should be used, being applicable, in the most limited sense in which it can be taken, to at least nineteen-twentieths of the province, and, in a qualified sense, to the whole.

Had it been intended to exempt any portion of the province in the possession of Spain from the operation of the treaty of St. Ildefonso, it would have been easy to have done it, and in a manner to preclude all doubt of the intention of the parties. It might, for example, have been stated that Spain ceded back to France such part of the province as France had ceded to Spain. A stipulation to this effect would have been concise, simple, and very perspicuous; it would have rendered useless and unnecessary the other provisions of the article in regard to the point in discussion, and for any purpose whatever the first of those provisions; or they might have defined the extent of the cession by a natural boundary, which would have been equally distinct and satisfactory. Had Spain ceded to France all that portion of Louisiana which lies westward of the Mississippi, the Iberville, and the lakes Maurepas and Pontchartrain, no controversy could ever have arisen between France and Spain respecting the eastern limits, as to what Spain had ceded in that quarter, and what she had retained; nor could there have been one between the United States and Spain. By declining to define the boundaries of Louisiana, eastward, in some one of these obvious and perspicuous modes, it is just to conclude that it was intentional; that there was an object in it; and what that object was, is sufficiently apparent from a fair construction of the provisions of the article already noticed.

By the treaty of St. Ildefonso, in 1800, the province of Louisiana is ceded to France by Spain, "with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should

be after the treaties subsequently entered into between Spain and other states." And by the treaty of 1803, between the United States and France, this article of the treaty between France and Spain is inserted verbatim, by which the United States are placed precisely on the same ground on which France herself stood.

If we recur to the several provisions, we shall find that each has a distinct object, for which it would not have been necessary to provide, especially in that mode, if it had been the intention of the parties that no portion of West Florida in question should have been exempted from the cession. By stipulating first that the province was ceded "with the same extent that it now has in the hands of Spain," direct reference was made to that portion of West Florida lying between the Mississippi, the Iberville, the lakes Maurepas and Pontchartrain, and the Perdido. This provision cannot be construed as alluding to any other part of the province, and its sole effect was intended to be to include it in the cession to France. The second provision is equally explicit—"that it had when France possessed it." It is known that France had held the province to that extent before the treaties of 1763, by which she had ceded it to Spain and Great Britain; and by this stipulation it was ceded back to her in the same extent, so far as Spain could do it. The third provision has an object equally distinct, and is the more important, because, by giving it its intended effect, the construction given to the others is fully confirmed—"such as it should be after the treaties subsequently entered into between Spain and other states." By the treaty between the United States and Spain, in 1795, the boundaries, as established between the United States and Great Britain in 1783, and the free navigation of the Mississippi, are confirmed, with the addition of the right of deposite at New Orleans. This provision applies to this treaty, and likewise to the treaty of 1783 between Great Britain and Spain, by which West Florida was ceded to the latter, whereby she was enabled to restore it, in the extent contended for, to France. In regard to its operation on the treaty of 1795 between the United States and Spain, it was a provision which the United States had a right to expect from the good faith of Spain.

This view of the subject, which was, in substance, taken by the ministers of the United States in 1805, in a negotiation with your Government at Aranjuez, appears to me, as it then did, to be conclusive. You urge, however, against it, that the French Government had stated that it was not its intention to cede to the United States that portion of Louisiana which France had ceded to Great Britain by the treaty of 1763. The same declaration was made to the ministers of the United States at Aranjuez, in 1805, for the same purpose that it is now repeated. A just regard to the rights of the United States, founded on the cession which France had made to them, with a thorough knowledge of all the circumstances attending the transaction, combined with a due respect to the Government of France, dictated the answer. Your Government was informed that the American envoys had proposed, to the French Government, in the negotiation which terminated in the cession of Louisiana by France to the United States, in 1803, that its boundaries should be defined by the treaty; to which the French Government did not accede, preferring to insert in it an extract from the treaty of St. Ildefonso, by which the province had been ceded by Spain to France, with intention to place the United States, in regard to Spain, on the same ground precisely that France held herself under the treaty of St. Ildefonso, unprejudiced by any opinion of her own. Nothing had occurred in the negotiation with France to excite a doubt that the Perdido was the eastern boundary of Louisiana. It had been the boundary of the province when held by France, before the treaties of 1763, and it was made so again by the treaty of St. Ildefonso, which restored it to her. Such was the construction which the American ministers gave to that treaty, who were engaged in the negotiation with France; and such their representation of it to their Government, after the treaty with France was concluded. It merits particular attention that when your Government was requested to cede to the United States such territory as they were desirous of obtaining prior to their acquisition of Louisiana, it replied to their minister at Madrid, by a letter of the 3d of May, 1803, "that, by the retrocession made to France of Louisiana, that Power regained the province with the limits it had, saving the rights acquired by other Powers; and that the United States could address themselves to the French Government to negotiate the acquisition of territories which might suit their interest." With the subject thus presented before the Government of the United States, the fair construction of the article of the treaty of St. Ildefonso, maintained by the American ministers in their official communication accompanying the treaty, sanctioned, as it evidently was, by the letter of your minister of state, the treaty of Paris of 1803 was ratified. It could not be expected that the United States would appeal, under these circumstances, to France, for information as to the extent of the acquisition which they had made, or be governed by any opinion which her Government might express, in that stage, respecting it.

With respect to the western boundary of Louisiana, I have to remark that this Government has never doubted, since the treaty of 1803, that it extended to the Rio Bravo. Satisfied I am, if the claims of the two nations were submitted to an impartial tribunal, who, observing the principles applicable to the case, and tracing facts, as to discovery and settlement, on either side, that such would be its decision. The discovery of the Mississippi as low down as the Arkansas, in 1673, and to its mouth, in 1680, and the establishment of settlements on that river, and on the bay of St. Bernard, on the western side of the Colorado, in 1685, under the authority of France, when the nearest settlement of Spain was in the province of Panuco, are facts which place the claim of the United States on ground not to be shaken. It is known that nothing occurred afterwards on the part of France to weaken this claim. The difference which afterwards took place between France and Spain respecting Spanish encroachments there, and the war which ensued, to which they contributed, tend to confirm it.

I have thought it proper to make these remarks in reply to your letter of February 22d, respecting the eastern and western boundary of Louisiana. The subject having been fully treated in several notes to your Government in 1805, and particularly in those of March 8th and April 20th of that year, I beg to refer you to them for a further view of the sentiments of this Government on the subject.

In adverting to the parts of your letter which relate to the revolted provinces of Spain in America, and the aid which you state the revolutionary party have derived from the United States, I cannot avoid expressing equally my surprise and regret. I stated in my letter to you of January 19th, that no aid had ever been afforded them, either in men, money, or supplies of any kind, by the Government, not presuming that the gratuitous supply of provisions to the unfortunate people of Caraccas, in consequence of the calamnity with which they were visited, would be viewed in that light, and that aid to them from our citizens, inconsistent with the laws of the United States, and with the law of nations, had been prohibited, and that the prohibition had been enforced with care and attention. You stated in your letter of January 2d, that forces were collecting in different parts of our western and southern country, particularly in Kentucky, Tennessee, and Louisiana, for the purpose of invading the Spanish provinces. I stated to you, in reply, that I knew of no such collection of troops in any quarter, and that, from information derived from the highest authorities, I was satisfied that none such had been made. I requested you to state at what points these troops were collected, and who were the commanders. You have sent me, in reply, extracts of letters from persons whose names are withheld, which establish none of the facts alleged as to the raising of troops in the United States, but recite only vague rumors to that effect. I have the honor to transmit to you a copy of a letter on this subject, from Mr. Dick, the attorney of the United States for the district of Louisiana, by which you will see how attentive the public authorities there have been to the execution of the laws of the United States, and to the orders of the Government, and how little they have deserved the charges made against them.

As I cannot doubt that you have taken erroneous impressions from the misrepresentation of partial or misinformed individuals, and that you have communicated the same to your Government, I rely on your candor to adopt such measures as may appear best calculated to place the whole subject before it in a true light. It is important that the effort which the President is now making to adjust our differences with Spain should have the desired result; and it is presumable that a correct knowledge of the conduct of the United States, in these circumstances, would promote it.

I have the honor to be, &c.

JAMES MONROE.

Copy of a letter from Mr. Dick, attorney of the United States for the district of Louisiana, to Mr. Monroe, enclosed to Mr. Onis in the Secretary of State's letter of June 10, 1816.

SIR: NEW ORLEANS, *March* 1, 1816.

I have just had an opportunity of perusing the letters of the Chevalier de Onis, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, addressed to you under dates of the 30th of December and the 2d of January. As these letters dwell largely upon transactions affecting the neutrality of the United States, which are said to have occurred, and to be still occurring here, and as they charge the public authorities of this city with giving, in the face of the President's proclamation of the 1st of September last, protection and support to the enemies of His Catholic Majesty, I think it not improper to address you in relation to these charges.

It is affirmed by the Chevalier de Onis, "and it is," says he, "universally public and notorious, that a factious band of insurgents and incendiaries continue with impunity, in the province of Louisiana, and especially in New Orleans and Natchitoches, the uninterrupted system of raising and arming troops to light the flame of revolution in the kingdom of New Spain. All Louisiana," he continues, "has witnessed these armaments, the public enlistments, the transportation of arms, the junction of the insurgents, and their hostile and warlike march from the territory of this republic against the possessions of a friendly and neighboring Power."

No troops at present are, or at any former period were, openly raised, armed, or enlisted, at Natchitoches, or at New Orleans, or at any other point within the State of Louisiana. Arms have been transported from this place, by sea and otherwise, as objects of merchandise, and probably have been disposed of to some of the revolutionary Governments of New Spain. It has not been supposed here that there was any law of the United States, any provision by treaty, or any principle of national law, that prohibits this species of commerce. It was considered that the purchasing and exporting, by way of merchandise, of articles termed contraband, were free alike to both belligerants; and that, if our citizens engaged in it, they would be abandoned to the penalties which the laws of war authorize.

What is said, too, about the junction of the insurgents, and their hostile and warlike march from the territory of the United States against the possessions of Spain, is unfounded. In the summer of the year 1812, a band of adventurers, without organization, and apparently without any definite object, made an incursion into the province of Texas, as far as San Antonio, by the way of Nacogdoches. No doubt many of the persons belonging to this party passed by the way of Natchitoches, but separately, in no kind of military array, and under such circumstances as to preclude the interference of the civil or military authorities of the United States, or of the State of Louisiana.

What could be effected in this respect was done; twice in the years 1811–'12, parties of adventurers, who had assembled between the Rio Hondo and the Sabine, (the neutral territory,) were dispersed by the garrison of Natchitoches, their huts demolished, and their whole establishment broken up.

The party that marched upon San Antonio assembled to the west of the Sabine, beyond the operation of our laws, and from thence carried on their operations. So far from troops, upon this occasion, assembling at different points, forming a junction within the territories of the United States, and marching thence, I am assured, by various and most respectable authorities, that, although it was generally understood at Natchitoches that some enterprise was on foot, it was extraordinary to see two of the persons supposed to be engaged in it together. The officer commanding at that time the United States troops at Natchitoches (Major Wolstoncraft) offered his services to the civil authorities in aid of the laws, and to preserve inviolate the neutrality which they enforce.

In consequence, several individuals found with arms were arrested; they alleged that they were hunters; and there being no evidence to the contrary, or rather no proof of their being engaged in any illegal undertaking, they were, of course, discharged. So well satisfied, indeed, were the Spanish authorities of the adjoining province that neither our Government nor its agents gave succors or countenance to this expedition, that, during the time they knew it to be organized, or organizing, they applied to the garrison at Natchitoches for an escort to bring in some specie, which was immediately granted.

Toledo, who, at the time of its defeat, commanded the party that penetrated to San Antonio, came to this city in the autumn of 1814, when he was immediately arrested, and recognised to answer, at the succeeding term of the federal court, to a charge of setting on foot, within the territory of the United States, a military expedition or enterprise, to be carried on from thence against the territories or dominions of the King of Spain; six months having passed, and no testimony whatever appearing against him, his recognizance was delivered up.

After the discomfiture of the party under Toledo, no enterprise destined to aid the revolutionists of New Spain appears to have been set on foot from the vicinity of the United States, until late in the summer of last year, when it was rumored that a party, under a person of the name of Perry, was forming for that purpose somewhere on the western coast of Louisiana. Upon the first intimation that this enterprise was meditated, steps were taken here to frustrate it. Nothing occurred to justify prosecutions or arrests; a large quantity of arms, however, supposed to be intended for this party, were seized on the river, and detained at the custom-house for several months; and Commodore Patterson, commanding naval officer on this station, instructed the officers under his command, cruising in the neighborhood of the suspected place of rendezvous, (Belleisle, at the mouth of Bayou Teche,) to ascertain the truth of the rumors in circulation, and, if verified, to use the force under their respective commands in dispersing the persons assembled, and in frustrating their illegal intentions. In obedience to these orders, the coast, as far as the Sabine, was examined, and no persons discovered. It is now ascertained that Perry, Humbert, and their followers, inconsiderable in number, passed separately through Attakapas, and assembled about two leagues to the west of the Sabine. Thence they embarked for some place on the coast of Mexico, were wrecked, dispersed, and their plans, whatever they were, totally defeated.

I have, in the foregoing detail, sir, given, partly from information entitled to perfect confidence, and partly from my own knowledge, a brief and hurried outline of two fruitless attempts of a handful of restless and uninfluential individuals, stimulated by the desire of aiding the cause of Mexican independence, or that of bettering their own fortunes. These are the only military enterprises against the dominions of the Spanish Crown that have

drawn any portion of their aid or support from Louisiana: in both, the mass of adventurers was composed of Spaniards, Frenchmen, and Italians. I need not say that these enterprises, whether in aid of the revolutionists or merely predatory, were not only feeble and insignificant, but that they were formed under circumstances which forbid a surmise of their being sanctioned or connived at. Every man acquainted with the state of public feeling throughout the southern and western sections of the United States knows that had our Government but manifested the slightest disposition to sanction enterprises in aid of the revolutionists of New Spain, the condition of these provinces would not at this day be doubtful.

It is said that troops have been recently enlisted, and that expeditions have been preparing, or are prepared, in this city to invade the dominions of Spain. The enlisting of men and the preparing of enterprises, or the means for enterprises, of the kind spoken of, cannot be accomplished without means, or be carried on in the midst of a populous city in solitude and silence. Yet it is known, in the first place, that neither Mr. Toledo nor Mr. Herrera had or have pecuniary means for such purposes; and, in the second, so far as negative proof can go, or so far as the absence of one thing implies another, it is most certain that no enlistments have taken place, and that no expeditions, or the means of expeditions, have been prepared or are preparing here.

A regard to truth makes it necessary to say that what is alleged respecting the arming and fitting out of vessels within the waters of Louisiana, to be employed in the service of the revolutionary Governments against the subjects or property of the King of Spain, is unfounded. At no period since the commencement of the struggle between the Spanish colonies and the mother country have vessels, to be employed in the service of the colonies, been permitted to fit out and arm, or to augment their force at New Orleans, or elsewhere within the State of Louisiana.

On the contrary, it is notorious that to no one point of duty have the civil and military authorities of the United States directed more strenuously, or, it is believed, more successfully, their attention, than to the discovering and suppression of all attempts to violate the laws in these respects. Attempts to violate them by fitting out and arming, and by augmenting the force of vessels, have no doubt been frequent, but certainly in no instance successful, except where conducted under circumstances of concealment that eluded discovery and almost suspicion, or where carried on at some remote point of the coast beyond the reach of detection or discovery. In every instance where it was known that these illegal acts were attempting, or where it was afterwards discovered that they had been committed, the persons engaged, as far as they were known, have been prosecuted, while the vessels fitted out, or attempted to be fitted out, have been seized and libelled, under the act of the 5th of June, 1794; and when captures have been made by vessels thus fitted out and armed, or in which their force was augmented or increased within our waters, where the property taken was brought within our jurisdiction, or even found upon the high seas by our cruisers, and brought in, it has been restored to the original Spanish owners, and, in some instances, damages awarded against the captors.

An enumeration of the cases in which individuals have been prosecuted for infringing, or attempting to infringe, our neutrality, in aid of the Governments of New Spain, and in which vessels have been seized and libelled, under the act of the 5th June, 1794, together with a list of the vessels and property restored to the original Spanish owners, (confining the whole to the operations of the year commencing March, 1815, and ending February, 1816,) will show more conclusively, perhaps, than any thing else can, how totally without foundation are the complaints of Spain on this head.

The names of individuals presented in the district court of the United States for the Louisiana district, during the year 1815, *for violating, or attempting to violate, the neutrality of the United States, in aid of the Governments of the United Provinces of New Granada and of the United Provinces of Mexico.*

José Alvarez de Toledo,
Julius Cæsar Amazoni,
Vincent Gambie,
John Robinson,
Romain Very,
Pierre Sœmeson,
Bernard Bourdin.

List of vessels libelled for illegal outfits, in aid of the same Governments, during the same period.

Brig Flora Americana, restored.
Schooner Presidente, condemned.
Schooner Petit Milan, condemned.
Schooner General Bolivar, discontinued.
Schooner Eugenia, alias Indiana, condemned.
Schooner Two Brothers, restored.

Enumeration of vessels and property brought within the Louisiana district, captured under the flags and by the authority of the Governments of New Granada and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground that the capturing vessels had been fitted out and armed, or had their force augmented, within the waters of the United States.

1. Schooner Cometa, restored April, 1815.
2. Schooner Dorada, proceeds restored 16th May, 1815, $3,050.
3. Schooner Amiable Maria, proceeds restored 16th May, 1815, $3,850.
4. Schooner Experimento, restored 3d August.
5. The polacre brig De Regla and cargo, proceeds restored 18th December, 1815, $19,209 50.
6. Schooner Alerta and cargo, being the proceeds of the capture of about eighteen small vessels, restored 18th December, 1815, $62,150 05.

Damages awarded to the original owners against the captors in the two foregoing cases, $55,272 97.

7. The cargo of the schooner Petit Milan, restored February, 1816, $2,444 31.
8. The cargo of the schooner Presidente, February 1, 1816, $10,931 15.
9. Schooner Sankita and cargo, restored February 1, 1816, $37,962 94.

The preceding account of Spanish property restored to the original proprietors, after being in possession of the enemies of Spain, is defective, inasmuch as it does not comprehend the whole of the cases of restoration that have taken place within the period to which the detail is confined; the very hasty manner in which I have made this enumeration did not admit of a more accurate statement. The principal cases, however, are included in it. In several other cases, where the property was claimed for the original Spanish owners, the claims were dismissed, because it did not appear that any violation of our neutrality had taken place.

The capturing vessels were not armed, nor was their force augmented within our jurisdiction; nor had the captures been made within a marine league of our shore. The principles that guided the decisions of the court, as well in restoring the property captured, where our neutral means had been used, as in declining all interference where that was not the case, manifest, I think, a disposition to, and an exercise of, the most rigid neutrality between the parties.

I have the honor to be, &c.

JOHN DICK.

From the Secretary of State to George W. Erving.

SIR: DEPARTMENT OF STATE, *March* 11, 1816.

You will set out in discharge of the duties of your mission to Spain as soon after the receipt of this letter as circumstances will permit. Our relations with that country are, from many causes, becoming daily more and more interesting. They will require your assiduous and zealous attention as soon as you are recognised by the Spanish Government.

The restoration of the diplomatic intercourse between the two countries, long interrupted by causes well known to you, presents a favorable opportunity for the settlement of every difference with that Power. The President has already manifested his sincere desire to take advantage of it for that purpose, and hopes that the Spanish Government cherishes a similar disposition.

The primary causes of difference proceeded from spoliations on their commerce, for which Spain is held responsible, the justice of which she admitted by a convention; and from the refusal of the Spanish Government to settle on just principles the boundaries of Louisiana, and to compensate, on like principles, for the injuries arising from the suppression of the deposite at New Orleans in the breach of the treaty of 1795. The grounds of these differences have been so often discussed, and the justice of our claims so completely established in the instructions herstofore given, and in communications with the Spanish Government, that it is thought unnecessary to enter into them in this letter. Other injuries have likewise been since received from Spain, particularly in the late war with Great Britain, to which it may be proper for you to advert. I shall transmit to you, herewith, such papers relating to our claims in every instance, as will place their merits in a just light.

In a conversation with Mr. Onis, shortly after the late correspondence with him, he intimated that his Government was sincerely desirous of settling these differences, and that it might be willing to cede its claim to territory on the eastern side of the Mississippi, in satisfaction of claims, and in exchange for territory on the western side. He expressed also a desire that the negotiation might take place at Madrid, rather than in this city. It was expected that he had been already furnished with full powers to negotiate such a treaty, and it would be more agreeable to conclude it here if he had such powers, or might soon procure them, provided there was any ground to hope an early termination of it. But, from the experience we have already had, it may be fairly apprehended that a negotiation here would lead to very extraordinary delays, which it is wished to avoid.

The President will soon decide on the whole subject; after which, you shall be duly instructed of the course to be pursued, and of the measures to be taken. These instructions shall be forwarded to you at Madrid by Mr. Henry B. Smith.

Extract of a letter from the Secretary of State to George W. Erving.

SIR: DEPARTMENT OF STATE, *May* 30, 1816.

To enable you to make the experiment on which the President has again decided to settle our differences with Spain, I enclose a letter of instruction, which, being shown to the Spanish Government, will be your authority for the purpose.

As the justice of the claims of the United States in every instance has been fully established in former discussions, the documents relating to which are in your possession, I shall not enter into the subject in that view. It can hardly be presumed that the Spanish Government, after what has passed, will be desirous of resuming this discussion. Should such a disposition be manifested, those documents will enable you to place the subject in a proper light. I shall proceed, therefore, to state the conditions on which the settlement may now be made.

The United States complained, in 1805, of injuries from Spain—

1st. By spoliations on their commerce;

2d. By the suppression of the deposite at New Orleans; and,

3d. By the refusal of the Spanish Government to settle the boundaries of Louisiana on just principles.

Of spoliations there were two classes: the first consisted of seizures made of American vessels by Spanish cruisers; the second, of seizures of other of our vessels by French cruisers, who carried them into Spanish ports, where they were condemned by French consuls. For the first class, provision was made by a convention between the two Governments at Madrid, bearing date on the 11th of August, 1802, which the Spanish Government afterwards refused to ratify. For the second, no provision was ever made, though the claim was specially reserved in that convention. The suppression of the deposite at New Orleans was in direct violation of an article of the treaty of 1795. By the cession of Louisiana the United States claim (and, as they think, have proved by a clear title) all the territory lying between the Perdido, on the eastern side of the Mississippi, to the Rio Bravo, on the western. They well know that France would have claimed to the same extent had she not made the cession; though, as the French Government declined defining the boundaries by the treaty, as was desired, no appeal was made to it by this Government, or thought proper afterwards respecting them.

Extract of a letter from Mr. Erving to the Secretary of State, dated

MADRID, *August* 29, 1816.

Mr. Henry B. Smith arrived at Cadiz on the 26th of July, and at Madrid on the 10th instant; by him I received your letters of May 30 and 31, the new cipher, the special power to negotiate, and the other papers therein referred to. It was after duly deliberating on those and the several instructions which had preceded them, that I formed my first note to Mr. Cevallos; this was sent to him on the 26th instant, a copy of it (No. 6) is herewith submitted.

No. 6.

Mr. Erving to Mr. Cevallos.

SIR: MADRID, *August* 26, 1816.

The President is sincerely desirous of establishing the relations of amity between the United States and Spain on a solid basis, and that every obstacle to a permanent good understanding between the two countries should be removed by arrangements honorable and advantageous to both; he does not doubt of finding corre-

sponding dispositions on the part of His Catholic Majesty, therefore has readily acceded to the particular wishes of His Majesty by receiving Mr. Onis, and, in the same friendly confidence, has ordered me to repair to this court.

I am specially instructed to discuss and to settle with your excellency all the ancient causes of misunderstanding, as well as the questions growing out of recent occurrences, which are of a character unfavorable to the object in view. It is desirable that no matter of future contention or jealousy should remain to put at hazard or to interrupt the good intelligence which the United States are always disposed to maintain with Spain, and to all the advantages of which His Majesty's Government cannot but be wholly sensible.

In transactions where the parties enter with such dispositions and such motives to accord, a frank exposition of all the grounds of complaint is at once the most just and the most judicious course; for to suppress or to smother any of them in condescension to temporary considerations, is but to leave the seeds of future discord, and to substitute palliatives and expedients for satisfactory and solid arrangements.

It is proper, therefore, that I should state distinctly all the points on which the United States seek for redress and indemnity, commencing with those claims which have heretofore been the subject of unsuccessful negotiation. I am well persuaded that the whole can now be settled in a manner satisfactory to both parties, and without reviving whatever animosities they may have originally given rise to.

In the present exposition I may also forbear to enter into the details of the principal subjects to which it refers; because these have, for the most part, in some form or other, been already brought to the view of the Spanish Government; and because your excellency, in particular, has the most perfect knowledge of them.

The first point to which I must call your attention is, the claim of my Government for compensation to its citizens on account of the ravages committed on their commerce previous to the year 1802; this is an object which the United States never have, and never can, lose sight of; indeed, the justice of the claim has already been admitted by the Spanish Government in a convention negotiated and signed by your excellency on the 11th August, 1802. The United States still expect that this claim shall be adjusted upon principles of law and equity, which cannot be called into question by His Majesty's Government.

In the same manner, the United States expect that compensation will be made for all the injuries done to their commerce, under the authority of the Spanish Government, or within its jurisdiction, previous to the date of said convention, not embraced by it, and the claim for which was specially reserved by that convention, as well as for all similar injuries subsequent to its date.

The suppression of the deposite at New Orleans in the year 1802, violating the treaty of 1795, forms another claim of great importance.

Causes of misunderstanding, of a later date, and of another character, accumulated principally during the war between the United States and Great Britain. These were of so unfriendly, and, in many cases, of so violent a nature, as to threaten an immediate and serious rupture between the United States and Spain; but, happily, the pacific policy which has uniformly characterized the conduct of the United States towards Spain was still upheld by considerations highly honorable to the moral character of the American Government—considerations growing out of the then unhappy domestic state of the peninsula, and the miseries and disorders to which a most unjust foreign invasion had made it a prey; the American Government always trusting that Spain, on the re-establishment of its national independence, and the restoration of regular government and tranquillity, would readily attend to the just demands of the United States, and cheerfully embrace their conciliatory proposals.

It will suffice for the present that I mention but succinctly the principal matters above adverted to. These are:

1st. The encouragement which was given by the Spanish authorities in East Florida to the Indian tribes in Georgia, and generally on the southern frontier, to make war on the United States.

2d. The aid given to them in that war.

3d. The aid afforded to Great Britain, by permitting supplies to be sent through East Florida to the Indian tribes; and afterwards by allowing her to establish a place of arms in that province, for the purpose of encouraging and supporting the Indians in their savage war.

These acts were evident and very important violations of the neutrality which Spain was bound to observe between the belligerants.

Her duties as a neutral Power were altogether lost sight of when the United States frigate "Essex" was attacked in the bay of Valparaiso.

The seizure of American property and the imprisonment of American citizens, in various modes and under various pretexts, both in the peninsula and in the colonies, afforded unequivocal indications of an unfriendly temper. Several of these acts may hereafter require special representations on my part; my present object is to bring them generally to your view. The President relies upon the just sense which His Majesty must entertain of the important crisis in our affairs which such events are of a nature to produce for the adoption of a policy congenial to the interests of both countries; and the President persuades himself that the same just and amicable disposition will be prompt in affording the satisfaction required for the injuries complained of, and that thus a state of lasting peace and friendly intercourse may be secured between two countries whose relative situations and interests render that state so peculiarly desirable.

Finally, the questions respecting boundaries, which have heretofore been supposed to offer some obstacles to a settlement of other differences, the American Government considers as susceptible of amicable adjustment; and I am instructed to treat with your excellency on that subject.

I have the honor to be, &c.

G. W. ERVING.

Extract of a letter from Mr. Erving to the Secretary of State, dated

SEPTEMBER 22, 1816.

I wrote to Mr. Cevallos, on the 13th instant, a note (of which the enclosed paper No. 2 is a copy) inviting his attention to my note of August 26th; and, on the 14th instant, I again waited on that minister, for the purpose of again urging him to reply to my said note. He made the same excuses for his delay as he had before made.

On the 15th instant I received from Mr. Cevallos a note of the same date; a copy of it (No. 3) is herewith enclosed: I also submit to you (No. 4) a copy of my reply, of the 19th instant, to that note.

You will observe, sir, that, under the circumstances of the sudden and unexpected determination of the King, as communicated by Mr. Cevallos, I thought it indispensably necessary (and my reasons will, I presume, be obvious to you) that my answer should include all that passed of importance in my intermediate conference with that minister. I sought the interview for the purpose of obtaining promptly explanations which, in the ordinary course of correspondence, might not have been given for months; of ascertaining, as nearly as might be, the real views of this

Government in the measure adopted, and, as far as possible, of fixing Mr. Cevallos in a direct and loyal course; in fine, of forcing our business on, by one mode or another, to a conclusion of some sort. Indeed, it was impossible for me to do any thing more than merely acknowledge the receipt of the note, and to transmit it in course to my Government, unless I could learn whether the measure which it proposed was or was not likely to be acceptable to you; for I have not seen your note of June 10th, to which Mr. Cevallos refers: and as the words of his note, "que el citado Don Luis *estuviese* autorizado para negociar," are altogether equivocal, and may receive either a past or future construction, I did not feel confident that you had really invited Mr. Onis to send for powers. Thus, I could not but be apprehensive that the object of this Government in the measure proposed was merely to relieve itself from pressure here to gain time, and indefinitely to procrastinate the settlement of our differences; and this suspicion was strengthened by many collateral considerations.

You will perceive, sir, that Mr. Cevallos says, in his note, that "correspondent orders" *have been sent* to Mr. Onis; by which I must understand orders corresponding to the intention of the King to satisfy the President, by conforming to the desire expressed in your note to Mr. Onis, which must be understood to mean full powers; and yet, in conversation, he allowed that such powers had not been sent, and accepted of my proposal to transmit them. However, this apparent discrepance may have been mere inadvertency; he may have intended duplicates of his powers. I resort to this supposition, because I have just now been informed, through another channel, that "*full powers*" have been sent to Mr. Onis. How the fact may be, you will be able to ascertain by the date of the powers. If the powers have been sent, (unless, indeed, very lately,) it is surprising that Mr. Cevallos did not earlier communicate the measure to me.

The observations which I made to Mr. Cevallos as to my own powers to negotiate, and my proposal of a special commission—these were intended rather to test his sincerity than to alter his professed plan. I said only what, under circumstances, it had been extraordinary to have omitted. My earnestness naturally resulted from the position in which I was placed by the proposed measure; but I refrained from pushing to the extent of which they were susceptible what might be considered as my own pretensions; for, independent of the doubt in which I was as to the real intention of your note to Mr. Onis, or, that out of question, of what might best suit the views of Government, my own decided opinion was that the negotiation might be carried on to much greater advantage, and brought to a conclusion much more expeditiously at Washington than here; not only because it would be in much abler hands than my own, but because Mr. Onis is there in a situation to see and to feel, with infinitely more force than Mr. Cevallos can in the midst of all his distractions here, the real importance, nay, absolute necessity, of a speedy adjustment of our differences. Certainly what fell from the minister tended to strengthen that opinion; and it has been still further confirmed in a subsequent conversation. On the 21st instant, having reason to believe that he did not intend to reply to any part of my note of the 19th, I immediately called on him. I found, in fact, that, the measure which he had announced to me having been definitively determined on by the King, he considered any further correspondence on the matter as altogether superfluous; indeed, that he had but the most superficial, if any, acquaintance with the contents of that note. I then read to him a copy of it; and, having urged all the reasons which induced me to wish for his answer, he finally consented to give it. I now wait for that answer.

[Referred to in the preceding.]

No. 2.

SIR: MADRID, *September* 13, 1816.

It is my indispensable duty again to invite your excellency's attention to my note of August 26th. The importance and the urgency of the matters of which it treats will, I am persuaded, sufficiently explain my earnestness on this occasion; and I most ardently desire that the determinations of His Majesty upon it may correspond to the just expectations of the American Government, and lead to the establishment of lasting peace and harmony between the two countries.

I renew to your excellency the assurances of my very distinguished consideration.

GEORGE W. ERVING.

To His Excellency Don PEDRO CEVALLOS, *First Minister of State, &c.*

[Referred to in Mr. Erving's letter of September 22.]

No. 3.

Copy of a letter from Mr. Cevallos to Mr. Erving.

MUY SEÑOR MIO: Habiendo dado cuenta al Rey de una nota que con fecha de 10 de Junio ultimo paso, Mr. Monroe á Don Luis de Onis, en la que mostraba deseaba aquel Gobierno que el citado Don Luis estuviese autorizado para negociar con el, ha venido Su Magestad en acceder á ello por complacer al señor Presidente, y he pasado las correspondientes ordenes al referido Onis para que inmediatamente entre en negociacion con Mr. Monroe y emplee quantos medios esten á su alcanze para asegurar una paz y buena inteligencia solidas y duraderas entre las dos naciones.

Me repito á la disposicion de VS. y ruego á Dios guarde su vida muchos años. Palacio, 15 de Septiembre, 1816.

B. L. M. de VS. su mas ato. y sego. servidor,

PEDRO CEVALLOS.

Señor Don JORGE IRVING, &c.

[TRANSLATION.]

SIR: SEPTEMBER 15, 1816.

Having laid before the King a note under date of the 10th June last, addressed by Mr. Monroe to Don Luis de Onis, in which he manifests the desire of his Government that Mr. Onis should be authorized to negotiate with him, His Majesty has acceded to it to gratify the President, and I have given the correspondent orders to the said Onis, to the end that he may immediately enter into negotiation with Mr. Monroe, and employ all the means which are within his reach to secure a solid and durable peace, and good intelligence between the two nations.

I renew, &c.

PEDRO CEVALLOS.

[Referred to in Mr. Erving's letter of September 22.]

No. 4.

Copy of a letter from Mr. Erving to Mr. Cevallos.

SIR: MADRID, *September* 19, 1816.

By your excellency's communication of the 15th instant, I learn that a note of Mr. Monroe, Secretary of State of the United States, under date of June 10, addressed to Don Luis de Onis, in which note the desire of the American Government is expressed that the said Don Luis should be authorized to negotiate with it, having been taken into consideration by the King, His Majesty, with a view of conforming to the wishes of the President, has acceded to the desire expressed in said note, and *that you have sent the correspondent orders to Don Luis, to the end that he may immediately enter into a negotiation with Mr. Monroe.*

I received this your excellency's important communication on the day of its date, but, before finally acknowledging the receipt of it, thought proper to seek, in an interview with you, such explanations as it seemed to require; for that purpose I waited on you on Tuesday, the 17th instant. I predicated what I then said to you on the supposition that the American Government might not have expressed a particular desire to change the seat of the negotiation, but that the Secretary of State, in the note of June 10, referred to by your excellency, had but renewed the expression of his regret that Mr. Onis should continue to urge matters of complaint on which he had not such full powers to negotiate as he was understood to be in possession of previous to his reception by the President.

As I have the competent authority of my Government to treat; am in possession of all the documents necessary to be referred to in whatever discussions may arise; as your excellency is perfectly versed in all the questions which exist between the two Governments: for these reasons, it appeared to me that an arrangement might be made here, at Madrid, more expeditiously than at Washington. I stated expressly to you that I could, in no case, be under a necessity of referring to my Government for further instructions, requesting, at the same time, to know whether it was His Majesty's intention to place Mr. Onis in a position equally favorable to a speedy adjustment of our differences. I concluded by excusing the warmth with which I pressed the subject, assuring you that I was very far from seeking any personal gratification in this matter of high public interest, but that I looked only to the desired result; and that if this could be obtained more promptly by transferring the negotiation to Washington than by pursuing it here, I should sincerely rejoice at the transfer.

In reply to these observations, I understood your excellency to state that, owing to your being actually charged with the business of three ministries, besides the direction of the posts, and to the variety of other occupations incidental to your high employ, it was impossible for you to give the time to the affairs to be discussed which would be necessary to a satisfactory and speedy arrangement of them; that Mr. Onis was also fully acquainted with those affairs, and was in possession of all the documents relating to them; and though you could not say but that it might be necessary for that minister to consult with his Government, yet even the loss of three months' time on such an occasion would not prolong the negotiations to the extent which the unavoidable delays here would carry them to.

These reasons, urged by your excellency for transferring the seat of negotiation to Washington, induced me to propose that His Majesty would appoint a special minister or a commission to treat with me. I understood your excellency to reply that, as such minister or commission would be entirely uninformed, and would have every thing to learn on the matters to be discussed, and hence the continual necessity of referring to you, this mode could in nowise expedite the result.

On my asking your excellency if full powers and instructions had been already sent to Mr. Onis, I understood you to say that they had not.

I then informed you that, after replying to your communication of the 15th instant, I should prepare to send a gentleman of my legation to the United States with my despatches; and I offered his services to be at the same time bearer of your despatches to Don Luis de Onis; which offer you were pleased to accept.

If I may have made any mistake in this statement of the substance of what passed in the interview which I had the honor of having with your excellency on Tuesday, the 17th instant, I beg that your excellency will be so obliging as to correct it.

I have further to request that you will be pleased to inform we whether it is your intention to reply to my notes of 26th August and 13th September, or whether I am to consider your communication of the 15th instant as superseding the necessity of any special reply to those notes.

I have to request, also, that your excellency would enable me to inform my Government whether it is His Majesty's intention to send "*full powers*" to Don Luis de Onis to treat upon *all* the matters in question between the two countries, and whether the instructions to be sent to him will embrace *all* the points adverted to in my abovementioned note of August 26.

As soon as possible after I shall be honored with your reply to this note, I shall send a messenger to my Government; he shall wait, however, to be at the same time the bearer of your despatches to Mr. Onis.

I renew to your excellency assurances of my very distinguished consideration.

GEO. W. ERVING.

To His Excellency Don PEDRO CEVALLOS, *First Minister of State, &c.*

Extract of a letter from Mr. Erving to the Secretary of State, dated

MADRID, *September* 27, 1816.

You will perceive, sir, by my last communications, that there is now very little probability that I shall have occasion to use the ample documents with which I have been furnished. Whatever complaints this Government may have to make, those originating in Mr. Onis's reports will of course be sent back to him, to bring weight into his negotiations. It is equally probable that he may be instructed to answer at Washington to whatever representations I may find it my duty to make here; for it is now perfectly evident that a principal motive with Mr. Cevallos in removing the negotiation to Washington has been to get rid altogether of the weight and trouble of it here, and of whatever belongs to, or may any how be comprised in it. I hope that this was his only motive.

I see with satisfaction that your note of June 10 to Mr. Onis does not admit of any other construction than that which I conjecturally gave to it in my conversation with Mr. Cevallos. It is very evident, too, by Mr. Onis's reply of July 3d, that he has not misunderstood you. After this, is it to be imagined that Mr. Cevallos has fallen into a misconception? Certainly not. I presume, then, sir, that you will approve of my determination not to make any attempt to alter his plan, and that you will agree with me in opinion that the only chance of accommodation with this Government is by negotiation at Washington.

Extract of a letter from Mr. Erving to the Secretary of State, dated

October 8, 1816.

In my despatch No. 18 I mentioned that Mr. Cevallos, in conversation on the 21st of September, had promised to answer my note to him of September 19th. He was afterwards for several days so wholly occupied with the marriage ceremonies, that not the least attention to any other kind of business could be expected; but these terminated on the 3d instant. I wrote to him unofficially a note, of which the enclosed paper (No. 1) is a copy; and on the 5th I again waited on him to press him for the answer which he had promised. On this occasion I observed to him that since, by his note of the 15th September, he had not assigned any sufficient motives for the determination of His Majesty to transfer the negotiations to Washington, it had been incumbent on me to ascertain what they might be, and to submit them to my Government.

It was with this intent that I had sought the interview of September 17th, and had stated the substance of our conversation in my note to him of the 19th, which, with his reply, would be sufficient for my purpose; that, without explanation, the mere notification of His Majesty's determination, contained in his excellency's note, would have a very extraordinary appearance, to say the least: my Government had sent me with powers and instructions to negotiate; I had opened the matters to be treated on, and waited several weeks for an answer, when I was told His Majesty had determined to empower Mr. Onis. Under such circumstances, must it not be concluded either that the Spanish Government by this measure sought to avoid or to delay an arrangement, or that it had some personal objection to myself? Hence the necessity of an explanation. Mr. Cevallos answered that the motives to the measure were what he had before assigned, and that I must not allow myself to imagine that either the King or himself had the least personal objection to me; on the contrary, it would give him (Mr. Cevallos) peculiar pleasure to settle the business with me, if it were possible for him to attend to it; finally, that since I considered it important that my note should be answered, I should have the answer forthwith.

Yesterday, the 7th, I received the note of the same date, of which the enclosed paper (No. 2) is a copy. In this you will observe, sir, that Mr. Cevallos speaks of "*full powers*" to Mr. Onis, and the object in sending them to be the more *expeditious termination* of existing questions. In conversation, Mr. Cevallos told me that the instructions to Mr. Onis would comprise *all* the matters mentioned in my note of August 26th, but he has not thought proper, in this last communication, to reply specially to the question put on that subject in my note of the 19th ultimo; indeed, it was impossible for him to answer that note, and say less than he has done; he seems to have written merely to get rid of importunity, by tranquillizing what he supposes to be my personal apprehensions.

My despatches Nos. 18, 19, and 20, will accompany this, as well as those of the Spanish Government for Mr. Onis, which are to be ready within a few days. Considering the peculiar importance of these communications, I have concluded to send them by Mr. Brent to the port of Bordeaux, from whence it seems to be more probable that a speedy conveyance for the United States will be found than either from Cadiz or Lisbon. Mr. Brent will proceed to the United States, if he should find a suitable vessel bound home. On account of the lateness of the season, I have thought it right to leave this point to his own discretion, instructing him, however, to make the voyage, (in whatever vessel,) unless he should find at Bordeaux some American going to the United States, under whose care he shall consider the despatches to be as perfectly secure as under his own.

I beg leave, on this occasion, to express to you my particular satisfaction with the services of Mr. Brent, who unites in his character all the qualities which make a man of business and a valuable public officer.

No. 2.

Copy of a letter from Mr. Cevallos to Mr. Erving.

Muy Señor Mio:

En contestacion á la nota de VS. de 19 del pasado, debo decirle que la determinacion del Rey, de que se remita un pleno poder á Don Luis de Onis, procede del deseo de terminar mas pronto las contestaciones pendientes, sin que en esto haya intervenido la menor personalidad.

Me repito á la disposicion de VS. y ruego á Dios guarde su vida muchos años. Palacio, 7 de Octubre, 1816.

B. L. M. de VS. su mas ato. y sego. servidor,

PEDRO CEVALLOS.

Sr. Don Jorge Erving, &c.

[translation.]

Sir:

In answer to your note of the 19th of the last month, I have to say to you, that the determination of the King that a full power should be sent to Don Luis de Onis proceeds from the desire of sooner terminating the pending disputes, and that it is unconnected with any personal considerations.

I renew to you, &c.

PEDRO CEVALLOS.

Copy of a letter from the Secretary of State to the Chevalier de Onis, dated

Sir:

Department of State, *January* 14, 1817.

Having understood in our late conference that you would not agree to an arrangement by which Spain should cede her claims to territory eastward of the Mississippi, unless the United States ceded their claims to all the territory westward of that river, and that even then your agreement would be restricted to a recommendation to your Government to adopt an arrangement to that effect, it is deemed unnecessary to make you any further proposition, or to prolong the negotiation on the subject of limits.

I have now to request that you will have the goodness to inform me whether you are willing to enter into a convention to provide compensation for spoliations, and for the injury resulting to the United States from the suppression of the deposite at New Orleans.

I have the honor to be, &c.

JAMES MONROE.

[TRANSLATION.]

Mr. Onis to the Secretary of State.

SIR: JANUARY 16, 1817.

I have received your official letter of the 14th instant, in which you are pleased to make known to me that, having understood in our last conference that I would not accede to an arrangement by which Spain should cede her pretensions to the territory east of the Mississippi if the United States did not relinquish theirs to the west of that river, and that even in this case my accession would be limited to recommending to my Government the adoption of this project, it appeared to you useless to make me more propositions to prolong the negotiation on the subject of limits between the two Governments; and you only desire to know if I am disposed to sign a convention to provide compensation for the injuries occasioned to the United States by the cruisers of His Majesty in the late war, and for those which resulted to the United States from the suppression of the deposite at New Orleans.

In answer to this letter, you will permit me to observe, that in the conference referred to I had the honor to exhibit to you the full powers of my sovereign, in which he authorizes me to negotiate, adjust, and sign a treaty or convention with the United States, in which should be arranged not only the indemnities due to the subjects and citizens of both nations for the injuries they had suffered from the last war between His Majesty and Great Britain to the present, in contravention of the law of nations and the existing treaty between the two Powers, but also to fix the respective limits to the satisfaction of both. The intention of His Majesty (and in this I believe the two Governments agree) is not confined to a partial arrangement, which might leave in existence the disagreements which have unhappily arisen between them from the effect of circumstances. His Majesty, fully convinced that no treaty or convention can be durable unless it is founded in equality and mutual convenience, has particularly directed me that, keeping in mind the reciprocal, political, and commercial interests which unite the two nations, I should so adjust the definitive arrangement with the person whom the President should authorize to that effect, that no controversy could ever again arise between them.

I cannot conceal from you that to arrive at this end it is indispensable to begin by amicably discussing and agreeing upon the rights of each of the two Powers, and that the result of this discussion is what ought to guide us in arranging the indemnities and fixing the limits which may be just and mutually convenient to the two nations. You had the goodness to say to me that this method had been adopted by you and Mr. Cevallos, and that, if we renewed it, precious time would be lost without our being able to agree. In such a dilemma, and anxious to contribute on my part to accelerate the negotiation, I took the liberty to propose to you the only other method which appeared to me to exist, besides the one which I have just mentioned, to arrange these differences, which is this: that the two Powers, throwing off all idea of aggrandizement, and sacrificing resentments and complaints of little importance, should proceed with good faith to fix limits between them which should be mutually convenient, which should not be liable to controversy, or be unknown to or violated by the respective subjects of each.

You did me the honor to applaud a proposition so frank and liberal, as dictated by equity and good faith, and made known to me with the same frankness that the United States desired to unite to its dominions all the territories which belong to Spain to the east of the Mississippi; and that for them they would offer to Spain those which were between the Rio del Norte and the Colorado. But as not only these lands, but all those which lie between the Colorado and Cape North, drawing a line by the river Mermento or Mermentao towards the Presidio of Adais, and from thence by the Arroyo Onda towards Natchitoches, are a part of the province of Texas, belonging to, and in the uninterrupted possession of, His Majesty, without there having been in relation thereto any dispute between France and Spain, (that dispute being solely as to Natchitoches, which fort the French raised unjustly in the territory of His Catholic Majesty,) it results that this proposition not only does not offer compensation to His Majesty for West and East Florida, whose cession the United States intimate would be very agreeable to them, but it involves the relinquishment of the property and possession which His Majesty has of the territory in the province of Texas, which lies between the Colorado and the vicinity of Natchitoches.

To propositions so distant from the equality and reciprocal convenience in which we have agreed to treat these affairs, I answered, that as the powers of His Majesty had been hastily sent to me by Mr. Cevallos, to take advantage of the departure of Mr. Brent, I have not received express instructions touching the entire cession of the two Floridas which the United States wished; and although they prove to me the desire of His Majesty to accommodate them in all arrangements which may be compatible with his interests, I saw myself obliged to wait for instructions on this point, of so much the greater importance, as it relates to the cession by His Majesty to the United States of the port of Pensacola, which was the key of the Gulf of Mexico, the best port of that gulf, and which was the more necessary to His Majesty for the security of his possessions; but that, in the mean time, if you should propose to me, on the part of this Government, to make the Mississippi the frontier, I should see in that proposition a disposition on the part of the United States to offer some equivalent, and I would recommend it to the consideration of His Majesty as a fixed and stable limit to assure the peace and tranquillity of the two nations.

I hope that you will recognise in this exposition the sincerity and ingenuousness with which I proceed, and that you will, on a view of it, adopt, of the two modes proposed for setting on foot the negotiation, that which will be most agreeable to the United States. The first, that is to say, that of discussing and agreeing upon the reciprocal rights and pretensions of the two nations, is the safest, and that which ought to conduct us with the greatest precision to the indemnities and to the establishment of limits between them; since nothing is more easy than that, each point of justice being agreed upon, the equivalent to it should be arranged upon principles of equality and reciprocal convenience. The second is shorter, but it requires a relinquishment of all views of aggrandizement on both sides; and that each Government, adopting as a basis the *uti possidetis*, either of the year 1792, which is the one fixed on by the allied courts in the general pacification for the recognition of the right of property in their possessions, or that of the year 1763, after the conclusion of the treaty of peace between Spain, France, and England, (in which treaty the limits of their provinces were fixed, and the two Floridas were separated, the East from Spain, and the West from France, by transferring them in full sovereignty to England,) may come to a just and friendly understanding, so as to do away these disagreements, I am ready to discuss with you in the first mode just referred to. I am also ready to treat with you by adopting the second; and I flatter myself that I shall in either case give you proofs that I will not depart from what is due to justice, equity, and the mutual convenience of the two nations.

I renew to you, &c. LUIS DE ONIS.

Copy of a letter from the Secretary of State to the Chevalier de Onis.

SIR: DEPARTMENT OF STATE, *January* 25, 1817.

I have had the honor to receive your letter of the 16th, in reply to mine of the 14th of this month.

It having been the invariable desire of the United States to settle all differences with Spain on just and fair conditions, it is seen with much regret that a similar disposition is not manifested on the part of your Government.

Finding by your letter that I had distinctly understood the views of your Government as explained by you in our late conference, and stated in my last letter, and perceiving also that you still adhere to those views, which, being altogether inconsistent with the rights of the United States, are inadmissible, I have to repeat that this Government has no motive to continue the negotiation on the subject of boundaries.

In making this frank declaration, I cannot avoid expressing my surprise that you should now find it necessary to refer again to your Government for instructions on any part of this subject. These differences have long existed, and as far back as 1805 were fully discussed, as you readily admitted, in every circumstance appertaining to or connected with them, in a special mission to Madrid for the purpose. It was hoped and expected, on the restoration of the diplomatic intercourse between the two nations, that you would have been invested with full power to settle them; and it was in accord with your views, when this was found not to be the case, that the requisite authority was given to the minister plenipotentiary of the United States at Madrid. It could not have been doubted, as your Government had not authorized its minister here to bring these controversies to a conclusion, that the minister of the United States would have been promptly met in his offers to effect it at Madrid. I need not repeat to you the great disappointment which the President felt, when, after the lapse of so much time, he was informed that an expression of regret in my letter to you of the 10th of June, at the delay resulting from your want of powers, and from the necessity of transferring the negotiation to Madrid, had been misconstrued into a desire that it should be transferred again to the United States. On examining, however, the tenor of your commission, and the communications between Mr. Erving and Mr. Cevallos, both of which seemed to contemplate a prompt conclusion of the business here, the idea now brought forward in your letter, of a further resort to your Government for other instructions, was surely the last to enter into the anticipations of this Government.

It is proper to add, that I understood you to concur in our late conference, fully with me in the sentiments that any further discussion of subjects, which had been already so often discussed and completely exhausted, would be useless, since it could not be presumed that any change of opinion on any point would take place on either side. Each party understands its rights, and has, doubtless, made up its mind as to the conditions it is willing to adopt. To those suggested by you as being worthy the consideration of your Government, this Government cannot agree.

Under these circumstances, I have again to request that you will do me the honor to inform me whether you are willing to conclude a convention to provide indemnity for spoliations, and the suppression of the deposite at New Orleans, as mentioned in my last letter.

I have the honor to be, &c.

JAMES MONROE.

[TRANSLATION.]

Mr. Onis to the Secretary of State.

SIR: FEBRUARY 10, 1817.

I have received the official letter which you did me the honor to address to me, under the date of the 25th of last month, stating that, notwithstanding the desire the President had to adjust all differences between Spain and the United States on just conditions, and to their mutual convenience, it was seen, with great regret, that a like disposition was not manifested on the part of Spain.

You support this opinion on the ground that I adhere to the same sentiments which my Government manifested in former times; and also that the President, seeing the powers with which His Majesty had been pleased to honor me, could not comprehend why I should think it necessary to recur to my sovereign to obtain new instructions. You will permit me to observe, that the number of privateers armed in the ports of this country, to cruise under an unknown flag against Spanish commerce, have obstructed in such a manner the communications between the peninsula and these States, that the accidental circumstance of Mr. Brent's having taken charge of the duplicates of His Majesty's powers has alone obtained for me the receipt of them, and that I am even yet without the originals; with which, doubtless, His Majesty sent me instructions, and communicated to me his reasons for transferring the negotiation here. I can assure you that I am entirely ignorant of what has passed in Madrid between Mr. Erving and Mr. Cevallos, and that I am not less so of the motives which have induced His Majesty to transfer the discussion here, notwithstanding I had informed him that I had myself proposed to you that authority and instructions should be given to Mr. Erving in relation to it, it being clear to me that His Majesty desired nothing with more anxiety than to see an affair terminated, which must be the precursor of the reciprocal intimacy which should be established between the two Governments for the mutual benefit of their respective subjects and citizens.

If I might be permitted to conjecture the motives which have induced His Majesty to transfer the negotiation here, I believe I should not mistake in designating, as the principal one of them, the knowledge His Majesty has of your talents, of your justice, (*justificacion,*) and of the conciliatory disposition which you manifested in your conferences with Mr. Cevallos to concur in the settlement of these discussions; and, as the second, this: that, in the moment of the arrival of the Queen, his august spouse, and of the festivities incident to this happy event, His Majesty could not give the attention which was requisite to these affairs, which he considered of the first importance. You are too just not to appreciate these motives, and not to see in them nothing but a new proof of the anxiety of His Majesty to avoid all delay or inactivity. The President, informed by you of these motives, will, I flatter myself, form the same opinion, and see the necessity of my waiting for the necessary instructions from my sovereign, before I subscribe to the points which ought to form the basis of this treaty. The short delay which may result from this will be amply compensated for, and with mutual advantage, if you would place me in a situation to inform my Government of the principal points on which the Government of the United States wish to see this negotiation turn. You know that as yet you have only made known to me, in our first conference, that if we were to go into a discussion of the rights of the two Powers, as was done by you and Mr. Cevallos, much time would be lost, and each of us would retain his opinion. You know that I agreed to this, but at the same time intimated that I saw no other more certain mode of accomplishing the object which the two Powers had in view, since it must be with a knowledge of the respective rights of each party that we ought to begin in fixing the indemnities and compensations which belonged to each on the principles of equity, justice, and convenience; and that the only way of avoiding this, and of shortening the negotiation, would be, that the two Powers, giving up all pretensions and all idea of rivalship or aggrandizement, should agree between themselves, in good faith, to fix their limits according to equity, justice, and mutual convenience, so that they should not be liable to be violated by the subjects of the one or the other, and in a way to avoid the renewal of the complaints which had given rise to misunderstandings. You approved an idea so liberal, so generous, and so demonstrative of the disposition of the King, my master, to accommodate the United States in whatever might be agreeable to them, if not incompatible with his interests; and, in consequence, you made known to me that the United States wished to unite to their dominions the two Floridas. As, in the former negotiations, the cession of West Florida to the Rio Perdido was

alone spoken of, and as His Majesty was ignorant of the new desires of this Government, I said to you that, although I did not positively know whether His Majesty would deprive himself of East Florida, and of the important port of Pensacola, which was the key of the Gulf of Mexico, yet the desire of His Majesty to gratify this Government was great, and that it was very probable he might agree to do it, provided that, on the part of the United States, there should be offered to him a just equivalent, and one of reciprocal convenience.

I leave it to your impartiality and justice, and to that of the whole world, to say if, on the part of His Majesty, a more positive proof is wanting of the interest which he takes in arranging these affairs in a friendly manner; and if I should not find myself more authorized to doubt of equal dispositions on the part of the United States, in consequence of the proposition which you made me, not only of not giving any thing in exchange for the two provinces, and the cessions of which the United States desire, but requiring that His Majesty should cede to them a part of another, which has been in the uninterrupted possession of His Majesty for more than two hundred years.

I am, nevertheless, very far from judging it thus. A firm and permanent arrangement of all points of difference is equally useful and necessary to both nations. It ought to fix the basis of the happiness of their respective subjects and citizens; and, to obtain this, it ought necessarily to be founded in justice, equity, and mutual convenience. His Majesty is disposed to conclude it on these terms; and he has too much confidence in the well-known rectitude of this administration to think that it could solicit it on other terms.

You are pleased also to inform me, in your esteemed note, that to the propositions which I have suggested as worthy of the consideration of my Government, that of the United States cannot agree; and that, abandoning the arrangement of limits, you desire only to know if I am disposed to sign a convention for settling the injury sustained by the American commerce, and for the suppression of the deposite at New Orleans.

As the propositions which I have made to you were confined solely to the leaving to your election whether we should treat by discussing and fixing in a friendly manner the respective rights of each Power, to the end that, having agreed to them, and the obligations of each upon the other being known, the compensation to which each may be entitled might be settled; or that, leaving things to remain in the state they were, we might agree in a friendly manner as to what would suit each, I cannot conceive that the United States should be of opinion that they cannot agree to any of these points.

I would offend my own delicacy if, after being assured by you that the United States were disposed to terminate all the differences which exist between the two nations by a treaty founded on justice, equity, and mutual convenience, I could believe that the United States would repel the only means which, in my opinion, exist to arrive at this end. I judge, then, that I have not explained myself with sufficient clearness, or that I have not well comprehended you; and I again renew my propositions in a plain, clear, and demonstrative manner, giving you an example which you cannot but find just.

Let us suppose (and it is a very proper supposition) that you and I are intimate friends; you have purchased an estate adjoining one of mine; (I do not now inquire whether you purchased it from a person who had a right to sell it or not—but you purchased it;) and, be it because some officious person said so, or because you thought so, you were of opinion that there was included in this purchase a part of my estate, which I worked, took care of, and possessed. As soon as you had made this purchase, and observed that possession was not given you of the land I worked, and which you believed to belong to you, you asked me to give it up to you. I observed to you that it was mine; that the land which you had purchased had also belonged to me formerly; that I had ceded it to him who had sold it such as he had delivered it, and in no greater extent; and that, consequently, he could not transfer to you more than I had given to him. You and I refer to the seller, and he tells us that he never sold the land to you which you require, and never obtained it from me, nor had an intention of acquiring it. Notwithstanding this declaration, which is decisive and irrevocable, I, from motives of friendship for you, and to do away all doubt on the point, propose to you that we should discuss the affair in a friendly manner, and assure you that, if you present to me unquestionable documents to prove that it belongs to you, I am ready to give it up. I ask you, dispassionately, if this proposition could be considered as inadmissible? I go further. I, who am anxious to accommodate you, because you are my friend and a good neighbor, knowing that you desire to get part of my territory to round out yours, and to facilitate the exportation of your produce, as there is a navigable river passing through it, carry my friendship and condescension so far as to say to you that we will agree between ourselves, by a friendly investigation, what belongs to each; and, this being settled, I am ready to cede to you the lands you desire for an equivalent founded in equity, justice, and reciprocal convenience, fixing the limits between us in such a way that our servants should not engage us in quarrels and contests, as, it being our desire to live in the greatest harmony, we were equally interested in avoiding every subject of difference. Will you say to me that these friendly propositions are inadmissible? I believe not. Such, then, neither more nor less, are those which I have suggested to you in my former official note, and renew to you by this, hoping that, taking them into serious consideration, you will view them as just, equitable, and even generous.

You cannot but know that the convention you propose, limited to the indemnification for injuries done to the American commerce by the cruisers and tribunals of Spain, and by the suppression of the deposite at New Orleans, will not accomplish fully the object which the two nations propose to themselves, of extinguishing all disagreements. Nevertheless, to give another proof of the deference of His Majesty to the wishes of this republic, I agree to enter into negotiation with you on these two points, and to conclude a convention as to them, in which shall be embraced the just reclamations which His Majesty shall produce against this Government, and the various arrangements he desires to place in it for the encouragement of the commerce between the two nations, and to avoid injuries such as those which, from the want of explicitness in the last treaty, have been experienced by the respective subjects of both. I will add more, and it is, that the first point to which you refer being founded in the treaty which exists between the two nations, I will subscribe to it without difficulty; and as to the second, it is of so small an amount, that if I do not succeed in demonstrating to you that these injuries have not existed, or that they are much exaggerated, and that the United States have already admitted that they were satisfied for them, I will have no difficulty even as to them. I ought, likewise, to observe to you that it will be easy to include in this same convention or treaty a provisional arrangement of limits, without detaining us to fix them with exactitude. If the United States do not desire to make an essential change in the established limits fixed by the treaties of 1763, 1764, 1783, 1795, and 1800, and that this arrangement should only apply to the uncultivated lands to the north of the Missouri, the boundaries of which were never settled between France and Spain, this question might be left for commissioners named by each party, and their decision might be considered as part of the convention; but, in any case, the most efficient method of concluding these affairs will be, that you should have the goodness to say to me, with frankness, what are the real views of the United States, what are the real and true compensations they are disposed to offer for the country they desire to obtain from His Majesty. You may be assured that I will support, earnestly, proposals that are just and reciprocally convenient, and that, on the return of the courier, I shall be able to sign, under the powers I now have, a treaty mutually satisfactory to both parties, we, in the mean time, agreeing upon all the articles of minor considerations. You cannot but know that the instructions ought to be adapted to the greater or lesser ter-

ritory of His Majesty, which the United States may desire to add to their dominions; and that, if they desire none, little difficulty can occur on the subject of indemnities between two Powers animated by conciliatory and just sentiments.

I renew to you my respects, &c.

LUIS DE ONIS.

Copy of a letter from the Secretary of State to the Chevalier de Onis.

DEPARTMENT OF STATE, *February* 20, 1817.

SIR:

I have had the honor to receive your letter of the 10th instant.

From full consideration of the contents of this letter, it appears that, although you expect instructions at an early date to negotiate and conclude a treaty for the adjustment of all differences between the United States and Spain, which you manifest a desire to accomplish, you do not consider yourself authorized to do so on any one point at this time. I will thank you to state whether I have understood correctly the idea which you intended to convey. In case I have, I have only to remark that, although the delay is particularly to be regretted, it is not perceived that any advantage can be derived from entering into the negotiation before you have received your instructions.

I have the honor to be, &c.

JAMES MONROE.

Translation of a letter from the Chevalier de Onis to the Secretary of State.

WASHINGTON, *February* 21, 1817.

SIR:

In the official letter which you did me the honor to direct to me yesterday, you state that you had taken into consideration the contents of mine of the 10th instant; and, confining yourself to one point only out of many on which it touches, of the greatest importance, as I think, to the interests of both nations, you say that if you had correctly understood the meaning of my letter, at the same time that I manifest a desire to conclude a treaty for the adjustment of all the differences existing between Spain and the United States, I do not consider myself authorized to do so until I receive the instructions from my sovereign, of which I am in daily expectation. You ask me if this is the true idea which I had wished to give you, and add that, if it is, although we must both lament the delay, it is not perceived that any advantage can be derived from entering into the negotiation until I receive my instructions.

In my note above mentioned, I made known to you, with the candor and sincerity which characterize me, the causes to which I attributed the delay in receiving the instructions consequent on the powers which His Majesty had given me; and I do not doubt that the President will have found them as just as the reasons I stated to you, demonstrating that a partial negotiation, which did not embrace all the points of disagreement between the two nations, cannot accomplish the one or the other—which is to get clear of these disagreements, and to take care that they are not renewed in future. The treaty in question ought to provide for the just reclamations of the subjects and citizens of the respective parties; in it the limits between the two Powers should be fixed agreeably to their respective rights, to equality, to justice, and reciprocal convenience. Finally, it ought to comprehend different stipulations analogous to the new state of relations of intimacy which is about to be established between the two Governments for the greater encouragement of their reciprocal commerce. You know that all these points have so intimate a connexion with each other that it is not easy to separate them; and, on the other hand, they are of such importance that I consider it necessary to wait the arrival of my instructions before I conclude definitively a treaty involving affairs of such magnitude. Nevertheless, as we cannot but feel this delay very sensibly, which most probably will be short, anxious on my part to lessen it so far as depended on me, I have suggested to you that we might begin to discuss the points of least importance, to the end of having the work in a state of forwardness when the instructions should arrive; but since you prefer waiting for their arrival, I will agree to what you may resolve on, persuaded that you do not take less interest than I do in fixing the relations of amity between the two countries on a footing the most solid and durable.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

PHILADELPHIA, *July* 9, 1817.

SIR:

I am under the necessity of calling your attention, and that of the President, to what has occurred at Baltimore, in relation to the two privateers or pirates which have lately entered the bay of Chesapeake, and now are within the proper limits of the State of Maryland; the one commanded by Captain Taylor, and the other by Captain Stafford. It is notorious that these privateers, manned and armed in the ports of the Union, sailed on a cruise against the Spanish commerce, and have returned to the waters of Maryland with a part of the plunder and booty they have taken on board of Spanish and Portuguese vessels.

For the due conviction of this outrage, the necessary orders or warrants were sent, at the request of the consul of His Catholic Majesty in Baltimore, to the marshal of that city, to proceed to the arrest of the aforesaid privateers, and for its execution a gun-boat was granted by the collector of the customs. All this, however, was in vain; the marshal gave no effect to the orders issued for this arrest; and His Majesty's consul, seeing that eight days had passed without the marshal taking a single step to fulfil the orders he was charged with, called upon him, and claimed their execution; upon which he replied, categorically, "that he was unwilling to proceed to the arrest of the said privateers, because it was not his duty to execute it, except they had entered the port of Baltimore; but by no means in the bay, although within the district of the State." The consul lately applied to the district attorney, complaining of this conduct; and he acknowledged that indeed it was very extraordinary, but he took no steps to remedy it, or to enforce the observance of the laws of the United States in a case of so scandalous an example. These facts speak for themselves, and the mere statement of them is sufficient to make you and the President thoroughly sensible of the monstrous consequences which the irregular conduct of this marshal may lead to. It is perfectly evident that the public treaty between Spain and the United States, and the late act of Congress, sanctioned as a general law for the more strict observance of the neutrality of the same States with foreign Powers, are scandalously trampled under foot in Maryland; and that the marshal, by formally disobeying the lawful authority of the State, and that of the General Government of the Union, protected the hostilities and piracies carried on

against the trade of a nation in a state of peace and amity with the United States. I cannot, therefore, do less than to remonstrate in the name of the King, my master, against so manifest a violation of the neutrality of this republic, of its laws, and of the treaty existing between the two Powers; and to request that you will be pleased to obtain of the President the most prompt and effectual orders to cause the marshal of Baltimore to do his duty, and all requisite justice to the subjects of His Majesty.

It is my duty, also, to call your attention and that of the President to the conduct of the adventurer, Sir Gregor McGregor, who, since he was in arms with the bands of insurgents in the province of Venezuela, has come to these States, and been constantly engaged in enterprises to invade or disturb the tranquillity of His Catholic Majesty's possessions in that part of the world. He lately recruited in Charleston a great number of adventurers, and among them several persons of note, viz: one Rouse, son of a colonel of that name, an inhabitant of that city; one Champion, who was a commissary in the service of the United States in the late war, and storekeeper of ordnance; one Heath, a lawyer of the same place; and many others whose names I pass over. He purchased, under a borrowed name, a brig of considerable burden, which he despatched with passengers to New Orleans on the 19th of last month; and on the following day he went on to Savannah in the stage, according to common report, to recruit more people. His subsequent proceedings and hostile preparations in the bosom of this Union, against the possessions of the Spanish monarchy, are notorious, and announced with a scandalous publicity in many papers of these States. I hope, then, that you and the President will apply the energy of your zeal for good order and the observance of the public laws, by restraining these excesses and vexations, which compromit the neutrality which the President has proposed to preserve in the dispute subsisting between the King, my master, and some of his provinces in rebellion, and render null, as you may imagine, the security in which the Government of His Catholic Majesty rests, in a reliance on the safeguard of the said laws, and on that of the general principles of public good faith, which serve as the basis of the tranquillity and friendly intercourse between the nations and governments of the world.

I renew, &c.

LUIS DE ONIS.

Mr. Pizarro to Mr. Erving.

SIR: PALACE, *July* 16, 1817.

Since the happy restoration of His Majesty to the throne of his august progenitor, one of his principal objects has been to establish, upon solid foundations, his political relations with the several Powers friendly to Spain, by removing whatever obstacles were of a nature to affect their future good understanding.

From the beginning, the state of affairs between Spain and the United States called His Majesty's attention; and as soon, during the last year, as reciprocal organs of communication were established by the recognition of their respective ministers, the King announced his desire of making evident the right of each Power on the different points of existing reclamations.

In your note of August 26th of the last year, addressed to my predecessor, you also manifested that you were equally disposed to enter into the discussion in behalf of your Government, and to conclude a treaty honorable and satisfactory to both parties, to which end you intimated that you were authorized by ample powers and instructions; but as the various questions depending between the two Governments, and the incidents of later years, which had complicated them, formed a total of objects which appeared to require a prolix examination, His Majesty thought that this might be made between his minister plenipotentiary at Washington and the American Secretary of State, with more despatch than in Madrid, where the Government of His Majesty found itself at the time surrounded with a multitude of pressing engagements, arising from the necessity of re-establishing the order subverted by foreign invasion, and by the very extraordinary means which had been adopted to repel it with success.

The minister of the King in Washington was perfectly acquainted with all that had happened of late years; he knew to the foundation all the rights of Spain upon each of the depending questions; he was aware how well disposed was the mind of His Majesty to attend to the reclamations of the American Government, which might be founded on justice, and even to accede to those in which he might voluntarily please the United States without injury to his vassals or to the rights of his crown. It was, therefore, thought right to authorize him with full powers, and to make him aware that, after entering into an examination and discussion corresponding to the tenor of what he knew respecting the rights of Spain, he should proceed to an adjustment, taking for a basis the demonstrated right of each party upon each of the points discussed.

But it appears that the Government of the United States has deemed it to be superfluous to enter into an ulterior discussion of said points, after that which had taken place at a former period; and it appears also to have intimated its desire of an arrangement or conclusion upon the whole, jointly, of the respective pretensions, in which, without losing sight of the foundation of each, considerations of mutual convenience should be equally attended to, and to fix the basis of an order which could not be easily changed in future.

For this kind of arrangement, by way of conclusion, the minister of His Majesty thought that competent instructions were wanting to him; and in fact he was in need of those which were much more detailed than those he already had, since they were intended to terminate the business, taking for a basis only the examination and knowledge of the rights of each in the different objects which the negotiation embraces.

Soliciting more ample instructions, the minister has sent to Madrid the secretary of his legation, Don Luis Noeli, and His Majesty has ordered that they be prepared and arranged with all possible despatch. But as in this course, which it is desired to give to the negotiation, it is perhaps possible that you and I can arrive more readily at a result, seeing what you state in your notes of 26th August and 19th September upon the business, my desire to do whatever may contribute to a satisfactory termination induces me to ask you to please to explain whether you continue authorized to enter into conference with me, and even to conclude an arrangement on the matter; for, in this case, without failing to send to His Majesty's minister at Washington suitable instructions, which the said secretary of legation will carry, we can also occupy ourselves in the same business, and perhaps arrive at a definitive arrangement with more promptitude than the minister of His Majesty at Washington, who, by some occurrence or proposition made to him, not foreseen in the instructions, may be put to the necessity of again consulting His Majesty, and thus creating delay, which cannot happen with me, who have the honor to receive daily the orders of the King.

If you feel yourself authorized to this effect, our progress in this business may be substantially the same as indicated in your note of the 26th August; for though, in the projected arrangement, we take for our guide considerations of reciprocal convenience, and the desire to avoid the reproduction of motives of disagreement for the future, a consideration of the respective rights of our Governments in the questions depending can never be lost sight of, as you also indicate in your said note; to the end that the sacrifice or relinquishment which each may think it proper to make should be correspondent and proportionate to what he may exact from the other in return.

If we shall succeed in forming the arrangement which we desire to conclude, *in a perfect knowledge of the right of each, modified by considerations of reciprocal utility*, it cannot be but firm and durable, and consolidate a good understanding between the two nations, both of which are interested in preserving it.

I profit of this occasion to renew to you assurances of my high consideration, and pray God, &c.

JOSE PIZARRO.

Mr. Erving to Don José Pizarro.

MADRID, *July* 19, 1817.

SIR:

I had yesterday the honor to receive your excellency's note of the 16th instant.

Adverting to a late correspondence between the Secretary of State of the United States and the Chevalier de Onis, minister plenipotentiary of His Majesty, your excellency seems to conclude that the American Government hath declined to enter into an "*ulterior discussion*" of the several points of difference which present themselves for adjustment between the two countries, and to have intimated a wish to make an arrangement founded upon an aggregate view of their respective pretensions, in which, without forgetting the principles on which the right of each reposes, a due regard should be observed to considerations of mutual convenience.

For this class of arrangement you allow that Mr. Onis had not sufficient instructions; those which he had authorizing the termination of a negotiation only upon the basis of an examination and recognition of the rights of each party on each of the several objects which the negotiation should embrace.

But it appears, from the correspondence adverted to, not only that Mr. Onis did not conceive himself to be authorized to negotiate and sign a treaty of the kind indicated, but that he was not empowered to negotiate and settle a convention on any separate object; for, by the Secretary of State's letter to him of January 4th, he was expressly invited to enter into such arrangement respecting two important points.

In fine, it distinctly appears that Mr. Onis found himself empowered to discuss every point, but not to conclude on any one separately, or on the whole in mass. This certainly did not accord with the just expectations of my Government, founded upon the declarations of Mr. Cevallos, when he transferred the negotiation to Washington.

But I refrain from dwelling more particularly on this matter, and pass to that part of your excellency's note which contains a proposal for arranging our differences here.

With a view to the most speedy termination of these differences, you propose that, without suspending or delaying the instructions which are to be sent to Mr. Onis, we now enter upon the negotiation; and you ask me whether I feel authorized to confer with you on the matter and to conclude an arrangement. Instructed of the invariable desire of the President to regulate by treaty all the grounds of difference which have unhappily so long subsisted between the two countries, and to establish their relations of peace on the most solid and permanent basis; and being also well persuaded of the sincerity and conciliatory disposition which dictate this proposal on the part of your excellency, it is my duty to promote the object of it as far as may be in my power; and I do not hesitate to explain myself to you on this head with the utmost frankness.

The powers and instructions which I received from my Government, as announced in my letter to Mr. Cevallos of August 26, 1816, have not been revoked; but your excellency understands perfectly well the situation in which I am placed as regards these, by the refusal of your predecessor to treat here, and by the powers which he sent to Mr. Onis. You will clearly perceive that I cannot do or consent to any act which may have the least tendency to retard, in the smallest degree, the arrangement so much desired; consequently, that I ought to avoid entering into regular discussions on the several subjects of my note of August 26th—discussions which must needs occupy a great deal of time, and consequently delay the departure of Mr. Noeli; for I presume that it cannot be within your plan that he should depart pending such discussions, and thus produce all the difficulties, embarrassments, and interminable delays of a double negotiation.

Connected with this is another consideration of major importance. Your excellency is fully aware that the transfer of the negotiations from Madrid to Washington, in the last year, had the appearance of an unnecessary procrastination, and that the subsequent discovery of the insufficiency of Mr. Onis's instructions might even seem to justify the reproach of its being a studied one. Now, the retransfer of the negotiations to Madrid, unless we are perfectly certain that they will terminate favorably, will, as far as it may tend to create further delay, necessarily have the same effect in augmented force. I am confident that such a course is neither in the policy nor character of your excellency; it is necessary, however, for me to pronounce myself explicitly on these points.

The Secretary of State of the United States, in his letter to Mr. Onis of January 25th, has observed that Mr. Onis "had agreed with him that any further discussion of subjects which had been so often discussed and completely exhausted would be useless, since it could not be presumed that any change of opinion on any point could take place on either side. Each party understands its rights, and has doubtless made up its mind as to the conditions which it is willing to adopt."

Within the rule, therefore, which this paragraph points to, I am disposed to act. I presume your excellency's plan to be substantially the same, and your proposal to have been suggested by and founded on that which you understand the Secretary of State of the United States to have made to Mr. Onis; indeed, you have expressed yourself on both of them in nearly the same terms.

Thus, when His Majesty's cabinet shall have determined on the instructions to be given to Mr. Onis, it will have determined on the conditions on which the treaty shall be made; then, if your excellency will offer to me the basis of an adjustment, I will say instantly whether I can or cannot accede to it, or will propose to you such modifications of it as my instructions may require, and His Majesty's Government may find to be admissible.

In these transactions we shall, as your excellency has well observed, take for our guide considerations of reciprocal convenience, each of us keeping in view the rights of our respective Governments. These being perfectly understood by both of us, and no discussion being necessary to fix our knowledge of them, we shall avoid reproducing the motives of disagreement to which you allude; and by this knowledge we shall also regulate the concessions which either may be disposed to make.

Thus we may terminate instantly, and in perfect harmony, all causes of present complaint and all grounds of future misunderstanding, and, in a manner satisfactory to both Governments, lay a secure foundation for those friendly relations which they are equally desirous to maintain.

I renew to your excellency assurances of my very distinguished consideration.

GEORGE W. ERVING.

Mr. Pizarro to Mr. Erving.

SIR: PALACE, *July* 27, 1817.

I have received your esteemed note of the 19th instant, in which you are pleased to reply to mine of the 16th; and I observe by it that we are animated with equal sentiments and desires to see the different questions pending between our two Governments satisfactorily and honorably terminated. With these dispositions on either side, it will not be difficult for us to arrive at the desired arrangement, provided it is accompanied with a due impartiality of judgment on the matter produced by each of us in support of his rights and pretensions.

I allow that a *prolix discussion* on the points which have been heretofore agitated may be dispensed with, although subsequent circumstances have not failed considerably to change the state of the question; but I cannot persuade myself that it will be the shortest or the easiest method to present on either side a project of an arrangement of the whole, without a previous examination or conference, in which at least the points in question, and the actual state of them, should be ascertained and settled, and those on which we agree and those on which we disagree should be determined on, and a summary view given of the reasons and grounds of our diversity of opinion. This knowledge is the only rule by which we, our Governments, and the world, can determine upon the propriety or impropriety of the conditions of settlement which may be proposed to you, or of those which, on your part, you may judge proper to propose to me, if you do not conform to those offered by me.

This, I believe, was your mode of thinking, and appears also to have been the orders and instructions of your Government, when, in your note of the 26th August last, you were pleased to say to my predecessor, "I am specially instructed to discuss and to settle with your excellency all the ancient causes of misunderstanding, as well as the questions growing out of recent occurrences, which are of a character unfavorable to the object in view;" and in another part you add: "A frank exposition of all the grounds of complaint is at once the most just and most judicious course; for, to suppress or to smother any of them, in condescension to temporary considerations, is but to leave the seeds of future discord, and to substitute palliatives and expedients for satisfactory and solid arrangements."

Though the urgent occupations which at that time engaged the attention of the ministry did not allow of its entering with you into the desired discussion, yet His Majesty did not disapprove of the method and idea proposed by you; on the contrary, the very same served as a rule for the conduct prescribed to Don Luis de Onis, the seat of negotiation only being changed; that is, instead of its being carried on at Madrid between you and the Secretary of State of His Majesty, it was to be carried on at Washington between the Secretary of State there and the minister of the King.

Don Luis de Onis, to whom was prescribed the said conduct adequate to your proposition, could not but notice the considerable difference between what he had been thus advised of, and the manifestation which was forthwith made to him by that Government, *of its considering any discussion to be useless, since it was not to be presumed that either party would change its opinion;* and this circumstance has been one of the motives which has obliged him to solicit instructions more suited to the present dispositions manifested by that Government, as I had the honor to state to you in my note of the 16th instant.

I give due weight to what you are pleased to indicate to me relative to your situation after the occurrences which have intervened; but I also think that, animated with the same zeal for the *true interest* of our Governments, we may in a short time do much, and, without considerably retarding the departure of Don Luis Noeli, we may arrive at some conclusive result, or at least facilitate the conclusion of the negotiation.

In my opinion, the object would be promoted by a short discussion, in which we shall establish the points of controversy, and the respective grounds of them, before presenting any plan of arrangement; but if you think differently, I have no objection to make out a project of arrangement, though it will carry with it the inconvenience of not having been preceded by an examination of the solid foundations on which, I believe, I am able to support it; at the same time, the instructions which Don Luis Noeli is to carry to the minister, Onis, will be preparing; for the intention of His Majesty is, that no means or mode shall be neglected which may produce an arrangement, provided that the conditions of it be compatible with the interest of his vassals and the honor of his crown.

I renew to you, &c.

JOSÉ PIZARRO.

Mr. Erving to Mr. Pizarro.

SIR: MADRID, *July* 29, 1817.

I had the honor to receive yesterday evening your excellency's note of the 27th instant.

Respecting what is contained in my note of the 19th instant, in reply to the proposal which you were pleased to make to me in your note of the 16th instant, you observe, that though a prolix discussion of the several points in question between our two Governments may be avoided, yet that, previous to any project for the arrangement of them being presented, it might be well for us to enter into some examination, and come to some agreement upon each of them. You deem this mode to be necessary for the justification of our proceedings before our respective Governments, and you conclude that it is the one which I had in view in my note to your predecessor of August 26, 1816. You go on to remark, that though the urgent occupations of that minister at the time prevented his adopting my plan, yet the same was given for a rule of Mr. Onis's conduct in the negotiation then transferred to Washington; and that it was not till Mr. Onis found the Government of the United States indisposed to renew discussions on subjects which had been so completely exhausted, that he thought proper to send home for such further instructions as might enable him to treat in the mode proposed by the Secretary of State.

Your excellency will permit me to remind you that all the principal points put forward in my above-mentioned note to Mr. Cevallos had been most minutely and repeatedly examined and debated, and that one of them had been adjusted by a convention made here in the year 1802, during the ministry and through the agency of Mr. Cevallos himself; that, subsequently, viz: in the year 1805, Mr. Cevallos being still minister, the United States, with a desire of regulating by treaty all those questions, sent Mr. Monroe (late Secretary of State) as minister extraordinary to this court; and that, in the negotiations which then took place at Aranjuez, all that learning and ingenuity could produce was exhausted in controversy. Little remained then for me but to reproduce the subjects of complaint, and to support them, wherever they might be contested, by the ample materials which had been furnished by those who had gone before me. At the same time a reasonable hope, founded on the assurances of Mr. Onis, was entertained by my Government that the Spanish cabinet would readily consent to forego all irritating questions; the same sentiment was, therefore, expressed in my communication to Mr. Cevallos, and it had evidently a view to the prompt termination of the negotiation. As to the motives which may have induced Mr. Cevallos to decline negotiation, I am bound to consider as valid those which your excellency has offered. They are not, however, such as he thought proper to allege in his note to me of September 15, 1816. He founds his determination on a passage in Mr. Monroe's letter to Mr. Onis of June 10th; the very letter in which the Secretary of State, after

expressing his regret that Mr. Onis had not power to negotiate, informs him of my appointment for that purpose. How Mr. Cevallos could have construed this into a desire of the President to remove the negotiation to Washington, thus rendering useless the instruction which it was announced had just been given to me, I am wholly at a loss to conjecture; but certain it is that no other plea was offered for the very extraordinary measure then taken than His Majesty's desire to accede to the wishes of the President.

I understand your excellency to intimate that the plan of negotiation proposed by me to Mr. Cevallos having been approved by His Majesty, and given to Mr. Onis as a rule for his conduct, no change of policy or disposition in this Government is to be inferred from its removing the negotiation to Washington—that it was a mere change as to place, which is not important.

On this your excellency must allow me to observe that Mr. Onis himself, after he had received his powers, confessed, in a note of February 10th to the Secretary of State, that he was entirely ignorant of what had passed between Mr. Cevallos and me. If you will revert to the correspondence, you will find abundant proof that Mr. Onis was not placed in the situation which you have supposed.

In my note to Mr. Cevallos of August 26, 1816, I told him that I was "*specially instructed to discuss and to settle.*" In that of September 19th, that I could "*in no case be under the necessity of referring to my Government for future instructions,*" &c. I expressly asked the minister whether it was His Majesty's intention to place Mr. Onis "*in a position equally favorable to the speedy adjustment of our differences.*" Mr. Cevallos did not pretend that such was his intention; and, in fact, we find by Mr. Onis's correspondence in several places, but most distinctly in his letter of February 21st to the Secretary of State, that he had no instructions whatever. In that of February 10th, he even makes conjectures as to the mode in which they may have miscarried; in that same letter he also makes conjectures as to the motives which his Government may have had for transferring the negotiations to Washington. And thus, sir, it is also made evident that Mr. Onis has sent home for instructions, because he had them not; not because he has made any new discovery as to the views of the American Government with respect to the mode of conducting the negotiations.

Certainly, after all the discussions which had taken place upon all the points in contest between the two countries, it was no extravagant expectation in the Government of the United States that the Spanish Government was prepared for an arrangement, and that no more time was to be lost in reconsidering matters which had been so often considered. Yet, withal, in consenting, in the year 1816, to treat in this way with Mr. Onis himself on the great question of boundaries, the claims of the United States on that point are very particularly insisted on in the Secretary of State's letter to Mr. Onis of June 10th of the same year. I beg leave to call your excellency's attention to that letter. It was after that attempt to settle the point had failed, from the impossibility of coming to an agreement, created by the very extraordinary pretensions set up by Mr. Onis, and after he had declined to enter into any negotiation for the claims of the United States on account of spoliations and the suppression of the deposite at New Orleans, that the Secretary of State wrote to him the letter of January 25th, which your excellency has quoted; and even in that very letter he anew invites Mr. Onis to negotiate on the points mentioned in his preceding letter of January 14th.

Your excellency will see, then, that the American Government has never avoided discussion, when it might tend to any useful purpose, but that it has avoided all controversy which could produce nothing but irritation; and that it declined to continue to agitate these questions with Mr. Onis only when it saw that he had no authority to terminate them by an arrangement.

Had Mr. Cevallos made to me the proposal which your excellency now makes, I had readily accepted of it, and I presume that it might have led to a happy result; but, by the course which that minister took, I have been left in a situation of peculiar delicacy; and of this I perceive that you are fully aware. It is not in my power to treat these subjects now as I would have treated them at that time; this were to retransfer the negotiations to Madrid, the inconveniences of which I have pointed out in my note of the 19th instant; to this purpose my instructions are not competent. It is therefore that, though animated by the same conciliatory dispositions which are manifested by your excellency, and though equally anxious to contribute to the desired result, I have yet felt myself obliged to confine myself to the simple proposal contained in my last note.

You are now occupied in forming instructions to Mr. Onis, which, as you are pleased to explain, are to be calculated to enable that minister to conclude a treaty with the Government of the United States on principles of reciprocal accommodation, without renewing controversies with which both parties ought to be completely fatigued. That being so, it will be quite easy, as it appears to me, for your excellency to accede to my proposal.

Your instructions render discussions at Washington unnecessary; they cannot, then, be necessary here; they will contain, in effect, the terms of a treaty. The same may then be proposed here, with a view to saving of time, and to avoiding the possible delays pointed out in your note of the 16th. You will of course found your instructions on a thorough knowledge of antecedent discussions. I, on my part, am fully informed on the claims of my Government. You are also well acquainted with the extent of those claims, and of the ground on which they repose. I can have nothing new to offer to you on the subject. We bring into our communications a reciprocal spirit of conciliation ,and a mutual conviction that the questions in dispute are susceptible of an adjustment which will establish on a solid foundation the friendly relations between the two countries. Your excellency cannot fail to conform to the wishes of your sovereign, whose daily orders you have the advantage of receiving; and I, on my part, doubt not but that, in accepting an arrangement which shall secure the rights and honor of the United States, I shall meet with the approbation of my Government.

I renew to your excellency assurances, &c.

G. W. ERVING.

Don José Pizarro to Mr. Erving.

SIR: PALACE, *August* 17, 1817.

In answer to your esteemed note of the 29th ultimo, and to conform with your wishes, I shall proceed to present you in this letter with my ideas as to the plan of an arrangement which may at once terminate in a friendly way, with reciprocal utility, and without leaving seeds of discord for the future, all the questions pending between the two Governments. My desire to please you induces me to make it in this form, although I am persuaded that any method of proceeding is premature which deviates from that indicated in your letter of August 26th of the last year; and that the sure method of arriving at the arrangement desired is, as I had the honor to tell you in my note of the 16th June last, "to take for our guide the perfect knowledge of the right of each party, modified by considerations of reciprocal utility."

Allow me to observe, first of all, that what you are pleased to express in support of the mode of thinking of your Government, as to the points of discussion having been exhausted in the negotiation at Aranjuez in the year 1805, does not appear to me to be altogether well founded, for, since that epoch, so great is the mass of documents

and authentic and indisputable proofs, as well French as Spanish, which His Majesty has collected respecting the subjects of that discussion, and particularly relative to the western boundary of Louisiana, that I doubt whether there be a point which is susceptible of more exact and rigorous demonstration than the determination of the dividing line, which has separated (and separates) Louisiana from the province of Texas and the other Spanish possessions in that part of the continent, as I will have the honor to show you in the event of our entering particularly into the examination of this question.

On the other hand, as I have already intimated in my note of the 27th ultimo, and as you have previously acknowledged in yours of the 26th August, the circumstances that have occurred since the year 1805 have considerably altered the state of the question in nearly all the points of controversy.

To be convinced of this, it will suffice to reflect on the augmentation since that period of the claims for indemnity on account of losses, injuries, and harm suffered by the Government and subjects of the two countries in consequence of the excesses committed by individuals of both nations against the law of nations and the existing treaty. You, on your part, in your aforementioned note of the 26th August, indicate some of these, and I will not enter here into the details of those which His Majesty and Spanish subjects have to reclaim on their part, not only because this detail would be now inopportune, but because the claims on both sides are to be subjected to the examination and judgment of the mixed commission which may be established to decide on them.

Besides this, posterior to the year 1805, the extraordinary event has occurred of His Majesty's having been unexpectedly deprived, in the year 1810, during his captivity, of the pacific possession in which he was of that part of West Florida which is between the river Iberville, the lakes Maurepas, Pontchartrain, and Borgne, on the one side, and the river Perdido on the other. When the indisputable property of His Majesty in the said territory was demonstrated, it was proved that Spain did not acquire it of France in 1763; that she received it of England in 1783 by a solemn treaty; that it was not, and could not, be comprehended in the "*retrocession of Louisiana*" made to France in the year 1800; that the Government of France "*has declared so officially*," and in the most solemn manner, as well to Spain as to the United States; that the fifth article of the treaty of 1778 between France and the United States opposes itself expressly to the *acquisition by France* (though she had attempted it) of said territory from Spain in 1800; that the royal cedula of His Majesty, issued in Barcelona on the 15th October, 1802, for the delivery of Louisiana, (which royal cedula was in the hands of the French Government before the United States thought of acquiring the colony,) did not contemplate the delivery of territory east of the Mississippi other than that *of the* "*island of New Orleans.*"

To these grounds, which *have* established, and do establish, in the clearest manner, the property of His Majesty in the said territory, may be added those of his pacific possession without interruption. The delivery of Louisiana took place without the least idea having occurred to the French commissioners, who received it of His Majesty for the purpose of delivering it to the United States, of aspiring to the possession of the territory between the Iberville and the Perdido; Spain continued, in the years following the delivery, exercising over it all her authority, and the United States respected this possession. A certain custom-house regulation of the United States, in the year 1804, which seemed to contain some expressions susceptible of an equivocal meaning as to the rights of His Majesty in the territory of Mobile, was declaimed against on the part of the King, and the United States agreed to give a satisfactory and honorable explanation as to the said expressions. Whatever might be then, in that state of things, the pretension of right which might be formed against it, it did not appear to conform to the principles universally acknowledged to enforce that pretension* *by means of acts*, and, in truth, it was a painful duty for the faithful ministers of His Majesty, on his return from his captivity, to explain to him by what means and circumstances he had been deprived of the peaceful possession of the greater part of West Florida without war, or any stipulation which could authorize, having preceded it.

The King, attributing this extraordinary event to the circumstances, also extraordinary, of the epoch which had intervened, flattered himself that the United States would not defer placing things in the state which they were in at the time he left his dominions, and the invasion of the peninsula by Bonaparte. The glory, and even the interests of the United States, might equally incline them to this restitution, for a recent and costly experience has made the world see that there are no acquisitions of territory, however extensive, which can compensate the advantages to result from the reputation which those Governments acquire who regulate their operations by principles conservatory of order and justice.

With these ideas, the King directed his minister at Washington that, before he entered into the discussions which had remained pending, he should solicit the restoration of affairs in the state in which they were at the time of his absenting himself. This preliminary step appeared correspondent to the decorum of His Majesty, and the United States could not fail to acknowledge it to be so; it being very certain that the delicate honor of the American Government would not consent, in a similar case, to enter into other negotiations, finding itself inquieted in the pacific possession of even one mile of its acknowledged territory, without first soliciting and obtaining the due restoration.

Notwithstanding this, and that the answer of the Secretary of State, of 19th January, 1816, is far from containing the satisfaction and restoration which Spain had reason to expect, His Majesty, to give unequivocal proofs of his moderation, and of his friendly dispositions towards the United States, without renouncing, as he does in no way renounce, nor will renounce, unless in the case of some compromise, the right of property and possession which he has in the said territory, has judged fit not to insist on his demand for the present, in the hope that this point, though in its nature it ought to be preliminary, may enter into the general arrangement with the others; but your penetration will acknowledge readily that on this essential point, as in others, the state of the question is not what it was in the year 1805, new occurrences of such importance having taken place since that period.

You ought not, then, to be surprised that Don Luis de Onis, seeing himself in the necessity of omitting all discussion, as well on the points already discussed in the year 1805 as on the more recent occurrences, and invited to give his judgment on plans of adjustment presented by one or the other party, should believe that the instructions which he previously had were insufficient, and even the intimation *(aviso)* conformable to the contents of your note of 26th August, which was remitted to him with the powers; and that in this state he conceived himself without instructions to treat in the mode which, from the commencement, he knew would be agreeable to that Government: for, though you are pleased to say that it was by the note of the Secretary of State of 25th January that Señor Onis might observe that it was desired to avoid all further discussion, I observe, by the letters which I have from that minister, that on the 6th of January he received the powers of His Majesty, and that on the 10th of the same month he advises that the Secretary of State had already in verbal conference expressed his opinion that discussion was useless, and that he had desired proposals and plans of arrangement to be made out, which were already making out on the 12th.

But leaving aside these incidents, which will be settled by the transmission of competent instructions to Señor Onis, I go on to propose to you, as I have offered, the principal conditions of an arrangement which, in my opinion,

* *Vias do hecho* is French phraseology—*voie de faites.*

may terminate with reciprocal satisfaction the pending questions. Although these will be sufficient to explain my mode of thinking, you will probably notice that in some points they are diffuse, where I have thought it necessary to allude to the right from whence proceeds the proposal made; and that in other places they are succinct, where I have thought that details may be omitted for the present which it will be necessary to enter into afterwards, if it be agreed to put in form the transaction, to clothe it with the correspondent authority; in which case we shall draw it out by common consent in terms appropriate to our purpose.

Project of conditions or articles of arrangement.

1st. His Catholic Majesty and the United States, carrying into effect the convention which is pending since the year 1802, oblige themselves to the reciprocal indemnification of the losses, injuries, and prejudices produced to the Government or subjects of either country, in consequence of excesses committed by individuals of either nation against the law of nations or the existing treaty, comprehending in this reciprocal obligation, not only the epoch to which the said convention of 1802 refers, but also indemnities for posterior excesses of the same kind, committed by individuals of either nation, from such epoch till the day in which the present convention shall be settled and signed.

2d. To admit, to qualify, to judge, and definitively to decide on the reclamations of this kind which shall be presented, as well on the part of the Government and vassals of Spain as on the part of the Government and citizens of the United States, a commission of five members shall be created, of which two shall be freely nominated by the Government of the United States, and two in the same manner by the Government of His Catholic Majesty, and the fifth by mutual consent; and in case both Governments cannot agree on the person to be designated for fifth commissioner, one shall be named on each side, and the final election of one of these be decided by lot; but the two persons so named shall have the following qualifications: 1st. They shall be neither Spaniards nor citizens of the United States, either by birth or naturalization. 2d. They shall be, by their profession and actual occupation, judges, such as in maritime and commercial states are accustomed to examine and decide in matters of public law and maritime affairs, whether from France, England, Russia, Austria, or the Low Countries. 3d. The nomination of the person shall be accompanied with a certificate of the Government of the country to which he belongs, by which shall be accredited the opinion there entertained of his integrity and sufficiency, of his quality and actual employment of judge in the said matters, and with a certainty that he may have permission to discharge the duties of the commission in case the lot should fall on him.

In case the American Government shall prefer that the commission be composed of seven persons, then the fifth, sixth, and seventh shall be elected by the same method, and have the same qualifications as are indicated for the fifth in this article.

3d. The substance of the two preceding articles is taken almost literally from the convention drawn up in 1802, and from the same convention may be taken, strictly to the letter, all that is expressed in it respecting the rules which the commission is to observe from the moment of its installation till its dissolution, after the faithful and impartial discharge of its duty.

4th. His Catholic Majesty has no difficulty in consenting, also, that the same commission should decide on the reclamations arising from the losses said to have resulted from the suspension of the deposite at New Orleans, decreed by the Intendant of Louisiana in the year 1802, in the part of his decree which is reputed to be contrary to what is stipulated in the treaty of 1795, provided it is not desired to attribute to said suspension the prejudices produced by false rumors of a suspension in the navigation of the Mississippi, which never existed, and the rumors of an early rupture, which some bad intentioned persons delighted to propagate at that time, in the territory of the United States; for the bad effects and prejudices resulting from such false rumors can only be attributed to the authors of them.

5th. His Catholic Majesty having received from the Government of France, on different occasions, the *official and explicit declaration* that the injuries supposed to have been brought on the Government and citizens of the United States by the French corsairs, agents, and tribunals, on the coast of Spain, had been comprehended and settled with all others, in a convention made in 1800 between France and the United States, respecting the reclamations of the American Government, it follows, as well from this circumstance as from others which were previously manifested, that this point should be excluded altogether from the pending negotiations. But if the Government of the United States still insist in not considering itself satisfied for the said injuries, the natural course and order of the business appears to be, and has always been, that the American Government should apply on it to the Government of France, (to whose advantage, and to that of its subjects, the product of those depredations, if they existed, was converted;) and His Majesty, fulfilling on his part what is provided in this case by the sixth article of the treaty of 1795, obliges himself to *employ his efforts, in union with the United States, to reclaim and cause to be restored to the legitimate proprietors the value of the vessels and goods which were taken from them*, provided that these reclamations have not been extinguished by the said convention of 1800, as France has assured the Government of Spain in its repeated communications.

6th. His Catholic Majesty, master of Florida, East or West, in all the extension in which he received them from England by the treaty of 1783, and which they had in possession of Great Britain before said treaty, will be willing, for his part, to cede them with the same extension to the United States of America, in full property and perpetual sovereignty, provided that the United States are equally disposed, on their part, to cede in the same form to His Catholic Majesty that part of Louisiana which is situated to the west of the Mississippi, and is the territory which lies between said river and the well-known limit which now separates, and has separated Louisiana, when France possessed it before the year 1764, and even before the death of the King of Spain Charles II. from the Spanish province called Texas; so that, after these reciprocal cessions are verified, the course of the river Mississippi, from its source to where it discharges into the sea, will be the only limit of the dominions of His Catholic Majesty, and those of the United States; and though the King could wish that, in the most southern part of said river, where it opens different branches or channels before discharging itself into the sea, the separating line might be continued through the principal channel which passes by New Orleans, yet His Majesty desiring, in all that depends on him, to facilitate the arrangement, it may be agreed and stipulated that the dividing line in the part where the Mississippi separates itself and flows into different channels shall be established towards the western part, placing it in the middle of the arm, or channel, called *La Fourche*, to where it discharges itself into the sea; all the delta, or ground of alluvion, situated on the east of said channel *La Fourche*, remaining in the power of the United States.

7th. As, by the eighth article of the treaty of Utrecht, it is declared that, for the future, all cessions, sales, or alienations of the Spanish territory in America shall be null and of no value, Spain herself remaining without power to make them, and England obliging herself to aid the Spaniards, that the limits of their dominions in America should be established and maintained as they were before the decease of King Charles II., and as the part of the Floridas situated on the east of the river Perdido was a Spanish possession at the time of the decease of said King

Charles II., and therefore is comprehended in the said eighth article of the treaty of Utrecht, it is not in the power of His Catholic Majesty to effectuate by himself the cession mentioned in the preceding article, without the previous consent and agreement of the Power or Powers interested in the fulfilment of the said treaty of Utrecht; for which reason, it will be indispensable, in case that the United States shall accede to the proposed arrangement, to solicit and obtain the said consent of the Power or Powers interested, and the derogation on this occasion, and for this sole purpose, of the said article of the treaty of Utrecht, which in all other respects shall hereafter remain in full force.

8th. It shall not be permitted that vessels employed in cruising and committing hostilities against the Spanish Government and vassals, or their commerce, shall be armed or enter armed in the ports of the United States; and the vessels and effects which such armed vessels may take from the vassals of His Majesty, and which may be carried into the jurisdiction of the United States, shall be embargoed and secured by the authorities of the same, and definitively delivered to the minister or to the consul of His Majesty who may be at the nearest place, to hold at the disposal of those who may prove that they are the legitimate owners. And for the purpose of preventing and prohibiting clandestine armaments, which may be made in contravention of this stipulation, the United States promise to give the strictest orders to the officers to whom it belongs to watch over and frustrate all attempts of this kind, the United States obliging themselves to detain all suspected vessels, without permitting their departure till the suspicions respecting them shall have been cleared up, or till they have given bonds to the satisfaction of the respective consuls of His Catholic Majesty, guarantying that they shall not commit such piracies and aggressions against the vassals of His Catholic Majesty, who, on his part, obliges himself to do the same in the ports of Spain with respect to the United States.

9th. It being notorious that divers American citizens, in violation of the law of nations, and of the stipulations of the existing treaty, in its articles 9, 12, 14, and 16, have occupied themselves for some time past in hostilities against the Spanish commerce and subjects, under the pretext and cover of certain unknown flags; and that others, with equal irregularity, have carried and supplied arms, ammunition, and other aid to the rebels of some Spanish ultramarine provinces which are in a state of insurrection; several of the said citizens having gone to the extent of taking arms, and acting openly in support of said insurrection, His Catholic Majesty does not doubt but that the Government of the United States, disapproving of the conduct of said individuals, and animated by a spirit of justice, and of a religious observance of the law of nations and of the treaty, will oblige itself, by an article of the present arrangement, to promulgate, and cause to be executed, decrees and orders, which may restrain and prevent such excesses in future; in which way, also, may be avoided the reclamations consequent on the injuries occasioned by the same excesses. And His Catholic Majesty, in just reciprocity, will oblige himself, on his part, to repress and prevent, in the same form, whatever excesses of the same or a similar nature his vassals may be guilty of, to the prejudice of the Government and citizens of the United States, or of their commerce.

The preceding articles or conditions fulfil, in my opinion, the proposed object, and embrace whatever is essential to terminate honorably, and with reciprocal utility, the pending discussions; for though there are some points of secondary and subaltern importance which ought also to be comprehended in the arrangement, it does not appear to be opportune to enter into them till we are agreed on the most essential articles; and these, if the case should happen to clothe them with due authority, we will draw out by common consent, explaining them with the clearness, exactness, and precision which is requisite in a transaction so important in itself and in its consequences.

By this communication, which, pursuant to your suggestion, I have the honor to make you as to the ideas of the Government of Spain on an arrangement or settlement of all the pending points, you will acknowledge the disposition of His Majesty to terminate, in a manner satisfactory and reciprocally useful, the differences which have arisen; but if the American Government, or you, who have been pleased to manifest to me that you are instructed in its intentions, should not find, in this project, the reciprocal utility which Spain has believed to exist in it—in this case, the King, constant in giving proofs of the rectitude of his intentions, proposes, in the same spirit, another just, honorable, and conciliatory method, which the good faith of the American Government cannot decline; for it is that which is commonly adopted by civilized nations when they proceed with a sincere intention to settle, in a friendly and impartial mode, their differences. This mode, by which will be also avoided the inconvenience pointed out by the American Secretary of State to the minister, Onis, arising from the difficulty of overcoming, in discussions, the attachment and tenacity of each party to its opinions, and to the pretensions which they have already advanced, is no other than to submit, on both sides, the points in question, and the grounds of them, to the examination and impartial judgment of one or more Powers, friendly to the United States and to Spain, chosen by common consent, and who shall definitively decide upon the justice and extent of the pretensions of both Governments; to which end, there shall be sent by the United States and by Spain commissioners to inform the Power or Powers chosen for arbitrators of their respective rights, each engaging in advance to abide by their decisions; or otherwise, that, by common consent, they (two parties) should solicit the mediation of one, two, or more Powers, friendly to both, that by means of this impartial intervention we may arrive at the desired arrangement. The United States cannot but acknowledge the propriety of this proposal, which, besides that it carries with it the character of good faith, is substantially the same which, in a similar case, the American Government has adopted for the deciding of points of the same nature, in the articles 4, 5, 6, and 7 of the treaty concluded at Ghent on the 24th December, 1814, between the United States and Great Britain.

I persuade myself that in all I have said you will see, and your Government will also see, evident proofs of the real desires which animate His Majesty to live in harmony with the United States, establishing for the future an order of things of a nature to avoid the easy reproduction of motives of disagreement. I hope that you also, in the disagreeable event of not considering yourself to be sufficiently authorized to conclude with me here the desired arrangement in the sense of the articles stated, or to agree to the decision by arbitration, or to the mediation which I have proposed, in reporting to the Government of the United States this communication, will think fit to support it with the observations which your known earnestness to promote the harmony and prosperity of both countries will dictate, so that Don Luis de Onis, to whom will be sent instructions analogous to the principles of justice and mutual convenience which I have laid down in this letter, may find greater facilities for arriving at the desired object, and thus we may both see established, upon solid and permanent ground, harmony between two nations which have the greatest interest in preserving it, and none in leaving seeds of discord, produced rather by unfortunate circumstances than by the intention of their respective Governments.

I cannot conclude this letter without manifesting to you another signal proof of the friendly dispositions of His Majesty towards the United States, and that is, that the re-establishment of the *statu quo* of 1792, and the annulment of various innovations and political changes, introduced by the abhorred tyrant of France in the epoch of his fatal domination, having been acknowledged by all the Powers as a base to secure the peace of the world; and, on the other hand, it being evident the artifice with which he (Napoleon) forced from Spain Louisiana, under pretext of an illusory exchange, as also the promise which he made, and soon after broke, not to alienate that colony; the

King, my master, notwithstanding these considerations, and that neither the kingdom of Etruria, nor any equivalent for Louisiana, dismembered from his dominions, has been secured to him, or for the other sacrifices made at the same time, has abstained from making any demand on this point, on the ground of the *statu quo* of 1792; on the contrary, is disposed, if the United States desire it, to renew, by an express article of the convention, in which the pending questions shall be settled, the past stipulations respecting Louisiana, correcting by this means whatever defect they might have been affected with in their origin.

I profit of this occasion to renew to you, &c.

JOSE PIZARRO.

Mr. Erving to Don José Pizarro.

Sir: MADRID, *August* 19, 1817.

I have had the honor to receive your excellency's letter of the 17th instant, in which you are pleased to communicate to me the outline of such a plan of adjustment of the several questions existing between the two Governments as you believe to be well calculated to effectuate our common object of restoring a perfect good understanding, and laying a foundation for perfect harmony.

As, in my notes of the 19th and 29th July, I have fully explained to you the absolute impossibility in which I have been placed, by the transfer of the negotiations to Washington, of entering with you into regular discussions, and as your excellency has well understood, and had due consideration for the motives which have determined the course that I have observed in this respect, I might with propriety now confine myself to the merely assuring you that I am not able to accede to the basis which you have proposed, and, taking that basis as the result of the deliberations of His Catholic Majesty's cabinet, to the expression of my very sincere regret that it differs so widely from what would be reasonable in the view of my Government, I might add, that even if I were authorized anew to engage in these discussions, your excellency's project would scarcely offer me a hope of coming to such an arrangement as might satisfy the just expectations of the United States; for, as appears to me, in its leading features, it does but formalize the views more loosely exposed by Mr. Onis, on which the opinion of my Government has been already pronounced.

Nevertheless, I am induced, by the manner in which your excellency has stated the pretensions of Spain as well as by respect for your personal character, to make a few remarks upon the chief articles of your project, that you may thus be the more completely convinced that it is out of my power to adopt it, and in the hope that your dispositions to conciliation may induce you to model your instructions to Mr. Onis on a plan altogether different.

And, first, permit me to correct a misapprehension in which your excellency seems to have fallen with regard to my note of August 26, 1816, to your predecessor. You think that I have therein acknowledged that occurrences which have passed since the negotiations at Aranjuez, in the year 1805, have considerably altered the state of the question on nearly all the points of controversy. In the commencement of that note, after announcing the disposition of the President to enter into arrangements which should lay the foundation for a lasting good intelligence between the two countries, I informed Mr. Cevallos that I was "specially instructed to discuss and to settle" all causes of misunderstanding, as well of ancient as of recent date. I then proceeded to state the principal points on which I was so authorized to negotiate, and, finally, more concisely to enumerate those before alluded to as of recent date; it was my intention to show that the causes of complaint had multiplied and been aggravated, but not that the state of the question on the points which had been previously discussed at Aranjuez had been thereby altered; nor can I now see, in the circumstances particularized by your excellency as grounds of complaint on the part of Spain, any reason for assent to such an opinion. The claims of Spanish subjects on the American Government, and of the Spanish Government, for *excesses committed by individual citizens*, which you advert to as posterior to the convention of 1802, I was wholly unaware of. Your excellency will thus perceive that it were impossible for me to accept of your first article, providing for a species of claims never before brought into view, and for others of a nature entirely novel; hence I may abstain from any remark on the new and difficult mode of forming a commission by the second article. But much less could I pretend to engage my Government, as proposed by your fifth article, to relinquish its claim on Spain for indemnities on account of French spoliations within her jurisdiction—a claim in its nature so indisputable—and, in lieu of it, resort to the hopeless resource of asking compensation from the French Government, which, as you state, has declared that same claim to have been already satisfied.

With respect to the very important question of limits, your excellency observes that, since the discussions at Aranjuez, this Government has accumulated documents, as well French as Spanish, more especially respecting the western boundary of Louisiana, which render that line susceptible of the most exact and rigorous demonstration. Your excellency has not defined exactly the line so made out, nor can I pretend to have an opinion respecting these new proofs, which I have not seen; but I ought to presume that they have been long since communicated to His Majesty's minister in America, and that he has derived all the utility from them which they are capable of affording: nevertheless, I have not observed the effect of them in the various communications of that minister to the Secretary of State of the United States, wherein the question of boundaries is discussed or touched on; and your excellency must have seen, in the Secretary of State's letter to Mr. Onis of June 10, 1816, to which, in my note of 29th July, I took the liberty of requesting your particular attention, that the claims of the United States as to the western boundary are not only reasserted in such a way as to show that they have not been affected by any new evidence which has been produced, but that, in the same letter, to avoid the useless repetition of reasoning which had not been shaken, express reference is made to the notes of March 8th and April 20th, passed at Aranjuez in the year 1805. Your excellency will perceive, also, by the Secretary of State's letter to Mr. Onis of January 14th of this year, that, even down to that date, no change of opinion had been effected by whatever, either in conversation or by writing, Mr. Onis had been able to advance in favor of the pretensions of Spain on either boundary; on the contrary, that then the discussion was closed, from the utter impossibility of coming to an agreement on the subject.

Hence, your excellency will see how little in my power it can be to accede to your sixth article, founded on the supposition that the United States own but a comparatively small territory on the western bank of the Mississippi, but which, in fact, requires a cession of that vast extent which lies between the Rio Bravo and the Mississippi, in exchange for what His Majesty owns of the Floridas; and how still less possible it were for me to accept of that article, embarrassed with the conditions which your excellency would annex to it by the seventh, upon a plea which I never before heard of, and cannot now comprehend; for it appears to me that the reference which you would make is perfectly gratuitous. Your excellency speaks, I suppose, of that treaty of Utrecht which was concluded *July* 13, 1713. I understand that the sole object of the eighth article of that treaty was to place the commercial relations between Spain and Great Britain on the same footing which they had in the time of His Catholic Majesty Charles II. The more effectually to secure to Great Britain the advantages which she was to derive from that state of things, every extension of the French commerce in the Spanish American colonies is prohibited; and, con-

sequently, any transfer of territory directly to her, or through any other Power to her, is also prohibited. The motion for this stipulation is very clearly expressed:

"Y *para que* la *navegacion* y *comercio á las Indias Occidentales quedan mas firme* y *ampliamente aseguradas.*"

These are the words of the treaty, and determine the construction which is to be given to the stipulation. Consequent on this, and in pursuance of the same object, was the obligation which England entered into to *solicit* and *aid* ("solicitara y clara ayuda") with a view to restore the state of these possessions to what it was in the time of Charles II. If, perchance, they had undergone any dismemberment since that period, her obligation does not go further.

"Si acaso se hallare que en algun modo, e por algun pretexto *hubieren padecido* alguna des membracion e quiebra despues la muerte de dicho Rey Catolico Carlos Segundo."

Thus the purpose of this eighth article was nothing more than to place the commerce of the colonies, in as far as Great Britain and France were concerned, upon its former footing, and the territorial possession in the state it was left in by Charles II.; the obligation of Great Britain on this latter point ceased, of course, as soon as the object of it was attained.

With respect to the eighth and ninth articles of your excellency's project, I will only observe that no stipulations can be necessary. The United States have done, and continue to do, all that their neutral position and good faith can require; and where the existing laws of the country have been insufficient, there new provisions have been enacted, as you have seen by the law of Congress of March 3d, (called "*An act more effectually to preserve the neutral relations of the United States,*") which I have had the honor to communicate to you.

As to the alternative which your excellency proposes, on the supposition that your plan may not be acceded to, of referring our differences to the arbitration of other Governments, it is certainly unnecessary for me to assure you that I have no powers or instructions which can authorize my speaking on the matter.

Having, as I trust, now said enough to convince your excellency that your proposals are wholly inadmissible, I refrain from a variety of other observations which your letter has naturally suggested, desiring not to agitate questions which are only fit for discussion where there is a possibility of eliciting from it the grounds of accord.

I renew to your excellency assurances of my distinguished consideration.

GEORGE W. ERVING.

Don José Pizarro to Mr. Erving.

SIR: PALACE, *August* 31, 1817.

At the same time that I received your esteemed note of the 19th of this month, I received your private note of the 23d. By the first, I have seen with pain that you not only do not think that you are authorized, since the transfer of the negotiation to Washington, to enter into a methodical discussion of the questions depending between our Governments, but you do not deem admissible by you the project of arrangement which, to comply with your desire, I presented in my note of the 17th; and, finally, that you can say nothing as to the arbitration or mediation which I have at the same time proposed as the most sure means of terminating, in an honorable and conciliatory mode, the existing differences. In my opinion, it were easy to combat and to dissipate the objections which you are pleased to make to my said proposals; but, in the actual state of the business, it has appeared to me more proper to hasten the departure of Don Luis Noeli, with suitable instructions for the minister of His Majesty in the United States, founded on the knowledge of the respective rights, in considerations of reciprocal utility, and in the desire of an arrangement by honorable, impartial, and conciliatory means. His Majesty hopes that the Government of the United States will do justice to his sentiments, and will be convinced of the rectitude of his intentions. As in your private note you are pleased to express a desire to know the exact day of departure of Don Luis Noeli, I ought to tell you that he will depart within four days, calculating from to-morrow, and that he will take charge of whatever commission you may put under his care, and execute it with the same punctuality as mine.

I profit of this opportunity to renew to you, &c.

JOSE PIZARRO.

Don Luis de Onis to the Secretary of State.

SIR: DECEMBER 6, 1817.

The message of the President embraces two particular points in the paragraph in which he announces the actual state of the political relations between Spain and the United States, of which I wish to have a precise and exact knowledge, to reconcile their true meaning with the sincerity and purity of the sentiments of which the American Government makes profession, in conformity with those which animate His Catholic Majesty, when he anxiously seeks all possible means of settling the differences pending between the two nations, and of strengthening his friendship and good understanding with the United States on a basis which, being confirmed by the most generous principles of good faith and mutual justice, may be lasting and unalterable, without leaving the seeds of discontent, or ground for fresh differences in future.

The two points I speak of are, first, what relates to Amelia island; and, secondly, what concerns Galvezton.

The President announces, in respect to the first, that this island having been taken possession of by a party of people who belong to no country, or, if they have belonged to any, they have, by their conduct, forfeited all right of public consideration or toleration, they having established in the said island a place of refuge, scandalous by its piracies, and seriously prejudicial, by a contraband trade, to the United States, chiefly in what regards the clandestine introduction of negroes into the territories of the Union, and the carrying off or flight of others from the same country, his excellency has, therefore, determined to put a stop to this evil, and had given orders accordingly.

It is my duty to remind you, sir, that the expedition which took possession of Amelia island was formed and armed at Charleston and Savannah, under the command of the adventurer, Sir Gregor McGregor, and wholly composed of citizens of this republic, in violation of the laws of the United States, the law of nations, and the existing treaty between Spain and the said States. I denounced this expedition to you at the time, and invoked the efficacious authority of the Federal Government to prevent it, and punish the offenders. The expedition proceeded, notwithstanding, from the limits and ports of the Union, to invade that island, and there committed the excesses on which the President touches. After McGregor had left Amelia island, the district court of South Carolina issued a bench writ to apprehend him wherever he might be found within the American territories. This writ could not certainly be issued without a legal evidence of the offence, nor could the offence be more enormous or more notorious in the face of the whole Union. It results from this, that there could be no just ground of converting into an act of hostility, or of public detriment to Spain, the evils which have flowed from the toleration of similar armaments in the bosom of this Union—armaments which had for their object the invasion and plunder of the possessions of a friendly Power.

I therefore request you, sir, to be pleased to inform me of the measures the President may have taken on this point, and of his intentions in relation to it, in order that, by informing the authorities of the King in East Florida thereof, those discontents may be avoided to which an erroneous conception may give rise, and all unfortunate impressions dissipated, which might disturb the lively and sincere desire of conciliation and perfect harmony which actuates His Catholic Majesty.

On the second point, relating to Galvezton, the President announces that, in that place, which it is contended falls within the limits of the United States in consequence of the acquisition of Louisiana, a number of vagrant persons had before established themselves, and committed acts of piracy very prejudicial to the trade of the United States; and that, therefore, his excellency had also taken measures to correct those abuses.

There are two things which I have to remark on this point. The first is, that the place of Galvezton has not been, nor ever could be, within the limits of Louisiana, because at no time did it make a part of it. It has constantly belonged to the dominions of the Crown of Spain as a territory absolutely unconnected with and distinct from Louisiana, and, as such, ought to be maintained and respected, until the United States produce documents which establish their rights, and annul the titles, till now undisputed, of property and possession on the part of Spain, from the earliest times of its discovery and conquest unto the present; and this will be determined, as there may be occasion for it, and may be just, at the time of amicably arranging the question of boundaries between the two nations, as His Catholic Majesty sincerely and earnestly desires, and as I have the hope to verify in a short time, in his royal name, by means of the negotiation which we have established.

The second thing which I have to recall to you, is, that the King's troops drove off from Matagorda the vagabond freebooters who had taken possession of that point; in consequence of which, the same adventurers were forced to evacuate Galvezton, where they had also established themselves, so that neither of these places was afterwards attacked or infested by them or any other banditti. Moreover, if, by the occupation of Galvezton at that time, the United States have sustained injuries, it is notorious that Spain has suffered much greater by the facility afforded to the pirates in capturing Spanish vessels, carrying them into that place, and there selling them to the citizens of this Union; that, from this magazine of plunder, they conveyed the Spanish property to New Orleans and other parts of the United States in American vessels, as is well known to you, sir, and to all the world. In any event, when the injuries reciprocally caused to American citizens by the Government or subjects of Spain, or to the latter by the Government or citizens of the United States, are compared or estimated, such an indemnification will be stipulated as is agreeable to justice and good faith.

These remarks, and others equally obvious, cannot fail to convince you, as I am sure they will convince the whole world, that there was not the smallest motive for proceeding to acts of violence on either of the two points which form the subject of this note, and on which the President has touched in his message. I hope that the intentions of his excellency will not differ from this opinion; and, as well to avoid the disagreeable consequences which might arise from a misunderstanding, as to communicate to the King, my master, the true state of things, I have to request of you, sir, as I now do, a precise and satisfactory explanation on the above-mentioned two points, namely, of the measures taken by the President in relation to them, and of his intentions upon the subject. I flatter myself that you will have the goodness to give me the said explanation as speedily as the case requires; and, in the mean time, allow me to renew the assurances of my high consideration and respect.

LUIS DE ONIS.

The same to the same.

SIR: DECEMBER 10, 1817.

Although I have but just arrived at the federal city, as you know, I would not have lost an instant, after assembling the principal papers and documents relating to the differences pending between His Catholic Majesty's Government and that of the United States, in resuming and continuing with you, to definitive conclusion, the negotiation which, by fortuitous causes, was suspended in the beginning of the present year, if I had not hoped to give you time for being so far disengaged as to be able to devote to these important concerns all the attention they require. But I ought no longer to defer, on my part, the necessary steps to open communications of such high interest, and consequently to proceed with you to the settlement and amicable arrangement of all the points in dispute between the two Governments.

You will doubtless have been convinced of the impossibility in which I was placed of commencing this negotiation last winter, by reason of my not being furnished with instructions suitable to the new character which ulterior circumstances had given to it, and my not having then received from my Government such as extended to this case. I despatched the secretary of this legation to Madrid to lay this deficiency before my sovereign, and the difficulty under which it placed me of entering into a negotiation which might effectually restore the most perfect harmony between the two Powers, by putting an end to all disputes by means of a solemn transaction, which, being founded on the principles of mutual justice, and combined in good faith with those of reciprocal utility and convenience, might be completely satisfactory to both Governments and both nations. His Majesty, filled with the greatest concern on seeing that, by this unexpected accident, the negotiation was delayed, notwithstanding his most sincere and decided wishes to conclude it, and strengthen his friendship and good understanding with the United States, as he had manifested from the moment of his restoration to the throne, gave immediate orders that the necessary instructions should be communicated to me for the execution of this sovereign trust in its fullest extent; and to omit no means, on his part, which might accelerate the desired epocha of this arrangement and definitive transaction, he, at the same time, caused to be proposed, by his principal secretary of state, to the minister of the United States at Madrid, a project for the said transaction; but it not having been admitted by that minister, who said that he was not authorized to resume and terminate in Spain the negotiation already transferred to Washington, and committed to me, the aforesaid secretary of legation returned without loss of time, and brought me the suitable instructions, accompanied with the positive orders of His Majesty that I should omit no means, as far as they might be compatible with justice and the honor of his august character, to settle and terminate amicably all pending differences, and generously to satisfy the United States in every thing which might depend on the free will of His Majesty.

Such are the dispositions of the King, my master, and such the orders which he has communicated to me, anxious as he is to adjust all differences with the United States, and give them solemn proofs of his high esteem and sincere friendship.

I am ready, therefore, to resume the negotiation, and to pursue it with you in all the points embraced by it, until its final termination; and I shall be very happy if, in doing so, I can satisfy all the desires and just hopes of the United States.

In consequence, I request, sir, that you would be pleased to inform me when you are ready to enter into this important negotiation, and when it will be agreeable to you that we commence the preliminary conferences; or, in case you should consider them unnecessary, that we discuss the means of agreeing on and fixing the most simple, expeditious, and suitable mode of proceeding, with all possible despatch, to the settlement and final adjustment of all the points in dispute.

I await your answer to this note, animated by the most lively desire and the most flattering hopes of terminating all disagreements and discontents between two nations which, by their mutual interests and the generosity of their sentiments, have always lived in perfect union and friendship, and ought to cement them more and more for their common happiness.

In the mean while, I renew to you my respects, and pray God to preserve you many years.

LUIS DE ONIS.

The Secretary of State to Don Luis de Onis.

SIR: DEPARTMENT OF STATE, *December* 16, 1817.

I have had the honor of receiving your letter of the 10th instant, and shall be happy to receive you at the office of this Department the day after to-morrow, at one o'clock, to confer with you upon the subject of it. I am instructed by the President, on this occasion, to assure you of the satisfaction with which he has learned that you are furnished with instructions from your Government adequate to the adjustment of all the differences between the two countries, and of the earnestness of his desire that the negotiation may terminate in an arrangement mutually satisfactory to both parties.

I am, &c.

JOHN QUINCY ADAMS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *December* 29, 1817.

After I had informed you in my note of the 10th of this month, and confirmed the same in our conference on the 19th, of the frank and friendly dispositions of His Catholic Majesty's Government towards that of the United States, of his sincere desire to settle and terminate the differences pending between the two Governments in a manner just and satisfactory to both, and the positive orders I had received, with suitable instructions to that effect, I also acquainted you that the King, my master, being disposed to oblige the United States in whatever might be compatible with the rights and honor of the monarchy, and the dignity becoming his august character, would condescend to cede the two Floridas to this republic, in consideration of an exchange or equivalent which might be useful or convenient to Spain. But as this exchange or equivalent must consist of a territory belonging to the United States, and which may offer invariable points, marked by nature, to fix the divisional line between the possessions of the Union and those of the Crown of Spain in a manner never to admit of doubt or controversy hereafter, His Catholic Majesty caused certain proposals for the said exchange or equivalent to be made through his principal secretary of state to the minister of the United States at Madrid. They were decidedly declined by him on the ground of their being inadmissible; and I was informed by you that they are so considered by your Government, and that, consequently, it is necessary to have recourse to others which may be admissible in the existing state of things.

Although the proposals made by His Majesty's principal secretary of state to the minister of the United States at Madrid were neither absolute nor invariable, it is easy to perceive that they are founded on the perfect conviction of His Majesty as to the irrefragable and notorious rights by virtue of which the Crown of Spain has possessed both Floridas since she acquired them of England, and also the provinces and districts of country possessed by her to the westward of Louisiana, and which have ever been independent of, or absolutely unconnected with and separate from that province, without having ever passed, since their discovery, conquest, and possession, under a foreign dominion. But as the United States, since their acquisition of Louisiana, conceive they have a right to a greater extent of territory, both to the eastward and westward thereof, by setting on foot a dispute respecting the boundaries which separate them from the Spanish possessions, and pretending that they ought to include part of those possessions, it is not strange that the exchange or equivalent proposed for the Floridas did appear inadmissible. It has, therefore, become indispensably necessary to free this question of boundaries from all obscurity, and to adjust and establish the true points which divide, or ought to divide, the Spanish territories from those of this republic. Unless this inquiry and deliberation be previously made, it is absolutely impossible to point out or judge of a just equivalent, which would be admissible and satisfactory to the two contracting parties, inasmuch as the requisite basis of a cession and its equivalent is wanting; this basis, as is obvious, must be laid in the valuation of the territory specified in the contract, which valuation must be preceded by establishing the territory belonging to Spain, and also that belonging to the United States.

You cannot, therefore, but agree with me, sir, that it is absolutely necessary we should first settle the principal points relative to the question of boundaries, before we proceed to form and offer proposals for the cession of the Floridas, and for an equivalent to their value or estimation, or for the general and definitive settlement of all pending differences. Although this matter has already been the subject of negotiation at Aranjuez, it cannot be said that the discussion should be considered as terminated or exhausted, or that the American Government having then stated its positions and opinions on the subject, it will not depart from them, although the opinions His Catholic Majesty sustains be different. It is unquestionable that, in the discussion entered into at Aranjuez, and early interrupted, not a single point or ground was touched on, on the part of the United States, that could serve as a support to their pretensions; and that, on the part of Spain, there were produced titles, dates, documents, and arguments, incontestably proving, by abundant and irresistible evidence, the rights of the monarchy to the territory in question—rights founded on property and immemorial possession, acknowledged by different Powers, and never disputed by any. This affair is, consequently, not confined to points of opinion, on which each party may respectively maintain that which is best suited to it; it is reduced to unalterable truths, and positive and certain facts. I assure you, sir, in the name of my Government, and the King, my master, solemnly promises it on the inviolability of his royal word, that the moment it shall be shown and proved that any of the territories now in dispute do *not* belong to the Crown of Spain, and, on the contrary, that they *do* belong to the United States, His Majesty will, with the greatest pleasure, surrender to the disposal of the United States such territory or territories as it shall be made to

appear do not belong to the Spanish monarchy, and will, in good faith, acknowledge the right of the United States to the same. His Majesty wishes for nothing that is not his own, or to which his Crown has not a lawful right. I cannot but believe that the views of your Government agree with those I have just stated, and that, consequently, we ought to lose no time in immediately resuming the discussion commenced at Aranjuez as to what relates to its principal points, and, by impartially examining the grounds established by both Governments, and the arguments and proofs which they both have to produce anew in support of their rights or pretensions, acknowledge frankly and with good faith what belongs lawfully to Spain, and what belongs lawfully to the United States. Guided by the certain principles of reason and mutual justice, it will be easy for us, by means of this investigation, to form a settled opinion and come to a just result as to the boundaries which do or ought to separate Louisiana from the Spanish possessions, and thus terminate this dispute. That which is connected with the question of losses and injuries is still more simple and easy to arrange, as you admitted when we conversed on that point in our late conference; and it will, therefore, prove no obstacle to our agreeing on the cession desired by the United States, and proceeding to it by means of a final settlement of all pending differences, which may, at the same time, embrace whatever may be stipulated by this particular agreement.

You may perceive, sir, that the mode I propose is the most simple, just, and proper for accomplishing the negotiation to be entered upon, and is that which was adopted by Mr. Erving, the minister of the United States, in his note of the 26th of August, 1816, in which he informed His Majesty's Government that he was ready to enter into a full and frank discussion of all the points in dispute, and pledged himself thereto. As nothing further has since been done on the part of Spain than to transfer the negotiation to Washington, the same reasons subsist which then dictated the incontestable propriety and necessity of resuming the discussion; reasons, of which you are doubtless fully convinced, as they are not to be combatted by any explanations when examined with good faith, because they are self-evident, and identified with the soundest principles of justice.

As, in consideration of these reasons and principles, I hope you will have no objection to agree to a succinct examination of the question of boundaries, and to a rational and fair inquiry into the titles and grounds on which each Government rests its rights and pretensions, the natural order seems to require that we should begin this examination and inquiry with what relates to the eastern boundaries of Louisiana; that, after establishing them as they ought to be, we may proceed to examine and establish, in like manner, those which regard the western; it being, nevertheless, well understood that neither by this act, nor any one whatever of those which contribute to produce the present negotiation, it shall be inferred that His Catholic Majesty renounces, in any manner, the right he has, or may have, to reclaim against the non-fulfilment of the treaty of St. Ildefonso, concluded between Spain and France in the year 1800, and against the solemn stipulations contained in the additional articles of the same treaty, forming an essential part of the contract between the two nations.

The boundaries of Louisiana, on that side, join those of West Florida, and are so precisely established and fixed by public treaties, that I do not think your Government can still persist in the opinion that Louisiana ought to be extended by this Spanish province to the river Perdido. If, however, the imagination, resorting to specious subtleties and abstractions, carries us back to the period when France formed settlements on the left of the Mississippi, and possessed what are now two distinct provinces, namely, Louisiana and West Florida, still the certain and incontestable fact will follow, that Spain acquired neither of the Floridas from France. That Power, while in possession of those territories, as she was until 1763, might name them, and point out their respective limits as she thought fit. That is quite unimportant to the present question. It is certain that, by the treaty of 1763, France ceded to England all the territory possessed by her to the eastward of the Mississippi, with the exception of the island of Orleans; and it is also certain that England united, as her own, from that year, the same territory to Florida, which, by the same treaty, Spain had ceded to her; and that, having added thereto the district and port of Pensacola, she called it West Florida, by which name, and no other, it has ever since been known. In the war of 1779, Spain conquered the said territory of West Florida from England; and this right of conquest was afterwards secured by a solemn treaty between England and Spain, in September, 1783. It is by this title that West Florida belongs, until the present day, to Spain, in addition to East Florida, which was also ceded by the said treaty. It is evident, then, that Spain neither acquired nor received from France either of the Floridas, but that she acquired them both of England in 1783, classed as two distinct provinces, and universally known by the names of West Florida and East Florida. She has, from that period, possessed them separate and distinct, without having ever confounded either of them with Louisiana, either in whole or in part. They are laid down distinct and separate in the maps, charts, and geographies of all nations, from the year 1763 to the present day. In all the public acts and instruments which speak of them, they appear distinct and separate, as they do in the different treaties in which they are mentioned.

This being the case, how can your Government still maintain its opinion? The United States acquired Louisiana from France such as *she* had acquired it from Spain by the treaty of St. Ildefonso. In this treaty nothing is stipulated but the retrocession of Louisiana; nor is there a single word in the whole treaty that bears the most distant allusion to West Florida, which is the object to which the dispute is reduced in that quarter. The clauses of the treaty are clear, precise, and conclusive; they fix the sense of the stipulation invariably, and leave no room for vague or specious constructions. The very title given to that treaty by the contracting parties at once pointed out the territory restored by Spain to France in exchange for the kingdom of Etruria. The title says, "Retrocession of Louisiana;" and the word "*retrocession*" has not, nor ever had, any other signification, in the Spanish or French language, than the act of restoring to an individual, or a nation, that which had before been received from him or from it; so that a different signification cannot be given to this word (adopted by the contracting parties to express the nature of their stipulation) without changing the proper and genuine acceptation, in both languages, of the definite term they have respectively employed, and without substantially changing the intentions which serve as the basis of the contract.

The three clauses by which they afterwards go on to fulfil this convention agree perfectly with the said title, and, by supporting and explaining each other, they fix it in a clear and precise manner. The first clause says: "that His Catholic Majesty restores Louisiana to France, with the same extent it had when possessed by Spain." It is well known that no part of the Floridas, or other Spanish possessions, was then included in Louisiana, or annexed to it. At that time Louisiana was, in the hands of Spain, precisely what it was when ceded by France, in virtue of the treaty of 1764. In the same treaty its eastern boundaries are marked by a line running eastward from Manchac Point, thence following the course of the river Iberville, and dividing the lakes Borgne, Pontchartrain, and Maurepas, and finally terminating at the Gulf of Mexico, without leaving the smallest doubt as to the true points of the frontier. This is the territory which Spain retroceded to France, because it is the only one which she possessed under the name of Louisiana. The second clause agrees with the first, and opportunely declares and fixes its import. It says: "and with the same extent it had when possessed by France"—expressions which necessarily refer to the period of time which intervened between the cession by France to England of the territory possessed by her on the left bank of the Mississippi, and the cession made by the same Power to Spain of Louisi-

ana. As the first of these two cessions took place in the year 1763, and the second in 1764, it is evident that, during that interval, France possessed Louisiana in the manner stated. And with the same extent did she cede it to Spain; nor could she cede it with more, as she then possessed nothing more in that part of the American continent.

If a different meaning be given to this clause, by supposing that the contracting parties allude in it to a former period, when France possessed Louisiana jointly with the territory ceded by her to England in 1763, it would place this clause in absolute contradiction with the title, and with the first clause of the treaty of retrocession, because Louisiana not having, prior to the year 1763, while in the hands of France, the same extent it had when in the hands of Spain at the time of the treaty of 1800, nor the same that it had when ceded by France to Spain in 1764, it follows that the second clause would be absurd and unmeaning if it alluded to a period of time anterior to 1763. It would be absurd and unmeaning, because, having no other object than to explain and determine more circumstantially the first clause, which is the fundamental one of the treaty, and that which governs the other, it would express a thing which could in nowise agree with the stipulations contained in it; since, by giving greater force to the import of the second clause, that which is considered the fundamental basis of the first would be rendered false and erroneous. It would be absolutely contradictory to the express object and intent of the treaty, since Spain not having received Louisiana from France with the extent in which she possessed it prior to the year 1763, but with that which it had when it was ceded in 1764, the retrocession, which, as I have just said, is the express object and intent of the treaty, could not take place. Spain could only cede back to France what she had received from her; nor could she, moreover, add to the retrocession any other particular territory of her dominions, without expressing or mentioning it. Louisiana was ceded back to France such as it was received from her, and as she possessed it in 1800, and had possessed it since she had acquired it. In fact, if Louisiana, while in the hands of Spain, included no part of West Florida, and if Spain had received no part thereof, or of the other Florida, from France, how could she cede it back to France, or cede it without naming it, or saying a single word which could allude to this idea? Let us therefore agree that it is impossible to give an arbitrary construction to the second clause of the treaty of St. Ildefonso, or any other than that which it has, and ought to have, in connexion with the first clause, and with the title and the express object of that instrument. You cannot but be fully convinced, sir, of this truth; and on proceeding to the examination of the third clause, you will find what I have just stated still more comprehensively and clearly demonstrated. This clause says: "and as it ought to be after the treaties concluded between Spain and other Powers." The only treaties to which this clause could refer were the following:

1. That of 1764, by which France ceded Louisiana to Spain. In this treaty the eastern boundaries of Louisiana are marked by the course of the Mississippi, and next by the river Iberville, the lakes Borgne, Pontchartrain, and Maurepas. It was consequently proper here to recall what was set forth in this treaty. 2. That of 1783 between Spain and England, by which the latter confirmed to Spain the possession and property of West Florida which she had conquered during the war, and ceded to her East Florida. It is a very fit moment to recall the inviolability of this treaty, since it is evident, from it, that the Floridas are two provinces independent of Louisiana, absolutely unconnected with and distinct from it; and that they came into the possession of Spain by very different titles; in consideration of which, one thing cannot be confounded with another. And the 3d is that of 1795, concluded between Spain and the United States. As in this treaty the frontiers between the United States and the Spanish possessions are described, and the Floridas are named as provinces notoriously unconnected with and distinct from Louisiana; as by it the dismemberment of Natchez, Nogales, &c., was effected; and as it is therein stipulated that the navigation of the Mississippi shall be free to the Americans and the Spaniards, and a place granted in favor of the former for their commodities on the banks of the Mississippi, for which purpose New Orleans was designated for the term of three years, it was consequently thought proper to refer to this treaty, and show that it, as well as those of 1764 and 1783, is, and ought to be, in full force and effect.

You will perceive, sir, that the three clauses stipulating the retrocession of Louisiana to France cannot be more conclusive; that they are properly connected with and support each other by declaring and explaining the intentions of the contracting parties, and the precise nature and extent of their contract; so that it is impossible to give another interpretation to any of the said clauses, as that would place them in contradiction with each other, and would, moreover, obscure the evident truth of facts, and involve a monstrous violation of public treaties, without excepting that of 1778 between France and the United States. You doubtless bear in mind, sir, that, by the sixth article of that treaty, France solemnly engages never to acquire West Florida, or any portion of the territory ceded by her to England in 1763. How, then, could she, in 1800, acquire West Florida, or any part of it, even although the treaty of St. Ildefonso were not specifically and solely confined to the retrocession of Louisiana, such as it was at that time, and as it had been since 1764? The understanding rejects all doubt on points so clear and evident. By the treaty of St. Ildefonso, France herself only received Louisiana such as it was in the hands of Spain, and as it was after its cession by France. It is well known that it is the act of delivery which completes the contract. France was satisfied with what was delivered to her, and neither claimed nor pretended to any thing more. Would the French Government, under Napoleon, have failed to claim this additional territory, if, in that treaty, there had been found a single word of which it could avail itself, or the smallest pretext for making the claim? Certainly not. France knew perfectly well that Louisiana did not comprehend a greater extent of territory, and that all was delivered that belonged to her at the time the contract was made.

The French Government itself, after the dispute arose between the United States and Spain, which is now pending, declared, in two official notes, "that the eastern boundaries of Louisiana are pointed out by the course of the Mississippi, and by the river Iberville, and the lakes Pontchartrain and Maurepas; that Spain has ceded back nothing more to France, nor had the latter a right to pretend to more; and that, having substituted the United States in her rights, they could pretend to nothing more in virtue of the cession or sale made to them of Louisiana."

"*The 12th of Fructidor, 12th year.*"

"The eastern boundaries of Louisiana are pointed out by the course of the Mississippi, and afterwards by the river Iberville, the lakes Pontchartrain and Maurepas. This is the line of demarcation which bounds the territory ceded by Spain to France, by the treaty of the 30th of Ventose, 9th year. Nothing beyond this limit would have been asked for by France; and as she did nothing more than substitute the United States in the rights which she had acquired, they cannot require of Spain a more extensive cession, unless such cession be negotiated and stipulated between them and Spain by some further convention."

"*The 5th of Germinal, 13th year.*"

"This question could not become the subject of a serious discussion between Spain and the United States, except the conditions of the treaties of cession, which have successively transferred Louisiana to France and the Americans, were lost sight of."

"Spain could only cede back to France the territory she had received from her: the rights of France were afterwards transferred to the United States, and they were so only to the same extent."

If, notwithstanding this full and irresistible demonstration, you should be of opinion, sir, that it is still necessary to clear up this point, let us have recourse to France, that she may afford all the explanations that are judged to be necessary or useful, since nothing is more proper than that she and Spain should know to what the treaty concluded at St. Ildefonso is reduced, and they alone are competent to clear up any doubts that may have arisen as to the import of the expressions employed in the said treaty. It is unquestionable that it agrees with the principle generally acknowledged, that when a law or treaty offers any doubt, from the obscurity or ambiguity of the words contained in it, the party which made the law or the treaty is the one which should explain the meaning of such words, and remove the doubt which has occurred.

I would now proceed to declare what are, or ought to be, the western boundaries of Louisiana, and what are those which separate, or ought to separate, it from the Spanish possessions, should I not apprehend to make this note too diffuse. Reserving myself, therefore, to discuss this point in a separate note, I now recall to your consideration the chief grounds and arguments on which Spain founds her exclusive right to the whole extent of West Florida, in order that, when we are agreed upon this point, we may proceed to a like examination and deliberation on the western boundaries of Louisiana.

But although this is the order pointed out by reason and justice in the actual state of the pending differences, nevertheless, that we may judge, upon the most exact information, of the grounds and arguments of each Government, respectively, and, after agreeing on what belongs to Spain, and what belongs to the United States, we may be enabled to lay the basis of a general and final settlement of all differences, if you should think that there can be a more expeditious mode of settling and terminating them, without prejudicing the inviolable rights of the Crown of Spain, and on principles of reciprocal utility and convenience, you may communicate your ideas thereon to me, with the certainty that it is the earnest wish of His Catholic Majesty that this negotiation may be amicably terminated, for which purpose he has given me decisive orders and instructions; and I again assure you, sir, that I shall think myself very happy if, in this negotiation, I can satisfy all the just desires and hopes of the United States, for which I shall omit nothing that is in my power, or may be compatible with the rights and honor of His Majesty's Crown.

I renew to you, sir, the assurances of my respects, and I pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 5, 1818.

In my note of the 29th of last month, I proved to you, to a degree of moral demonstration which I think to be fully convincing, what are and ought to be the eastern boundaries of Louisiana; and I hope such incontrovertible, decisive reasons cannot fail to bring you fairly to acknowledge that Louisiana neither does nor can include any part of West Florida. As I have not yet received your answer to the said note, it was my intention to wait for it, and not proceed to the examination of the second point of the question of boundaries before we had agreed on and settled what relates to the first, in order to proceed methodically, and not to involve or embarrass the plain and expeditious course of this investigation; but being desirous of not losing an instant in explaining every point relative to so important a matter, I anticipate the examination of the western boundaries of Louisiana, which is the second point of the question, thereby facilitating whatever may claim your attention as to both in their respective order, and enabling you to comprehend the truth at once.

I might contend that the United States having received the province of Louisiana from France with no greater extent than it had when France received it from Spain in 1800, and when Spain acquired it from France in 1764, that, and no other, ought to be the extent which properly belongs to it, without the necessity of recurring to any other reasons or grounds than those resulting from the treaty of St. Ildefonso; since Spain having ceded back to France in 1800 only what she had received from her in 1764, being that which France sold to the United States, it is easy to investigate and establish what were, and in all that period continued to be, the proper extent and limits of Louisiana. But I am willing to admit that France did substitute the United States in all the rights or pretensions she had or could have at another period as to what regards the western boundaries of that colony when hers, although nothing to that effect is expressed or insinuated in the treaty between France and the United States, by which the latter acquired it; and that the contrary is evidently to be inferred from the fact that France inserted, word for word, in this treaty the conclusive clauses of that of St. Ildefonso, which speak simply and precisely of the *retrocession* of Louisiana. I admit (to go on to a more copious and irresistible demonstration) that the United States have succeeded to all the rights which France may have had at another period; and I call your attention, sir, to the following observations before I enter on the examination of the data or grounds on which the United States rest their claims of extending in that quarter the boundaries of Louisiana to the Rio Bravo del Norte.

It is well known that for ages before France thought of forming establishments on the Mississippi, and therefore long before she had made any in Canada, the Crown of Spain possessed the whole territory around the Gulf of Mexico, from the peninsula of Yucatan to the southern cape of Florida. If the eastern part of said gulf as far as Panuco, the whole of which was then known under the extensive (*generico*) name of Florida, was not actually peopled by Spaniards, it is notorious and indubitable that it was discovered by them as early as the year 1511 under the expedition of Juan Ponce de Leon; that all the coast, from the present Florida to Panuco, was explored by Francisco de Garay in 1518, and also by Hernando de Soto, and continually by other Spanish commanders until 1561, when it was explored and described by Angel de Villafane and Jorge Ceron; said discoveries and description having been made in pursuance of a royal order issued for that purpose, papers of that description being still extant; and it was confirmed that from those remote periods Spain was established as the mistress and possessor of all that coast and territory, and that she never permitted foreigners to enter the Gulf of Mexico, nor any of the territories lying around it, having repeated the royal orders by which she then enforced the said prohibition, and charged the Spanish viceroys and governors with the most strict observance of the same.

The right and dominion of the Crown of Spain to the northwest coast of America as high up as the Californias is not less certain and indisputable, the Spaniards having explored it as far as the forty-seventh degree in the expedition under Juan de Fuca in 1592, and in that under the Admiral Fonte to the fifty-fifth degree in 1640.

The dominion of Spain in these vast regions being thus established, and her rights of discovery, conquest, and possession being never disputed, she could scarcely possess a property founded on more respectable principles, whether of the law of nations, of public law, or any others which serve as a basis to such acquisitions as all the independent kingdoms and states of the earth consist of.

Confining ourselves at present to the Mexican Gulf and to the Spanish provinces situated to the westward of Louisiana, we shall see in what manner Spain extended her population and founded settlements in different points of the vast territory of which she was the mistress and possessor in this part of the new world. All the country extending

from the Rio de las Palmas to the confines of Panuco, in latitude forty-eight degrees, was then included under the name of Florida, and crossed the Mississippi. From the time of the expeditions undertaken to explore it in 1512 by Juan Ponce, in 1525 by Vasquez de Ayllon, in 1527 by Panfilo de Narvaez, and in 1538 by Hernando de Soto, the Spaniards were incessantly engaged in advancing their discoveries and settlements in this extensive country, not only in the time of Luis Moscoso and of Pedro Melendez between the years 1542 and 1545, but they were constantly so in the time of all their successors. At the time of their first expeditions, they landed in the bays of Santa Rosa and Espiritu Santo or St. Bernardo, surveyed the whole coast, and crossed the Mississippi. They penetrated into the countries of Hirrhigua, Moscoso, Umbaracuxi, Aurera, Ocali, Apalache, Altapalia, Cofa, Mobile, Chasquin, Guigate, Uhangue, Guachoya, and others, which it would be tedious to enumerate. The same Hernando de Soto, after having in person surveyed the coast and interior of the country, crossed the Mississippi, and penetrated as far as the Rio Negro, in 1542 died at Guachoya.

No European nation had yet attempted to disturb the Spaniards in their possessions in the new world; none had trod on any point of those territories; and the Spaniards continued extending their establishments, as the only nation which had acquired the possession and the property of that part of the American continent and islands. They gave rise to the new kingdoms of Leon and Santander in the year 1595, and to the province of Cohaquila in 1600. They founded that of Texas in 1690, establishing missions, hamlets, and posts, under the name of presidios, such as those of Bahia del Refugio, St. Antonio, Espiritu Santo, St. Juan, Nacogdoches, Ayeses, and San Miguel de los Adaes, a short distance from the Rio Roxo, (Red river,) extending themselves to the banks of that river.

Long before, they had established themselves in New Mexico, where they built the capital of Santa Fé, in thirty-nine degrees north latitude, and opened and worked mines in its neighborhood. From thence they spread themselves wide of the rivers that empty from north and south into the Missouri, communicating and trading with the Indian nations; so that from that time Spain considered all the territory lying to the east and north of New Mexico as far as the Mississippi and Missouri as her property. These dominions and settlements of the Crown of Spain were connected with those which she had on the Gulf of Mexico, that is to say, with those of Florida and the coasts of the province of Texas, which, being on the same gulf, must be acknowledged to belong to Spain, since the whole circumference of the gulf was hers; which property, incontestably acquired, she had constantly maintained among her possessions, not because she occupied it throughout its whole extent, which was impossible, but on the principle generally recognised, that the property of a lake or narrow sea, and that of a country, however extensive, provided no other Power is already established in the interior, is acquired by the occupation of its principal points.

These premises being established, and not to be shaken, as they are all supported by history, ancient monuments, tradition, and irrefragable documents, let us proceed to examine for their origin the grounds on which your Government maintains its pretensions.

As early as the commencement of the seventeenth century, France and England began to form expeditions in imitation of the Spaniards, and to discover points for settlements in that part of America. The French expeditions penetrated into Canada by the river St. Lawrence, and those of the English were directed to different parts of the coast on the Atlantic. Hence originated the basis on which the two nations afterwards founded and extended their respective settlements. I shall now only speak of those made by the French, as they serve as a support to the actual pretensions of the United States. Francis Ribaut, an adventurer of that nation, had already penetrated into Florida with some followers towards the end of the sixteenth century, and built the fort called Charles le Fort; but this rash enterprise on the territory of the Crown of Spain was immediately overthrown and dissipated, the Spanish Governor, Pedro Melendez, having attacked and taken the fort, and made prisoners of Ribaut and all his people. Mention is likewise made by some writers of another Frenchman, called Réné de Laudonière, who is said to have landed from the squadron of Admiral Coligny, on the coast of Florida, in the year 1564, and built a fort, which he named Carolin, about the spot where Pensacola now stands; but the same writers add that the Spaniards immediately attacked the French, put them to death, and razed the fort or redoubt they had built; others say that it was on that same fort that the Spaniards afterwards built the fortress of St. Augustine; so vague and so uncertain is the information respecting these particular adventurers. The story related of a Recollet friar, called Father Hennipen, is still more ridiculous, who is said to have been made a prisoner by the Indians at the time they were at war with the French of Canada, and taken to the Illinois, whence he was occupied in exploring the country as far as the banks of the river St. Louis or Mississippi, of which he took possession in the name of Louis XIV., and gave it the name of Louisiana, (doubtless in his secret thoughts, and by a mere mental act.) It is added that this friar escaped from the Illinois, and returned to Canada, where he related all he had seen, and afterwards published it in France more circumstantially in a memoir, which he dedicated to the celebrated Colbert. These accounts, and others of a like nature, are contemptible in themselves, even though the facts they relate were authentic, since nothing can be inferred from them that can favor the idea started by those who speak of these transient adventurers and incursions.

Let us see what importance can be attached to what is said of Bernardo de la Salle, who, in 1679, descended from Canada to the Mississippi, and there built Fort *Crevecœur*, according to M. Du Pratz, or Fort Prudhomme, according to others. What is certain amounts to this: that he only made a rapid incursion from Canada to the Mississippi, as any other adventurer might do, crossing the territories of another nation; that he returned to Quebec without any further result than that of an imperfect exploration of the country; and that he embarked at Quebec for France, from whence he returned in 1684 with an expedition composed of four vessels, commanded by Captain Beaujeau, to explore the mouth of the Mississippi. This expedition entered the Gulf of Mexico on the 12th of December of the following year. La Salle, being deceived in his reckoning by the currents of the gulf, could not find the mouth of the river, and, being overtaken by a storm on the coast of the province of Texas, he was obliged to take shelter in the bay of St. Bernard. Two of his vessels were captured by the Spanish cruisers, another was lost in the bay, and Beaujeau returned to France in the only one that escaped. La Salle, having landed with some people and ten pieces of artillery, then built a small fort as a protection against the Indians, and was obliged to change his ground three different times; notwithstanding which, the Clancoates Indians, inhabiting the adjoining country, forced him to abandon the fort, and to retreat by the Rio de la Trinidad (Trinity river.) While on this retreat, he formed a project of penetrating into the interior of the country, to see if he could discover the fabulous mines of Santa Barbara; but he was assassinated on his route by his own people; and such was the result of the famous French expedition so much talked of. The Indians fell immediately on Fort St. Louis, and massacred the small garrison left by La Salle. The remainder of the French who accompanied him shared the same fate; being dispersed in different directions after the fall of their chief, they perished by the hands of the Indians.

In the mean time, news of this incursion having reached Mexico, the viceroy, fearful of a repetition of similar attempts, held a council of war to deliberate on the affair, in obedience to the royal order issued by Philip II., enjoining the extermination of all foreigners who would dare to penetrate into the Gulf of Mexico. An expedition was then resolved on, to be formed at Cohaquila, under the command of Alonzo de Leon, to scour the country, and

hunt out the French, if any were still remaining. Having set out with the necessary force, he arrived, on the 22d of April, 1689, at the place where La Salle had built Fort St. Louis, and on the 24th at the entrance of the bay, where he fell in with the remains of the French vessel that had been wrecked. Having heard in his march that some of La Salle's companions were still wandering about the country, or had taken refuge with the Indians, he shaped his course towards the nation of the Asimais, and was received by them with marks of friendship and respect; he, however, found no traces of the French, as no more of them were in existence.

Alonzo de Leon treated the Asimais with the greatest kindness, and called them *Texas*, which in their language signifies "friends." On the 22d of May, of the same year, he wrote to the viceroy, informing him that there existed neither French nor any other foreigners in the whole country; that the Texas Indians possessed great attachment and good will to the Spaniards; and that it would be very proper to establish missions and garrisons throughout that country to prevent any future attempt or incursion of foreigners, and to preserve the conquest. This subject having been deliberated on in Mexico, the mission of St. Francisco de Texas was founded in 1690, after that nation had voluntarily submitted to the Crown of Spain. The viceroy of Mexico continued to take effectual measures for protecting the country and preventing the intrusion of any French adventurers. The court of Spain, on being informed of what had passed, renewed rigorous orders to the same effect, and also gave directions for the instruction and government of the Indians. Such were the objects of the expedition under Don Domingo de Teran, and of that which was effected under the command of Don Gregorio Salinas, in May, 1693. Since that period the province of Texas has continued in perfect tranquillity under the Spanish Government, and no further attempts were made by the French to penetrate into any part of it.

You see, sir, that the excursion of La Salle can give France no rights to that province, which had long before been acknowledged to be, and was, incorporated in the Spanish dominions. Such an excursion was, in fact, nothing more than the rash attempt of a foreigner to explore part of the territories of another nation, and is not substantially different from that made by Mr. Le Vaillant in the country of the Caffres, to the northeast of the Cape of Good Hope; by which, however, France acquired no right to that part of the Dutch possessions, although they were still desert when the said Le Vaillant explored them. What territories are there in the world, especially in extensive dominions still new and thinly peopled, in which excursions of that nature have not been made by individuals of foreign countries, sometimes of neighboring nations, (which is the most common,) and sometimes of those which, although at a distance, actuated either by curiosity or ambition, undertake to explore unknown countries, inhabited by other people and governed by other Powers?

Nor can I refrain from recalling here what has been written and thoroughly investigated touching the pretended settlement of the French in the Illinois and Arkansas.

Whether they were some of the individuals of La Salle's expedition who had survived it, as M. Du Pratz has it, or whether they were other adventurers from Canada, it seems beyond a doubt that some Frenchmen did penetrate as far as the Arkansas, towards the end of the seventeenth century, or the beginning of the eighteenth; on which point, however, the records of that period do not exactly agree. Enterprising people from Canada, both Frenchmen and natives, communicated with the Indian tribes, and penetrated far into the interior, to purchase cattle and for other purposes of traffic. Some of them, therefore, fixed themselves at the post of Arkansas, not as settlers, but as agents to carry on the trade between Canada and the natives of this district. The same took place at the post of the Illinois, long before the first foundation of the French colony of Louisiana was thought of.

Father Marquez, a Jesuit, had penetrated in 1671, as a missionary, into the Indian nation called Saulteux, as far as Chagwanigung, on Lake Superior; and, in the year following, one Saliet, with a view to explore the Mississippi, proceeded from Canada to Chagwanigung point. After joining Father Marquez, they both advanced and succeeded in penetrating to that river by the Ouisconsin. They met with a considerable population in the country of the Illinois, at the mouth of the river Moingora; and after promising to visit them on their return, they suggested to those Indians the idea of entering the country by the river since called the Illinois; and the Indians did so, and settled in a district known by the name of the Great Rock, or Great Penasco, about five leagues higher up than the mouth of the river. Soliet and Father Marquez could descend the Mississippi no farther than the Arkansas; and on their return from their excursion, they found the Illinois encamped at the Great Penasco. Soliet continued his retreat; and Father Marquez determined to remain with these Indians, to instruct them in the principles of the Christian faith. In this attempt he was succeeded by other missionaries, who afterwards proceeded to found a church there, sufficiently regular, composed of Illinois and Canadians who had met and united with each other: these people were nowise subject to the French Government; but lived independent, in the manner of several Indian nations bordering on the United States. Several other Indians of the Miami and Shawanee tribes came and settled themselves near the Big Rock, or Great Penasco; but they disagreed, and soon after dispersed. A party of the Illinois went down the river and settled at Cahokia, on the left bank of the Mississippi, fifteen or sixteen miles below the mouth of the Illinois. Other missionaries followed them; and thus went on this kind of colony, informal or wandering, but always independent of and unconnected with the French of Canada.

Let us now speak of the settlement of the French in the country called by them Louisiana. The first spot occupied by them in this country was the bay of *Biloxi*, about thirty leagues to the eastward of the Mississippi, in the year 1699, or, more strictly speaking, in 1700; and Mobile, a little farther eastward, where they established themselves, was, during two-and-twenty years, the capital of their new colony. From that time they observed the greatest caution in the settlements they formed on the banks of the Mississippi. Seventeen years had passed since the foundation of their colony, when they ventured to raise some huts on the left bank of that river; and this was on the spot now occupied by New Orleans, which five years afterwards became the capital of the colony, when the intimate relations between France and Spain, not only by virtue of the family compact, but more particularly by the elevation of Philip V. to the throne of Spain, favored the toleration of a dexterous encroachment on a territory which was acknowledged to belong to that monarchy. In 1722, the French succeeded in fixing some German families on the right bank of the river, opposite to the settlements which they already had above and below the new city of Orleans. They afterwards settled some Acadians a little higher up, and, finally, some others at Point Coupée. But the whole limits of these cottages or settlements did not extend to more than fifteen or twenty acres of land upon the front of the river; so that the French, seeing a want of cattle, and feeling the necessity of establishing herds to keep up a supply, turned their views to the extensive and fertile prairies of Attakapas; and the Governor of Louisiana thereupon applied to the commandant of the interior provinces of Mexico for permission to establish some herds only, which was frankly granted to him by the Spanish commandant. In fact, they had nothing more than cattle establishments in Attakapas and Opelousas, when the colony was transferred to Spain in 1764. They had never gone farther; and it is to the Spaniards that the colony is indebted for the extensive population and cultivation of that part of the territory afterwards ceded back to France, and transferred by her to the United States; as was also the case in the settlements of La Fourche, Avoyelles, the Rapides, and Ouachita, which did not previously exist, but were formed by the Spaniards within the proper limits of the monarchy.

From hence you will clearly see, sir, that so far from Spain having retained any point belonging to French Louisiana when she ceded it back by the treaty of St. Ildefonso, she left incorporated with it many points, settlements, and territories, which in truth did not belong, nor ever had belonged, to the said colony.

It would be too fatiguing to trace, step by step, all the incursions of the French from Canada, or from Louisiana, into other points of the Spanish dominions, by passing through Indian nations or uninhabited countries. I cannot, however, omit touching on the accidental circumstance which gave rise to their settlement at Kaskaskia, twenty leagues below *Cahokia*. The inhabitants of Illinois, who had no connexion or dependence whatever on Canada, at length undertook to go down the river and trade with the French at *Biloxi* and Mobile bay; and these traders having discovered fertile and beautiful prairies on the right of the small river Kaskaskia, several of the French settlers removed thither in the year 1703, and founded what is now the town of Kaskaskia; but they always lived independent and in alliance with the Indians, until the Louisiana company sent M. de Boisbriant, as the King's lieutenant, with troops, to reduce and direct this settlement. It was afterwards considerably increased in the hands of the French, who successively formed the settlements of Chartres, St. Philip, Prairie des Roches, and Prairie Dupont, but still, as you perceive, sir, on the left of the Mississippi; and it was not until several years afterwards that they settled St. Genevieve, opposite Kaskaskia, on the right of the said river—an inconsiderable settlement, which made no progress until the country was ceded to England.

In fine, all the written documents and historical evidence relating to French Louisiana agree in dividing it into Upper and Lower, and proving that Lower Louisiana is bounded on the north by bayou Manchac, by which it communicates from the river Mississippi to the Iberville; and that Upper Louisiana commences above the said bayou, the post of Natchez being the principal settlement of the French in that quarter, in whose neighborhood they cultivated tobacco. The settlement of Natchitoches, which they afterwards formed, was considered as depending on Upper Louisiana.

It would be easy to prove that this latter settlement was made by the French within the Spanish territory, and merely through the condescension or sufferance of the viceroys of Mexico, and the governors of the province of Texas. Before the French had founded New Orleans, there already existed the Spanish missions and settlements of San Francisco, La Purisima Concepcion, San José, and Nuestra Señora de la Guadaloupe, at a very short distance from Natchitoches; and the right of property and possession on the part of the Crown of Spain to the whole of this territory, as far as the Mississippi, was notorious.

I am aware that the French attacked the missions of Texas, during the war between France and Spain, under the regency of the Duke of Orleans; that for this purpose they proceeded from the post of Natchitoches, and that the Spaniards retreated to San Antonio de Bexar, till the governor of the province, the Marquis de Valero, advanced to chastise and keep the enemy in check. This commander marched against them in 1719, drove them from the Spanish posts, and obliged them to shut themselves up in Natchitoches.

This expedition is connected with the authentic facts of which M. Du Pratz has made up a ridiculous and fabulous tale, in his History of Louisiana, when he speaks of a Frenchman of the name of St. Dennis, and supposes certain conventions entered into between him and the Duke de Linares, Viceroy of Mexico. In 1715 St. Dennis penetrated from Mobile to the Spanish garrison of San Juan Bautista, with three companions and a passport, on pretence of going to buy cattle in the missions of Texas, but in reality to carry on a contraband trade and explore the country. Both he and his companions were seized and conveyed to Mexico. After a variety of adventures, St. Dennis made his escape, and was one of those who set out from Natchitoches with other Frenchmen to attack the inhabitants of Texas, as I have before stated.

After this event the Marquis de Aguayo came to Texas, re-established the old missions, and founded new ones, viz: Pilar, Adaes, Loreto, at the bay of Espiritu Santo, or St. Bernard, and Dolores, known by the name of Orquizaco; he greatly improved San Antonio de Bexar, and placed the whole frontier of the province in a respectable state. Thus the Spanish settlements remained tranquil until Louisiana was ceded to Spain, when the garrisons of Adaes and Orquizaco were suppressed, as being no longer necessary.

As a further proof that the post of Natchitoches was acknowledged even by the French as being within the Spanish territory, I shall add two facts: the first is, that when Captain Don Domingo Ramon came with a party to Texas, after St. Dennis and his followers were sent to Mexico, he paid a friendly visit to the French at Natchitoches, and entered that fort with the royal *batova* and *insignia* as a sign of the dominion and jurisdiction of Spain, to which the French made no opposition. The second fact is, that in the year 1742 the French governor of Natchitoches being desirous to remove that fort, which had been injured by an inundation, somewhat farther from the bank of the Rio Roxo, (the Red river,) he waited on the Spanish governor of the Adaes, Don Manuel de Sandoval, and requested the necessary permission to do so. Sandoval granted it, as the site to which he wished to remove it was no farther than a musket-shot from its former situation. Notwithstanding, the Viceroy of Mexico, on being informed of this act of accommodation, highly disapproved it, and despatched Colonel Don Francisco de Brito to Adaes to supersede Governor Sandoval, and bring him under guard to Mexico, to be tried there before a court-martial; which was carried into effect with all the rigor of the law.

It is unquestionable, from the historical series of facts and the most unexceptionable documents, that the province of Texas extended to the Mississippi, and that the French never crossed the river into that district but through the sufferance or permission of the Spanish Governors; and that, in consequence of the former abusing the generosity with which they were permitted to trade with the Indians of that territory, and to hold, for that purpose only, the posts of Natchez and Natchitoches, positive orders were issued to drive the French from the whole district, and destroy the said posts. The Spanish commandant advanced with a sufficient force to execute those orders; but he acceded to the proposals of the French at Natchitoches, which were confined to this: *that Arroyo Hondo, which is midway between Natchitoches and Adaes, should be considered as the dividing line, until the determination of the two courts.* In this state things remained without further change, and so continued until the cession of Louisiana to Spain relieved those provinces of Spanish America from all embarrassment and trouble from the French. But it always was an undeniable fact, established by the irresistible titles and documents, that the French neither held nor had held, to the westward of the Mississippi, in 1719, any other post than Natchitoches, which they held merely by the condescension of Spain; and that the Spanish settlement of Adaes, only five leagues distant from the Rio Roxo, (Red river,) existed much earlier, and did so exist until Louisiana was transferred to Spain. The parochial records of Nacogdoches and Adaes, with the registers of births, baptisms, and deaths, attest it still more circumstantially, as well as the proceedings of the pastoral visit made in 1805, by Don Primo Feliciano Marin, bishop of the new kingdom of Leon, who visited the district of Adaes and the whole province of Texas.

The right which Spain always had to all the territories to the north and east of New Mexico, as far as the right bank of the Mississippi and the Missouri, is proved with equal certainty. All these territories, and the different branches, falls, and waters of the Mississippi, were always comprehended within the line of the Spanish dominion in that part of America from the earliest periods of its discovery and conquest. Although the French penetrated several times from Mobile and Biloxi to different parts of that line, they never acquired any right to them. Their

excursions were confined to trading, or smuggling, or exploring the country. The huts or posts which they had in some Indian nations were trifling establishments, clandestine and precarious, which they were unable to preserve. The Spaniards had traded much earlier than the French with all these Indian nations; with the Missouris, extending along the river of that name; the Padorcas, beyond the river La Platte; and, still farther to the northwest, with the Latanes; and, finally, with several others, as being within the dominions of the Crown of Spain.

The French themselves never disputed the rights of the Spaniards to possession and property, nor laid claim to these parts of the territories of the Spanish monarchy. The court of France always took the greatest care not to injure the rights of Spain on all occasions of making grants of land within her settlement of Louisiana; and the French settlers at all times carefully respected the right bank of the Mississippi, throughout its whole extent, as the well-known property of Spain. No memorial can be found declaratory of a contrary opinion, except a decree of Louis XIV., dated at Fontainebleau, on the 14th September, 1712, in favor of M. Crozat, ceding to him and the company formed by him the French settlement of Louisiana, with an ideal and vague demarcation of boundaries, by extending them mentally to New Mexico and the English province of Carolina, and along the Mississippi from the sea to the Illinois, &c. It is evident that the court of France did not then possess any knowledge of the geography of that country, or that New Mexico was considered as bordering on the Mississippi, notwithstanding Louis XIV. had carried his liberality so far in that grant as to give the French company even the river Mississippi and the Missouri. He might, with equal reason, have given those of the Amazons, the La Plata, and Oronoko. You are perfectly aware, sir, the expressions of this grant are vague and absurd. They never could alter the fixed limits of French Louisiana, or of the Spanish possessions. The grant of Louis XIV. was always considered as the act of a disordered imagination. The Spaniards constantly preserved their dominion over all the right bank of the Mississippi to the Missouri, and over all the territories and waters from the former to the right shore of the latter. Even the French themselves, notwithstanding this famous grant, never ventured to go beyond the certain and well-known limits of their settlement, or violate those of the territory and dominions of the Crown of Spain. It is, therefore, of no consequence to us if such a blunder was committed by those who penned the said grant at Fontainebleau. If a document of this nature was sufficient to dispossess a nation of its dominions, or of any part of them, what security could there be in any part of the possessions of independent kingdoms and states? Can there be a mind capable of conceiving that such a paper can fail to be absurd and completely despicable, since it never took effect, has always been resisted as rash and extravagant, and since the incontestable rights of Spain to the property and possession of the said territories existed then, and do still exist? Certainly not.

The court of France was immediately sensible of the extravagance of that grant, as no farther mention was made of it. On the contrary, when it ceded Louisiana to Spain, in 1764, M. Kerlet, who had been many years governor of that province, was ordered to draw up a memoir, containing a description of its proper extent and limits. This memoir, delivered by the Duke of Choiseul, minister of France, to the Spanish ambassador at Paris, as a supplement to the act of cession of Louisiana, agrees substantially with that which I have just now pointed out. I would carry this demonstration still farther, if I thought it necessary; and I will do so if you shall have any thing to object to it. In the mean time, I now confine myself to declare to you, sir, and to the Government of the United States, in the name of the King, my master, that, although Spain has an original and indisputable right to all the right bank of the Mississippi, His Majesty has resolved to claim this right solely with a view to adhere to the *uti possidetis*, or state of possession in which the Crown of Spain was when she acquired Louisiana in 1764, and in which that of France was at the time she made the cession. His Majesty, paying due respect to all such treaties and conventions as have caused a change in the state of possession of the two nations in that part of America, religiously confines himself to the express period when Louisiana was circumscribed by the well-known extent and boundaries with which it passed into the hands of the United States.

As these boundaries, to the westward of the Mississippi, although always notorious and acknowledged, have not been marked out with the formality necessary to avoid doubts and arbitrary pretensions, and as it is only evident that they undoubtedly proceed from the Mexican Gulf, by the river Mermento, or Mermentao, and Arroyo Hondo, by drawing a line between Nachitoches and Adaes, which crosses the Red river, and extends towards the Missouri, I have done no more than point out the basis for a line of demarcation; and after we have agreed on this basis, a commission, composed of Spaniards and Americans, formally appointed and authorized by their respective Governments, can, and ought alone, to examine and fix the boundaries between the possessions of the two Powers, keeping in view the documents exhibited on both sides, and comparing them on the spot with the points to which they refer. The basis I now speak of, as necessary for this demarcation of boundaries, must be sought for precisely in the most marked, leading, and notorious points, which showed the proper direction and extent of the territories of Spain, France, and England in 1763 and 1764, since we cannot seek for them in preceding periods, the possessions of the three Powers in this part of the American continent being then very different from what they have been after those periods, in virtue of public treaties, which are, and ought to be, inviolable.

The situation, therefore, of the three Powers, until 1763, was as follows: the Crown of Spain extended its dominion to the east, over the right side of the Mississippi, from its mouth to the mouth of the Missouri; and to the north, over the right side of the latter river, from its mouth to its source. Florida, already contracted by the *intrusive establishment* of Louisiana, commenced at the river Perdido, and extending eastward towards the river Santa Maria, (St. Mary's,) included the whole peninsula, which extends as far as the twenty-third degree of south latitude. Its northern boundary was not yet fixed. In addition to the colony of Louisiana, such as I have shown it was, and ought then to be, France possessed the territories of Upper and Lower Canada, extending south to a line running from the river Alivamoa, and following the chain of the Alleganies until it struck above Chaleur bay. England extended her possessions to the south of the said line, on the coast of the Atlantic, from the river St. Mary to the river St. Croix, and added to those possessions all the territory lying north of the two Canadas, as far as Hudson's bay and Lake Winnipeg, which had been ceded to her by France, at the peace of 1713.

But France, as you know, sir, was, by the treaty of 1763, excluded from the continent of North America, with the exception of Louisiana, then reduced to the island of New Orleans, and to the tract of country to the north of Missouri, and extending to the British possessions. By that treaty, she ceded to England both the Canadas and all that part of Louisiana extending over the left side of the Mississippi from its source to the bayou Manchac, and thence following the left of the river Iberville, the lakes Maurepas and Pontchartrain, the coast and islands, to the river Perdido. Spain ceded, in like manner, Florida to England, such as I have described it; and in the year 1764, which is the second period when it is necessary to distinguish and fix the basis referred to, she acquired, by cession from France, her remaining portion of old Louisiana. She afterwards acquired what France had ceded to the English on the left of the Mississippi, and Florida also, which she had ceded to them in 1763, as is proved by the treaty of 1783. This treaty, and those of 1763 and 1764, before mentioned, are those which it is necessary to keep in view, together with that of St. Ildefonso, by which Spain ceded back to France what she had received from her; and France accepted the delivery, declaring herself satisfied, and taking possession by virtue of an act of His Catholic Majesty, which expresses the ***retrocession of Louisiana by Spain to France such as she had received it from France in*** **1764.**

The treaties between France and the United States, and between the latter and Spain, (the first in 1778, and the second in 1795,) must likewise be kept in view, to illustrate incontestable rights and establish unalterable principles. To the treaties just mentioned, your Government and His Catholic Majesty may add all such other titles and documents as may be thought necessary to remove or settle any doubt which may arise in the subject-matter, to the end that the basis of a demarcation may be laid down upon a due understanding, and established and fixed with the greatest possible exactness.

You are perfectly aware, sir, that there can be no other just mode of settling the dispute in relation to the question of boundaries, and that it is the one which has always been adopted by all nations in similar cases; it being the anxious wish of His Catholic Majesty that this demarcation may be so accomplished as to leave no room for doubts or controversy in future, by proceeding to it with good faith, and in a manner that may be satisfactory to both parties.

I therefore conclude this note with the same opinion I expressed in my former one, namely, that it is indispensable to examine, ascertain, and agree on the points necessary and essential to the establishment of the true boundaries which separate, or ought to separate, Louisiana from the Spanish dominions; and that this can only be determined by the mode proposed. If you will be pleased to point out to me any other, which, while it fulfils that object, may be conciliatory and compatible with the rights and honor of the Crown of Spain, you may be assured, sir, that I shall adopt it with pleasure, as I shall thereby further the intentions of my sovereign, which are to terminate as speedily as possible the disputes now pending in an amicable manner, so as to leave no spark of disagreement in future.

With these sentiments, I have the honor to offer myself to your disposal, and pray God to preserve you many years.

LUIS DE ONIS.

The same to the same.

SIR: WASHINGTON, *January* 8, 1818.

Having stated to you in my notes of the 29th of the last, and 5th of the present month, all that I thought proper and necessary on the subject of boundaries, that we may ascertain, discern, and fix with impartiality, justice, and good faith, those which divide, or ought to divide, Louisiana from the Spanish possessions situate to the east and west of that province, acquired from France by the United States, I now proceed to discuss the different points on which your Government founds claims against those of His Catholic Majesty.

As this matter was sufficiently discussed (*ventilado*) and placed in the strongest light of evidence by the Spanish Government, in the notes addressed by it to Mr. Pinckney, at Aranjuez, and afterwards to the American commission, composed of that gentleman and Mr. Monroe, and also in those which in the last instance were addressed by it to Mr. Erving, at Madrid, I shall resume the subject briefly and precisely, merely touching on the principal points of the dispute, and showing, with simplicity and clearness, to what the state of the question is reduced, and in what manner it should be fairly and justly arranged.

I divide into two classes the points on which your Government demands satisfaction and indemnification of His Catholic Majesty. The first comprehends the injuries, losses, and damages suffered by American citizens from Spanish authorities and subjects, and those suffered by the subjects of the Crown of Spain from American authorities and citizens. The second comprehends the losses, damages, and injuries sustained by American citizens from captures made by French cruisers on the coasts of Spain, and condemned by French consuls residing in the Spanish ports. To this the whole question of indemnification is reduced.

The points embraced by the first class are as follows: 1st. The damages and injuries unlawfully caused by Spanish authorities and subjects on American citizens, and by American authorities and citizens on the subjects of the Crown of Spain, in violation of the law of nations and of the existing treaty, during the war between Spain and Great Britain, which terminated at the peace of 1801. 2dly. Damages and injuries sustained by American citizens in consequence of the interruption of the place of deposite at New Orleans, by an order of the intendant of the royal treasury of Spain in the province of Louisiana. 3dly. Injuries, damages, and losses caused to citizens of the United States by Spanish authorities and subjects, and by American authorities and citizens to Spanish subjects, directly or indirectly, from the year 1801 until the period when the correspondent convention between the two Governments on all the points embraced by the question of spoliations shall be concluded and signed.

Those which are comprehended in the first point are acknowledged to be evidently founded on justice; and, to carry them into effect, there exists ever since 1802 a convention stipulated and signed between Spain and the United States. You are aware, sir, that the suspension of this convention did not originate with His Catholic Majesty's Government. His Majesty is ready to give full effect to it; and on the basis of that convention we can establish and agree on what may be most just, suitable, and expeditious, to make a reciprocal satisfaction for the aforesaid injuries and losses, comprehending in the convention to be stipulated and signed for that purpose all the injuries and losses respectively suffered since 1801 to the present, because these two points only are distinct in point of time; but, as you are perfectly aware, they are, in all other respects, of a like nature, and therefore of equal rights and justice.

The first and third points are consequently to be acknowledged as substantially forming only one, subject to the examination and decision of the joint commission which is to determine the necessary compensation, in virtue of the convention to be stipulated on the basis of that of 1802.

The second point, namely, that of the suspension of the deposite at New Orleans, might be omitted. You are aware, sir, that it lasted but a very short time, and in the depth of winter, when the exportation of the produce of the Western States was very inconsiderable, and very hazardous and difficult; that, moreover, the order of the intendant produced no other inconvenience to the American citizens than the trifling one of loading in the stream instead of laying their boats along the quay at New Orleans; and that the said order of the intendant was an arbitrary act, duly disapproved of by His Catholic Majesty, and for which he directed his minister to give suitable satisfaction to the United States in his royal name. The United States having received it, this affair ought from that time to be considered as terminated.

On the other hand, you cannot but admit that His Catholic Majesty was not bound to continue the deposite at New Orleans after the termination of the precise period stipulated by the treaty of 1795, by which His Catholic Majesty only agreed to designate another spot for the said deposite upon the banks of the Mississippi. As this new spot was to be to the satisfaction of the United States, it was for them to point out and ask for it. The suspension ordered by the intendant, although highly disapproved by the Spanish Government, was in consequence of the scandalous contraband and abuses by which, under cover of the deposite, enormous frauds were committed on the royal revenue. By the treaty no provision was made for this case, nor was there any stipulation relative to the

time which was to intervene during the removal of the deposite from New Orleans to another spot on the bank of the Mississippi, or to the intermediate period between the suspension of the said deposite and the assigning another situation for it.

The Government of Spain was, therefore, not bound to become answerable for the losses and injuries eventually sustained by the short interruption of the deposite, since such obligations could only grow out of the stipulations of that treaty, which does not contain a single word that has the most distant allusion to such an obligation or engagement on the part of His Catholic Majesty.

Notwithstanding these reasons, and various others which I could adduce to prove that the Government of Spain cannot be bound to make satisfaction for the aforesaid losses and damages, His Catholic Majesty is disposed to yield to the reclamation of the United States on this point, provided they still insist on it, and to submit it, with the others spoken of, to the investigation and decision of the joint commission. There will, therefore, be no difficulty in also including this point, as far as it relates to injuries really caused by the order of the intendant of New Orleans, in the convention to be formed and signed, if required by you, it being His Catholic Majesty's desire to give continued proofs to the United States of his frankness, good faith, and condescension. I now proceed to the claim for losses and injuries committed on citizens of the United States by French cruisers and tribunals, in the capture of American vessels on the coasts of Spain, and their condemnation in Spanish ports, forming the object of the second part of this question, or that embracing the points of the second class, in the order of the enumeration I have adopted.

This part of the question was discussed in a very luminous manner in the notes addressed by His Catholic Majesty's Government to the American ministers on the 10th February and 5th March, 1805; and you are aware that no reply was made on the part of the United States, weakening in the least the force of the principles and the truth of the facts on which the opposition of His Catholic Majesty to a responsibility for those damages and injuries was grounded. You will agree with me, sir, that there is no possibility of deciding, by a general rule, the extent of the responsibility of a nation on whose coasts and ports aggressions have been committed by another against a third party, as it depends in a great degree on the circumstances of the case, and the particular stipulations binding on nations.

By the treaty between Spain and the United States, the obligation of Spain is reduced to exercise its good offices with the offending party, and to aid the claims of the party aggrieved. "Each party shall endeavor, (says the treaty,) by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners their vessels and effects, which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the Power whose subjects have taken possession of the said effects."

On the part of Spain this has been done; and if her efforts have not produced the desired effect, the fault does not rest with her. Besides, the injuries done by French privateers on the coasts and in the ports of Spain to American citizens have a particular character, which relieves the Government of Spain from all obligation to indemnify them for those losses, even although such obligation had existed. The United States were not at war with France, consequently their recourse, as the aggrieved party, was always open to the Government and tribunals of the aggressor. Spain was then in alliance with France, and both were at war with Great Britain. She, therefore, could not prevent the privateers of her ally from entering her ports, as they were not fitted out against the Americans, but against the English. If these privateers, after going on their cruise, committed aggressions on American vessels, on pretence of considering them or their cargoes as English, the Spanish Government could neither foresee nor prevent it. The injuries were already done before it was apprized of them. Neither was it in the Spanish ports where the injury was completed, but in France, by the tribunals of cassation, to which the Americans appealed from the decision of the French consuls residing in the ports of Spain. It was unquestionably in France that the offence and injury originated, and in France were they consummated. How, then, can indemnification be claimed of Spain for such injuries, and not of France, who was the cause of them, and the Power enabled to compel the aggressors to make due satisfaction, as they were her subjects, and had given the requisite bonds in her courts for their good conduct in their cruises? You cannot but be sensible, sir, that, according to every principle of reason and justice, it would evidently and unquestionably be monstrous to claim these indemnifications of Spain, as the Power existed then, and still does exist, which caused the injuries here treated of.

I would go still further to show that, by no established principle of the law of nations, can Spain be considered responsible for such indemnifications, not even indirectly, in case France should refuse to make them. I would cite, among others, the case in which Sir W. Scott, judge of the High Court of Admiralty of Great Britain, decided that prizes made by a belligerant, and carried into the ports of a Power its ally, and there condemned, are justly and lawfully condemned, according to the law of nations; and that the owners of the property prior to its condemnation have no longer a claim to it after condemnation has taken place. From this and other decisions, it follows that the Government to whose subjects the property condemned belonged has no ground to bring forward complaints or claims against the Government of the country where the prizes were made, because the condemnation is conformable to the law of nations, the sentence pronouncing it is valid, and the authority condemning the property legal, and proceeded according to rule. This doctrine is well known and acknowledged in the United States, as also the principle that, when a nation has employed its good offices, and taken such means as are in its power to procure satisfaction for the offence, and obtain compensation for the injuries committed on its coasts and in its ports, on a friendly or neutral nation, it is bound to nothing more, although its good offices and endeavors may not have produced the desired effect. This principle was applied by Mr. Jefferson, in his letter of the 5th September, 1793, to Mr. George Hammond. It is also admitted by the best civilians, and agrees perfectly with the obligations of Spain towards the United States resulting from the existing treaty between the two nations. I mean, however, in case Spain had not been the ally of France at that period, (because, even in that case, the principle I have just indicated would govern,) but, being then the ally of France in the war against Great Britain, she might certainly employ, among the exceptions exempting her from all responsibility in the case here treated of, the principle which served as the ground of Sir W. Scott's decision in the British admiralty court. But I do not consider it necessary further to illustrate these legal objections of the Government of Spain against the claim of your Government for the aforesaid injuries, inasmuch as this capital exception attends it, namely, that satisfaction for those injuries was already made to the United States by France; and, consequently, this affair is, and ought to be, considered as settled and terminated. This essential exception makes it superfluous to produce others, since the obligation spoken of, which was and could only be but one, is thereby evinced to have been extinguished. The French Government has positively declared that, "in the special convention concluded between France and the United States, this point was settled; and that the said convention, by which this claim and demand of the United States for due compensation for the losses and damages now spoken of were attended to and redeemed, was ratified in 1802, together with the treaty of cession or sale of Louisiana;" that is to say, that the amount of the said injuries and losses was

then estimated and compensated in the price stipulated for Louisiana; so that full compensation was then made to the United States for all that was estimated and agreed on between the French and American Governments as forming the value of the said losses and injuries. The French ambassador at Madrid gave a verbal assurance to this effect to His Catholic Majesty's Minister of State, and the Minister of Foreign Affairs of France gave a similar assurance to the Spanish ambassador at Paris. His Catholic Majesty also demanded a formal and categorical answer of the French Government on this point, which formal declaration I here copy; it is thus expressed in the note transmitted by the minister of France to the ambassador of His Catholic Majesty:

"BOURBON L'ARCHAMBAULT, *8th Thermidor, 12th year*, (*27th July*, 1804.)

"MONSIEUR L'AMBASSADEUR:

"I have duly laid before His Imperial Majesty the note which you did me the honor to address to me, dated the 24th July, relative to the discussion which has taken place between the court of Spain and the Government of the United States. I shall not fail immediately to submit to him the more ample explanations which your excellency announces your intentions of making to me, both verbally and in writing, on this dispute, which seems to threaten the good understanding existing between the United States and your court. Although I might yet defer giving my opinion to your excellency, in consequence of your intention to furnish me with the explanatory statements which you announce, I do not hesitate to inform you by anticipation that His Imperial Majesty cannot but be extremely sensible to the uncertain and uneasy position in which two Powers in amity with France are placed by this misunderstanding, and that he will certainly do whatever may depend on him to prevent its coming to an unfortunate issue.

"It is several months since I was informed by the chargé d'affaires near the Federal Government of the pretensions of that Government relative to a portion of country bordering on Florida, which has become a great object of ambition to the Americans, in relation to the establishment of their revenue system; and it seemed to me, from this information, that it was important that the Federal Government should use all the means in its power to obtain the annexation of this frontier portion of Florida to Louisiana; but the opinion due to the justice and moderation which distinguish the personal character of the President of the United States has not, nor does it yet permit me to think that menaces, provocation, and groundless hostility may be considered by him as the most suitable means to enable the United States to acquire a portion of territory belonging to a foreign Power which suits their convenience.

"Respecting the second point in dispute, which your excellency does me the honor to speak of in your note, I must say that I had previously no knowledge of it. And, indeed, if I had been informed that His Catholic Majesty's ministers had carried their condescension for the Government of the United States so far as to engage themselves towards it for indemnifying violations pretended to have been committed by France, I should certainly have received orders from my Government to express the dissatisfaction which France must feel on the occasion of so unseemly a deference; and this dissatisfaction would have been expressed still more warmly to the Government of the United States than to that of Spain. There is every reason to suppose that the court of Spain, by thus yielding to an improper demand, has emboldened the American Government, and determined it to become pressing, and even menacing on this occasion. As for the rest, the explanations formerly given to your court on this point, as well as those which have been authorized to be given to the Government of the United States by the chargé d'affaires of His Imperial Majesty, must enable you to judge of the opinion formed by His Majesty on this question, which, having already been the subject of a long negotiation, and of a formal convention between France and the United States, cannot again become a subject of discussion.

"Such, monsieur l'ambassadeur, are the remarks that I have thought proper to make in the first instance, in answer to the preliminary note of your excellency. In addition, I must observe that, in my opinion, the demonstrations which appear to me to have given your Government the uneasiness it has charged you to express are somewhat exaggerated, either from the impression they have produced at Madrid, or from the construction, possibly too extensive, which the minister of the United States to His Catholic Majesty may have, perhaps, given to his instructions. There is no room to suppose that a Government, anxious as that of the United States is to establish a general opinion of its wisdom and moderation, would resolve on engaging in an unjust war through motives of ambition; but as the United States attach great importance to the acquisition of a part of Florida suited to their convenience, it is not to be doubted that they will make every effort to obtain it. The ground of this dispute, therefore, rests entirely on this point. Perhaps the Federal Government may have thought that it would tend to promote a negotiation for exchange, by exciting a diplomatic quarrel. The wisdom of His Catholic Majesty will certainly suggest to him what is proper to be done on this occasion, with a view to terminate a dispute which, I have no doubt, will incessantly be revived, so long as no change shall take place in the actual relative position of Louisiana and the Floridas; but, on this point, it is for the wisdom of His Catholic Majesty to decide. The United States are not founded in making any claim on His Majesty. A positive declaration was made to them that Louisiana was delivered to them, such, and with the same extent it had when acquired by France; and this declaration will again be made to them as often and as positively as His Catholic Majesty will desire it.

"I request your excellency to receive the assurances of my highest consideration.

"CHA. MAU. TALLEYRAND.

"To Admiral TRAVINA, *Ambassador of His Catholic Majesty*."

You see, sir, that this declaration of the French Government is conclusive, and that the responsibility for losses and injuries caused by French cruisers and tribunals on the coasts and in the ports of Spain is removed from the period of that agreement; and that to renew a claim for what has been already paid and satisfied would be exacting double reparation for one and the same injury, and double payment for one and the same debt. Notwithstanding, if the United States have still a claim for the complete fulfilment of this satisfaction and payment, His Catholic Majesty is ready to unite his good offices and earnest requests to this claim of your Government on that of France, in order that she may perform, and cause to be performed, whatever may be justly required in behalf of American citizens who have sustained losses and injuries by her cruisers and tribunals. To this the obligation of Spain, in the present case, is reduced; and His Catholic Majesty's Government offers immediately to sustain all the just pretensions which the Government of the United States may be desirous to form against the Government of France on this point, or to demand of it all such explanations as may be judged necessary to clear up all doubts, if any are yet entertained by the United States, on this matter.

This point, then, being separated from those connected with the question of claims for injuries, losses, and damages, because that is already settled between France and the United States, or is to be settled with France directly, if any thing still remains to be performed, we can agree upon a just and suitable mode of determining a reciprocal satisfaction for the injuries, losses, and damages before spoken of, and included in the three points of

the first class as enumerated in this note, in order that we may proceed more clearly and methodically. These three points, as I have before said, will be submitted to the judgment and decision of the joint commission, in virtue of the convention to be formed on the basis of that of 1802, simplifying and rectifying it in such manner as will insure its most expeditious and faithful execution.

In this note, and the two others which I have already had the honor to address to you, are contained all the points in dispute between the Government of His Catholic Majesty and that of the United States; and, to avoid confounding them with each other, I have treated them in their regular order, with precision, simplicity, and clearness. You can examine each of them, sir, with the impartiality and rectitude which distinguish your character; and I flatter myself that all the motives and grounds of the controversy will be completely removed by your discernment and wisdom, as you will not fail to acknowledge the irresistible force of what has been, and is now, demonstrated on the part of the Government of Spain.

When the different points treated of in each of these notes with the necessary discrimination are considered, and a decision formed on each of them, it is requisite that we should definitively settle and terminate the controversy, without leaivng any room for dispute in future.

This general and definitive arrangement of all the points in dispute must, by its nature and circumstances, precede the negotiation for the exchange or cession of the Floridas, since, until it be determined and settled what are the territories on the frontier which belong to Spain, and what are those which belong to the United States, it is impossible to estimate the equivalent to be given to Spain for the two Floridas. Nevertheless, as it is the earnest desire of His Catholic Majesty to meet the wishes of the United States in every thing that may be compatible with the rights and honor of his royal crown, you may, sir, devise and propose a mode by which we may at one and the same time adjust all the points of the controversy, and stipulate the exchange or cession of the Floridas, in case your Government should not agree to our previously settling the points connected with the question of boundaries, and establishing a convention, in conformity to the basis of that of 1802, for the mutual compensation of losses and injuries, according to the order I have adopted in my note.

I expect, therefore, your answer, sir, whether it be confined distinctly to the subject of each one of my notes, according to their respective order, or to propose a mode embracing all the points comprehended in them, by which we may have them collectively settled in the negotiation which is to be entered upon for the exchange or cession of the Floridas. In this proceeding you will perceive, sir, a certain proof of the frankness and good faith of the Spanish Government, and of the sincere and friendly sentiments entertained by the King, my master, for the United States.

I conclude with the renewed assurances of my respects, and I pray God to preserve you many years.

LUIS DE ONIS.

The same to the same.

SIR: WASHINGTON, *January* 8, 1818.

In the National Intelligencer of the 6th of this month, I have seen published the official notice of the occupation of Amelia island by the troops of the United States. I had already anticipated this unpleasant event, by the note which I had the honor to address you on the 6th of last month, in which I remonstrated, in the name of His Catholic Majesty, against the measures announced in that part of the President's message to both Houses of Congress which manifested an intention to invade and forcibly seize on places and territories belonging to the Crown of Spain. Having received no answer to that note, I now feel myself obliged to repeat its contents to you, and to protest, as I now do strongly protest, in the name of the King, my master, against the occupation of Amelia island, effected by the naval and military forces of this republic, destined to operate against that island, forming a part of East Florida, one of the possessions of the Spanish monarchy on this continent.

Whatever may have been the motives on which the Government of the United States have founded their adoption of this measure, it cannot but be considered by all nations as a violent invasion of the dominions of Spain at the time of a profound peace, when His Catholic Majesty omits nothing to give the most generous proofs of his perfect friendship and high consideration for the United States.

I therefore trust that, upon your communicating this solemn reclamation and protest to the President, he will be pleased to direct that suitable orders be given to the American commanders at Amelia island, and on that station, forthwith to restore the said island, together with all its dependencies, to His Catholic Majesty, and to deliver up the same to the Spanish commandant, and officers presenting themselves for that purpose, in the name of their sovereign.

It is also my duty to represent to you, sir, that, at the time of the invasion and occupation of that island by the American troops, there was, and I believe still is, a considerable property belonging to Spanish subjects, which, in all cases, it is required by strict justice should be delivered to the owners, which, I doubt not, has already been, or will be done, in a due and proper manner, care being taken in the mean time that it be not removed or suffer injury.

I await your reply to this reclamation and protest, that I may be enabled to give seasonable intelligence and instructions to the Governor of St. Augustine, and to the Captain General of the island of Cuba, provided the President, as I flatter myself, will resolve on the prompt restitution and delivery of Amelia and its dependencies to His Catholic Majesty's Government.

I cannot by any means doubt that this will be effected, confiding, as I do, in the high rectitude of the President, and in the inviolable principles of public faith, on which the security of nations reposes.

I have the honor to renew the assurances of my respects, and pray God to preserve you many years.

LUIS DE ONIS.

The Secretary of State to Don Luis De Onis.

SIR: WASHINGTON, *January* 16, 1818.

Your letters of 29th December, and of 5th and 8th of the present month, have been received, and laid before the President of the United States.

He has seen, not without surprise and regret, that they consist almost entirely of renewed discussions upon the several points of difference which have so long subsisted between the United States and Spain—discussions which had been exhausted in the correspondence between the minister plenipotentiary of the United States at Madrid and your Government in the years 1802 and 1803, and more especially in that between Don Pedro Cevallos and

the special extraordinary mission of the United States to your court in 1805—a mission instituted by the American Government, under the influence of the most earnest desire to terminate amicably, and to the satisfaction of both the parties, all those differences, but which, after five months of negotiation at Aranjuez, issued in the refusal of Spain to give satisfaction to the United States upon any one of the causes of complaint which were to be adjusted, or even to settle the question of boundaries existing between the United States and the Spanish provinces bordering upon them. The President considers that it would be an unprofitable waste of time to enter again at large upon topics of controversy which were at that time so thoroughly debated, and upon which he perceives nothing in your notes which was not then substantially urged by Don Pedro Cevallos, and to which every reply essential to elucidate the rights, and establish the pretensions on the part of the United States, was then given. For proof of which, I beg leave merely to refer you to the letters of Mr. Monroe and Mr. Pinckney to Mr. Cevallos, of 28th January, 26th February, 8th and 16th March, 9th and 20th April, and 12th May, 1805. I am instructed by the President to propose to you an adjustment of all the differences between the two countries, by an arrangement on the following terms:

1. Spain to cede all her claims to territory eastward of the Mississippi.

2. The Colorado, from its mouth to its source, and from thence to the northern limits of Louisiana, to be the western boundary; or, to leave that boundary unsettled for future arrangement.

3. The claims of indemnities for spoliations, whether Spanish, or French within Spanish jurisdiction, and for the suppression of the deposite at New Orleans, to be arbitrated and settled by commissioners, in the manner agreed upon in the unratified convention of 1802.

4. The lands in East Florida, and in West Florida, to the Perdido, to be made answerable for the amount of the indemnities which may be awarded by the commissioners under this arbitration; with an option to the United States to take the lands and pay the debts, or to sell the lands for the payment of the debts, distributing the amount received equally, according to the amount of their respective liquidated claims, among the claimants. No grants of land subsequent to the 11th of August, 1802, to be valid.

5. Spain to be exonerated from the payment of the debts, or any part of them.

These proposals do not materially differ from those made to Don Pedro Cevallos on the 12th of May, 1805. The President has seen nothing in any events which have since occurred, nor in the contents of your notes, which can afford a reason or a motive for departing from them. Of the motives for coming to an immediate arrangement, the urgency cannot escape your attention. The events which have recently occurred in a part of the territory which you have informed me the King of Spain is willing to cede to the United States, those which are notoriously impending over the remaining part of that territory yet in the possession of Spain make it indispensably necessary that the ultimate determination of your Government in this negotiation should be acted on without delay. The explanations requested by your notes of the 6th December and 8th January, of the motives of this Government in the occupation of Amelia island, have been given in the message of the President to Congress of the 13th instant, and cannot fail of being satisfactory to your Government. You see it there distinctly and explicitly declared that the measures which this Government found itself under the necessity of adopting in relation to that island were taken not with a view to conquest from Spain. You well know that, if Spain could have kept, or recovered the possession of it from the trifling force by which it was occupied, the American Government would have been spared the necessity of the measure which was taken, and which was dictated by the duty of protecting the interests as well of this country as of those with whom we are in friendly commercial relations, including Spain herself. But Spain cannot expect that the United States should employ their forces for the defence of her territories, or to rescue them, for her exclusive advantage, from the adventurers who are projecting and in the act of executing expeditions against them from territories without the jurisdiction of the United States. Neither can the United States permit that the adjoining territories of Spain should be misused by others for purposes of annoyance to them.

Under these circumstances, the President is persuaded that you will perceive the necessity either of accepting the proposals herein contained as the basis of an adjustment of the long standing differences between the United States and Spain, or of offering such as can, by any possibility, be acceptable to this Government, without reverting to a course of proceeding the only result of which must be further procrastination.

I pray you, sir, to accept the assurance of my very distinguished consideration.

JOHN QUINCY ADAMS.

The Chevalier Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 24, 1818.

I have received your letter of the 16th of this month, by which I see, with great regret, that, in acknowledging the receipt of those I had the honor to address to you on the 29th of last month, and the 5th and 8th of the present, you omit to answer them, and decline taking into consideration the indisputable facts and grounds, and the irresistible arguments advanced in them, in relation to each of the points embraced by the dispute set on foot by the Government of the United States. You say it is useless again to discuss the facts, reasons, and arguments produced by the Spanish Government in the years 1802 and 1803, and in 1805, the American plenipotentiaries, and the special extraordinary mission conjointly with him, having then replied to the different points of the notes of the Spanish ministry in a manner capable of elucidating the respective rights of each of the two Powers, and establishing the pretensions of the Government of the United States; for proof of which you refer me to the letters of Messrs. Monroe and Pinckney to His Catholic Majesty's minister, Don Pedro Cevallos, of the 28th of January, 26th of February, 8th and 16th of March, 9th and 20th of April, and 12th of May, 1805.

I think it proper to observe, in the first place, that although the facts, grounds, and arguments then produced by the Spanish Government do not differ essentially from those stated in my notes, their irresistible and conclusive force is neither altered nor in any manner impaired. Truth is of all times; and reason and justice are founded on immutable principles. It is on these principles that the rights of the Crown of Spain are founded to the territories eastward and westward of Louisiana, claimed by your Government as making part of that province—rights of immemorial property and possession, never disputed, but always notorious, and acknowledged by other nations.

In the second place, I must remark to you that, throughout the whole correspondence on this subject between the ministry of the United States and that of His Catholic Majesty, there is not a single fact, or a single argument, that can affect the certainty or decisive force of the facts, grounds, and reasons which support and determine the aforesaid rights of the Crown of Spain. There does not appear to be a single incident to give the smallest support to the pretensions of your Government. All the vague positions on which it has been attempted to found them have been refuted and dissipated by the Spanish Government, by a demonstration so luminous and convincing as to leave no alternative to reason to resist it.

To lay all this aside, and merely to say "that it is a matter already thoroughly debated, on which nothing further essential can be urged, and that the American Government insists on maintaining a contrary opinion," is to adopt an arbitrary course, because, this opinion not being supported by any solid foundation, and being, as it is, diametrically opposite to the unquestionable result of facts, and to the most incontestable principles and arguments, does not, nor can it, give to the United States any right to the pretensions they have formed. Neither can it be required that the Government of Spain should subscribe to this opinion, and renounce its rights to the territory which the United States wish to possess in the Spanish provinces bordering on those States, since that opinion, as I have already said, is altogether groundless and arbitrary, and since, on those rights, there neither does nor can there fall any doubt.

It is the sincere wish of His Catholic Majesty that a just mode of amicably settling all pending differences may be adopted, and he has authorized me for this purpose; but neither the powers he has conferred on me, nor my own sense of duty, permit me to enter into an arrangement which is not based upon the principles of common justice, combined in good faith with the suitable considerations of reciprocal utility or convenience. Being anxiously desirous of carrying the wishes and frank dispositions of my sovereign into execution, I suggested to you, in our last verbal conference, the expediency of your making to me such proposals as you might think fit to reconcile the rights and interests of both Powers, by a definitive arrangement of the differences pending between them. Since you communicated the present state of things to the President, you have proposed to me in your note a plan of arrangement or adjustment embracing the question of boundaries, and that of indemnities, which is as follows:

To settle the former, you propose "that Spain shall cede all her claims to territory eastward of the Mississippi, (that is to say, the two Floridas;) and that the Colorado, from its mouth to its source, and from thence to the northern limits of Louisiana, shall be the western boundary of that province."

I have expressed in one proposal what you have stated in two, as both are reduced to the cession of territory by Spain. It is not only proposed that Spain shall cede both Floridas to the United States, but that she shall likewise cede to them the vast extent of Spanish territory comprehended within the line following the whole course of the Colorado. I presume that it is the river Colorado of Natchitoches you speak of, and not of another bearing the same name, and which is still farther within the limits of the Spanish provinces. I leave it to you, sir, to examine the import of these two proposals, and to see whether they are compatible with the principles of justice, or with those of reciprocal utility or convenience. It is demanded of Spain to cede provinces and territories of the highest importance, not only to the eastward, but to the westward of Louisiana, and that without proposing any equivalent or compensation.

To settle the question of indemnities, you make the following proposals:

1. That indemnity for spoliations on American citizens, committed by Spaniards, or by French within the jurisdiction of Spain, as well as for injuries sustained by American citizens by the interruption of the deposite at New Orleans, shall be settled by a joint commission, as agreed upon in the convention of 1802.

2. The lands in East Florida, and in West Florida to the Perdido, to be made answerable to the United States for the amount of the indemnities which may appear to be due by Spain to American citizens on the settlement to be made by commissioners appointed according to the convention of 1802; it being at the option of the United States to take the lands and pay the amount of the indemnities according to the award on the claims, or to sell the lands, and effect the payment with the proceeds of the sales. To this proposal you add, that all grants of land subsequent to the 11th of August, 1802, are to be null and void.

3. That Spain shall be exonerated from the payment of the debts, or any part of them.

Before I reply to these three proposals, I must repeat the uniform declaration of the Spanish Government to the United States, that His Catholic Majesty is, and always has been, ready to settle the question of indemnities, with a view to the full satisfaction of the just claims of the parties interested; and that His Majesty has always manifested the same sincere desire to settle definitively the question of boundaries to the satisfaction of both Powers; and that, if neither of these objects has been accomplished, it has not depended upon the Government of Spain. The contrary is evident, beyond the possibility of denial, from the official correspondence between His Catholic Majesty's Minister of State, and the plenipotentiaries of the American Government, who suspended and broke off the negotiation at Aranjuez, after having obstinately refused to accept the modifications founded on strict justice which were proposed by the Spanish Government.

I now proceed to state the most obvious and essential difficulties which render your three proposals for the settlement of indemnities inadmissible. I observe that, in speaking of them, you only mention the indemnity for spoliations suffered by American citizens, and omit that which is equally due to Spaniards for spoliations committed on them by the citizens and authorities of this republic, in violation of the law of nations and the existing treaty. I also observe that you not only omit this indispensable basis of reciprocity and common justice, but propose the immediate cession of both the Floridas, which two Spanish provinces are to be retained by the United States as an indemnity or payment of what may appear to be due by Spain to American citizens, according to the arbitration of the joint commission.

You cannot fail to admit, sir, that this proposal, independent of its injustice, is offensive to the dignity and honor of His Catholic Majesty. It is unjust, because it demands an indemnity or anticipated payment of claims yet to be proved and liquidated, while, at the same time, it provides for no correspondent indemnity or payment of what may be due by the United States to Spanish subjects. It is offensive to the dignity and honor of Spain, because, by the very fact of demanding this anticipation, a want of confidence in the integrity and punctuality in His Catholic Majesty's Government is manifested, whereas a single instance does not exist of Spain having failed in fulfilling her engagements; the most scrupulous exactness, good faith, and strict observance of the point of honor, having at all times invariably formed the distinguishing traits of her character. It therefore becomes unnecessary to point out to you the enormous disproportion between the value of the two Floridas, and that of the probable amount of the claims of American citizens on the Government of Spain, after they are ascertained and liquidated. This disproportion will be still more enormous when you consider that, in the first of the three proposals, to which I am now replying, is included the indemnity for spoliations on citizens of this republic by French cruisers and consuls on the coasts and in the ports of Spain, and by the tribunals of cassation in France, confirming the condemnation of American prizes.

It has been proved to mathematical demonstration that Spain neither is nor can be responsible in any way for this indemnity. It is France which must be responsible, if she has not already satisfied the claim, as her Government assures she has done.

Nor can I omit to declare to you, sir, that the pretension of annulling the grants of lands in Florida since August, 1802, would be in opposition to all the principles of justice. These grants are made in a lawful manner, and by a lawful authority. Spain was the owner and peaceful possessor of those lands. She had then an indisputable right to make the grants you allude to, as she now has to the property of the territory afterwards forcibly taken possession of by the United States, since a violent dispossession never deprives an individual or nation of their law-

ful rights. I proceed to your last proposal, which is, that, on the admission of those preceding, Spain shall be exonerated from all obligation to pay the debts or claims which may be due to American citizens on their settlement and liquidation by the joint commission. I conceive this to be the import of the expressions, stating that "Spain shall be exonerated from the payment of the debts, or any part of them." This proposition is a corollary of the two preceding it, since, if Spain should cede the two Floridas to the United States as an indemnity or compensation for the losses and injuries done to the citizens of this republic, she would necessarily be exonerated from this responsibility, the cession being, in such case, equivalent to a final discharge of the claims referred to. I go farther. Supposing your two last proposals for the definitive adjustment of the question of indemnities to be admitted and carried into effect, the one preceding, namely, that which refers this business to the award of commissioners to be appointed by both Governments, agreeably to the convention of 1802, would be useless and contradictory. As none of the proposals offered by you provide any indemnity for the losses and injuries caused to Spaniards, nor even make any mention of them; and as by the two last proposals, if admitted, the losses and injuries sustained by American citizens would be indemnified and compensated, according to the wishes of your Government, and Spain would consequently be exonerated from all responsibility on this head, it is clear that the business would then be settled and cancelled, and there would be no necessity for recurring to arbitration.

Finally, I cannot refrain from expressing my great concern at not being able in any degree to reconcile the proposals you have made me by order of the President with the inviolable principles of common justice; and on perceiving that on the part of the United States no basis is presented of a due reciprocity for the adjustment of the differences pending, the said proposals being altogether inadmissible.

I repeat to you, sir, that the King, my master, being desirous to meet the wishes of the United States in respect to the cession of the Floridas, although it is well known how highly important those two provinces are to cover and secure the possessions of Spain in that part of America, His Majesty is ready to cede them, provided he is compensated by an equivalent in territory belonging to the United States, and bordering on the Spanish possessions; and it is under this idea that the powers and instructions I have from my Government are conceived. But you cannot fail to admit that the plan of adjustment proposed involves exorbitant and enormous sacrifices to the prejudice of Spain, since, without offering any equivalent or compensation on the part of the United States, it requires not only the cession of both the Floridas, but also that of immense territories belonging to the Spanish monarchy westward of Louisiana; and that, in relation to the question of reciprocal indemnities, it only comprehends those respecting American citizens, omitting those due to the crown and subjects of His Catholic Majesty. This plan of adjustment would amount to the following one: "Give me all I wish to ask, and give up all you may justly claim or show is yours." I am, however, perfectly persuaded that this neither is nor can be your intention, or that of your Government; and that, in making these proposals for an adjustment, your only object was to afford me an opportunity to make such as you might consider just and admissible.

I shall, therefore, point out to you such as I conceive to be founded in justice and reciprocal convenience, and therefore cannot fail to meet the wishes of the United States.

1. "The dividing line between Louisiana and the Spanish possessions to be established in one of the branches of the Mississippi, either that of La Fourche, or of the Atchafalaya, following the course of that river to its source. Spain to cede the two Floridas to the United States in full and complete sovereignty."

In case this proposal should not appear admissible to your Government, the following may be substituted: "The *uti possidetis*, or state of possession in 1763, to form the basis, and the western line of division to be established from the sea, at a point between the rivers Carcasa and the Mermento, or Mermentao, running thence by Arroyo Hondo, till it crosses the Colorado of Natchitoches, between that post and Adaes, thence northward to a point to be fixed and laid down by commissioners respectively appointed for the purpose."

2. His Catholic Majesty to ratify the convention of 1802, and both Governments to abide by the decision of the joint commission on the question of indemnities, classing as such those which regard American citizens and the crown and subjects of His Catholic Majesty, for spoliations reciprocally committed to the period of the said convention, and thereafter, to the date of the confirmation of the adjustment by the joint commission. Five or seven members to compose the commission, with this condition, that if they are five, each Government shall respectively nominate a person for the fifth member, to be chosen by lot, provided they cannot agree on the person to be so chosen; the same to take place for the fifth, sixth, and seventh, if there be seven members; but the fifth, in the first instance, and the fifth, sixth, and seventh, in the second, shall neither be Spaniards nor citizens of the United States by birth or naturalization. They shall moreover be, by their profession and office, judges, of the number of those subjects who, among maritime and commercial nations, are usually employed to judge and decide on matters connected with maritime law and the law of nations, whether in France, England, Russia, Austria, or the Netherlands; in both cases, the person so designated to be provided with a certificate of the Government of the country he belongs to, proving the opinion entertained of his integrity and capacity, his quality and actual profession as a judge in the matters referred to, and also the assurance that permission shall be granted to him for discharging the duties of the commission, in case the said person shall be chosen by lot.

With these modifications, suggested by prudence, impartiality, and the most perfect rectitude, and excluding, as is just, the indemnity for the spoliations committed on the commerce of this republic by French privateers and consuls on the coasts and in the ports of Spain, and by the tribunals of cassation in France, the convention of 1802 to be ratified and carried into execution.

3. His Catholic Majesty to unite with the United States in using their best endeavors to obtain from France the correspondent indemnity for the spoliations just mentioned, in case that question has not already been settled between the French and American Governments.

4. The Government of the United States to engage to take effectual measures to prevent all hostile armaments in their ports and territory against the commerce and possessions of Spain, either by Americans or any other Power, or by adventurers of any other nations, or by the rebels of Spanish America; and, for their due execution, the President to issue positive orders to all persons employed by the Government, charging them, on their responsibility, to guard against any infraction or violation of them whatsoever, extending the same measures to the preventing of any vessels employed in cruising against the Spanish commerce, or otherwise hostilely engaged against the Government and subjects of His Catholic Majesty, from arming in, or entering armed, the harbors and waters of the United States. Every vessel of this description found within the jurisdiction of the United States to be seized without remission, and subjected to the rigor of the law by the American officers and authorities; and the vessels and property so captured, belonging to the subjects of the Crown of Spain, to be laid under attachment, and definitively delivered up to His Majesty's minister, or the nearest Spanish consul, to be held by them at the disposal of the lawful owners. This proposal contains nothing beyond the obligations already imposed by the laws of the United States, the law of nations, and the existing treaty. But as it is evident to you, and to the whole world, that abuses and infractions of these laws and solemn compacts have been, and continue to be, frequently practised, it is absolutely necessary that suitable measures be adopted, fully and effectually to prevent the repetition of similar abuses and infractions.

By these four proposals the rights and interests of both Powers are reconciled upon principles of manifest justice and reciprocal utility; they settle and terminate all pending differences, in my judgment, satisfactorily to both nations; and I must presume that the President will view them in the same light, and substantially admit them. In case there be any other question of secondary or minor importance to be in like manner included in the general and definitive adjustment, it will be easy, and follow of course, after we have agreed on the most essential articles or points; we will then also determine the true import of the several propositions laid down, and explain each one of them with the necessary clearness, accuracy, and precision.

If, however, you should find any difficulty or obstacle to the acceptance of the proposals I have now the honor to make to you, and are of opinion that by any other mode we may attain the desired object, without deviating from the fundamental principles and basis of justice and reciprocal convenience, I will, with great pleasure, be ready to adopt it, provided it be compatible with the powers given me by the King, my master. In this view you can propose such changes or modifications as you may see fit, as are calculated to remove all difficulties on both sides, and reconcile the rights, interests, and wishes of both Powers.

In the mean time, I hope that the course pursued by the President *(en la marcha de su conducta)* will correspond with the sentiments and uniform profession of amity and perfect harmony existing between His Majesty and the United States; and I am, therefore, constrained to reclaim and protest, formally, as I now do, against all measures whatsoever injurious to the rights of the Crown of Spain, and to renew, as I hereby do, the protest already made against the occupation of Amelia island, and against the orders to occupy Galvezton, inasmuch as the United States having no right whatever either to the said island or to Galvezton, they neither had, nor could have, a just motive or cause to sanction similar acts of violence in the midst of peace.

I await your answer to this note in order that we may accelerate the moment of agreeing on just and fit measures for carrying the definitive settlement of all pending differences into effect.

In the mean time, I renew to you, sir, the assurances of my constant respect.

God preserve you many years.

LUIS DE ONIS.

The same to the same.

SIR: WASHINGTON, *February* 10, 1818.

The multiplicity of business which I believe has, and still does engage your attention, from the necessity of preparing and laying before the Congress the papers and information called for on different subjects, must assuredly have prevented you from replying as yet to my note of the 24th of last month; it is, therefore, unnecessary for me to trouble you, by trespassing on your attention, to urge the importance of your answer, as I feel assured you are as fully aware of it as I am. But the earnest wish I have to accelerate the negotiation that has been opened, and thereby to come to a final settlement of the differences pending between His Catholic Majesty's Government and yours, impels me to take this step. I therefore request you, sir, to be pleased to inform me, as soon as you possibly can, whether the proposals offered in my aforesaid note come up to or approach the wishes of this republic; and if, with the view of satisfying them, you can devise another just mode calculated to reconcile the rights of both nations upon some principle of reciprocal utility and convenience, I hope you will communicate it to me, in full confidence that I shall not hesitate a moment to accede to any modification or expedient founded on a basis of acknowledged justice and mutual utility, because it is to such a basis that all the instructions and powers I have received from my sovereign refer.

The United States having manifested a wish to obtain the Floridas, His Catholic Majesty has condescended to accede thereto, as a proof of his friendship and high consideration for the United States, and has authorized me to stipulate the cession of those two provinces for an equivalent of territory westward of the Mississippi. Having proved on the part of His Majesty's Government, by the most complete evidence of which moral facts are susceptible, and by a conviction in nowise inferior to that of mathematical truths, that the proper boundaries of Louisiana eastward of the Mississippi are defined by the course of that river, and thence by the Iberville and the lakes Maurepas and Pontchartrain; and that to the westward they never did nor could extend beyond the rivers Carcasa and Mermento or Mermentao, running between Natchitoches and Adaes, across Red river, and thence northward to a line not yet fixed, and to be settled by commissioners to be appointed by both Governments, it is clear that the proposals offered in my note for the final settlement of the question of boundaries cannot fail to appear advantageous to your Government, and satisfactory to the just wishes of the United States. But if, for their greater satisfaction, you can point out an expedient by which the said proposals may be still further modified, without detracting from the acknowledged principles of common justice and reciprocal convenience, I am ready to attend to and stipulate it immediately, if it come within the sphere of my powers and instructions; and in case it should not, by presenting, perchance, combinations which could not be foreseen by His Catholic Majesty, I will immediately despatch a courier to Madrid, to inform my Government of the demands of yours, and request more ample powers adapted to them.

The question of indemnities can be attended with no difficulty. The Spanish Government has always been willing to give due satisfaction for the losses and injuries sustained by citizens of this republic, and committed by Spaniards, contrary to the law of nations and the existing treaty; but it cannot relinquish its claim to comprehend, in like manner, in the adjustment of those losses and injuries, such as have been committed by citizens and authorities of this republic on the Crown and subjects of Spain, in violation of the same right and treaty. Your Government, sensible of the justice of this demand, cannot fail to accede to it; thus, by ratifying the convention agreed on in 1802, as I have already proposed to you, the question of indemnities will be easily settled and determined.

The King, my master, being desirous of giving the United States and the whole world incontestable proofs of the rectitude and sincerity of his dispositions, and of his love of justice and good faith, is ready to submit all the questions embraced by the pending differences to the arbitration of one or more of the Powers of Europe in whom the United States may have the greatest confidence, they and His Majesty respectively engaging to abide irrevocably by the decision of such arbitration. In cases where justice alone is sought for, this reference must be particularly desirable, and has been frequently resorted to, as well by individuals as by the most respectable nations, on controverted questions.

The British Government, on being informed of the difficulties attending the negotiation pending between Spain and the United States, made an offer of its mediation for the purpose of reconciling them, and the President has not been pleased to accept it, as I have been lately informed by the minister of England to these States. From this refusal I am to infer that the President is willing, on his part, to remove all the obstacles which oppose the prompt and happy termination of the negotiation pending; and, under this impression, which is due to the uprightness, recti-

tude, and good faith of the American Government, I flatter myself that it will not be necessary to have recourse to the mediation or arbitration of friendly or neutral Powers to settle and terminate on principles of justice the existing differences between the United States and Spain; and if unfortunately this should not be the case, I also flatter myself that your Government will approve of one of those modes, as being dictated by a sincere love of peace and justice due to such occasions.

I therefore hope, sir, that you will reply as soon as possible to the proposals made in my last note, and communicate to me whatever you may think most conducive to the happy termination of the pending negotiation, and still further to strengthen the bonds of friendship and good understanding between the two nations.

In the mean while, I have the honor to renew to you the assurances of my respect, and I pray God to preserve you many years.

LUIS DE ONIS.

The Secretary of State to Don Luis de Onis, Envoy Extraordinary and Minister Plenipotentiary from Spain.

SIR: MARCH 12, 1818.

The admission, in your letter of the 24th of January, that all the facts, grounds, and arguments, alleged in your previous notes of 29th December and of 5th and 8th January, in support of the pretensions of your Government upon the several points of difference which have so long subsisted between the United States and Spain, are essentially the same as had already been advanced and discussed at the period of the extraordinary mission to Spain in 1805, while it justifies the reluctance, on the part of the American Government, manifested in my letter of the 16th January, to the renewal of an exhausted discussion, cannot but excite some surprise, as comporting so little with the professions of the earnest desire of your Government to bring those differences to a speedy and happy termination which have been so strongly and so repeatedly expressed as well in your notes as in the recent communications from Don Francisco Pizarro to the minister of the United States at Madrid. The observation, that truth is of all times, and that reason and justice are founded upon immutable principles, has never been contested by the United States; but neither truth, reason, nor justice consists in stubbornness of assertion, nor in the multiplied repetition of error. I referred you to the letters from the extraordinary mission of 1805 to Don Pedro Cevallos, for an ample and satisfactory refutation of the supposed facts, grounds, and arguments now reproduced by you. You reply by telling me that "there does not appear to be a single incident to give the smallest support to the pretensions of my Government; that all the vague positions on which it has been attempted to found them have been refuted and dissipated by the Spanish Government, by a demonstration so luminous and convincing as to leave no alternative to reason to resist it." And you, more than once, intimate that the American Government does not itself believe in the validity of the statements and arguments used by its ministers in support of the claims of the United States, as asserted by them.

To language and sentiments such as these the Government of the United States cannot reply; nor can it, without an effort, continue at all a discussion sullied by such unworthy and groundless imputations.

I am directed by the President to confine the observations upon your late notes to those parts of them which have relation to the essential subjects of controversy between the two nations.

To give a single instance of that course of argument which you represent as equivalent to mathematical demonstration in favor of Spain, it will be sufficient to refer to your assertions in relation to the question of the eastern boundaries of Louisiana, as retroceded to France by the treaty of St. Ildefonso in 1800, and ceded by France to the United States in 1803. The claim of the United States, under that cession, to the territory east of the Mississippi, as far as the river Perdido, rests, as you well know, upon the words in the two treaties describing the colony or province of Louisiana ceded by them as having the same extent not only that it had at the time of the retrocession in the hands of Spain, but also *that it had when France possessed it*, and such as it should be after the treaties subsequently entered into between Spain and other states. You know, also, with what force it was urged by the ministers of the United States at Aranjuez, in 1805, that those words (referring to the primitive possession of the province by France) could have had no other meaning than that of extending the retrocession to the Perdido, because the province had always had that extent when in the possession of France. And what is your reply to this argument, which you are pleased to include under the general censure of vague and groundless positions? It is no other than the supposition of a treaty of 1764, by virtue of which, you say, France ceded the western remnant of Louisiana to Spain a year after having ceded the eastern part of it, from the Mississippi to the Perdido, to England. With the aid of this treaty, you are enabled, first, to discover an interval of time between the two cessions, and during which France possessed Louisiana, bounded eastward by the Mississippi; and, secondly, to include this treaty between *Spain* and *France* among those described in the article of the treaty of St. Ildefonso, as "the treaties subsequently entered into between Spain and *other states*."

There is reason to believe that no such treaty of 1764 ever existed. That the cessions of Louisiana, westward of the Mississippi, to Spain, and eastward of that river to the Perdido, to England, were made by France both on the 3d of November, 1762, is certain; and that the acceptance by the King of Spain of the cession made to him took place on the 13th of the same November, 1762; the proof of which is in the very order from the King of France to L'Abbadie for the delivery of the province to the officers of the King of Spain. The province had never belonged to France a single day, without extending to the Perdido. Nor can it be necessary to remind you that the very treaty of cession, by which France surrendered her possession of Louisiana to Spain, cannot be comprehended in the description of treaties *subsequently* entered into between Spain and *other states*.

As this simple reference to a notorious and unquestionable fact annihilates all that course of reasoning upon which your understanding rejects all doubt, so a recurrence to another fact, equally notorious, replies as decisively to your appeal to the treaty of 6th February, 1778, between the United States and France. You say that in the year 1800 France could not have acquired any territory east of the Mississippi, without a *monstrous violation* of that treaty; forgetting that that treaty, and all its obligations upon France, had, before the year 1800, ceased to exist.

The fact that the cessions of the two parts of Louisiana to Spain and England were made on the same day may serve no less as a reply to all the verbal criticisms so gravely urged by Mr. Cevallos, and now repeated by you, on the force of the terms *retrocede* and *retrocession*, used in the treaty of St. Ildefonso. The plain import of the words is neither more nor less than *giving back*, *restoring*. It does not, and cannot be made to imply that both the parties to the restoration must, of necessity, be the same as both the parties to the grant. They only imply that the object and the party granting, and the party receiving it, as restored, are the same. To use an illustration from the concerns of individual life: suppose A, by two separate deeds, grants half an acre of land to B, and the other half to C. B, by subsequent purchase, obtains the half acre granted to C, and then regrants the whole acre back to A. By whatever denomination the two half acres may have been called, in the interval between the first grant and the restoration, B might, with the most perfect propriety, be said to retrocede the whole; and if in the act of

restoration the acre should be called by the same name, and expressly described as having the same extent as when it had been first owned by A, with what shadow of justice could B pretend that his regrant was only of the half acre he had first received from A, because the other half acre had, in the interval, been called by another name, and for some time owned by another person? That the term *retrocession* is in common use in this sense, take the following passage from the English translation of Alcedo's Dictionary:

"By a treaty in 1783, Great Britain *retroceded* to Spain all the territory which both Spain and France had ceded to Great Britain in 1763."

There would then be nothing in the terms *retrocede* and *retrocession* which could limit the territories restored by Spain to the boundaries under which she had first received part of them from France, even if the original cessions of the two parts had been made at different times, and even if those words, "*with the same extent it had when in the hands of France*," had not been inserted in the treaty of St. Ildefonso. But when it is considered that the cessions by France of the two parts of Louisiana were made to Spain and to England on the same day; when we know that the cession of the part ceded to England had been made for the benefit of Spain, as it was an equivalent for the restoration by England of the island of Cuba to Spain; and when we seek for any possible meaning to the words referring to the extent of Louisiana when before owned by France, to our minds, sir, the conclusion is irresistible that the terms *retrocede* and *retrocession* can have, in this case, no other meaning than that for which we contend, and that they include the giving back to France the whole of Louisiana which had ever belonged to France, and which it was, at the time of the signature of the treaty of St. Ildefonso, in the power of Spain to restore.

By the words in the third article of the treaty of St. Ildefonso, adopted in the treaty of cession of 1803 to the United States, Spain retrocedes to France the *colony* or *province* of Louisiana, with the same extent that it "now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other states." At the negotiation of Aranjuez, in 1805, your alleged treaty of 1764 never occurred to the imagination of Mr. Cevallos as one of these subsequent treaties; for, after citing this clause of the article, he says, in his letter to Messrs. Pinckney and Monroe, of the 24th February, 1805, "the treaties here alluded to are not, nor can be, others than those of 1783, between Spain and England, and 1795, between Spain and the United States." The American ministers, in their answer of 8th March, 1805, explicitly agree in opinion with Mr. Cevallos on this point; and your intimation of a treaty of 1764, to which you suppose the clause also to apply, is as incompatible with the pretensions of your own Government in 1805 as with those of the United States at this day.

To account for the peculiar phraseology used in this description, inserted in the third article of the treaty of St. Ildefonso, we must advert to the peculiar situation of the territory to be conveyed, and to what *must* have been the intention of the parties. It was a colony or province to be restored; and, therefore, the object of France could have been no other than to obtain the restoration of the whole original colony, so far as it was in the power of Spain to restore it. But there was a part of the original colony, which had been ceded by France to England, which had, in process of time, become a part of the United States, and which, not being then in the hands of Spain, she could not restore; there was another part which had been ceded by France directly to Spain, which still remained in her hands, but subject to certain conditions stipulated by Spain in a treaty with the United States; and there was a third part, which France had ceded to England in 1762, but which had afterwards fallen into the hands of Spain, and which she was equally competent to restore as if it had been ceded by France to herself. As the boundaries of this colony or province never had been precisely defined, and had been from its first settlement a subject of dispute between France and Spain, the parties had no means of recurring to any former definition of boundaries to carry their intention into effect; as they had no geographical lines or landmarks to which they could recur, they assumed their definition from circumstances incidental to the present and past time. If the intention had been to cede back the *province* only with the extent it actually had in the hands of Spain, the parties would have said so, and omitted the other clause, which, in that case, would have been not merely superfluous, but tending to perplex that which would have been clear without it. If it had been intended that Spain should restore to France only what she had received from France, nothing could have been more clear and easy than to have said so; but then, the reference to the extent of the *colony* when France possessed it would have been not merely absurd, but contradictory to that intention. The very use of both the terms *province* and *colony* shows that the parties were looking to the original state, as well as to the actual condition of the territory to be restored. Louisiana, the actual Spanish *province*, was one thing, and Louisiana, the original French *colony*, was another; the adoption of both the words is of itself a strong presumption that the intention was to restore not only the actual province, but so much of any other province as was then in the hands of Spain, and had formed part of the original French colony.

Assume the intention of the parties to have been that for which we contend, and under the existing circumstances they could scarcely have expressed it by any other words than those which are found in the article—assume that they had any other intention, and you can find no rational meaning for their words. The province was to be restored, with the extent it actually had in the hands of Spain; the colony was to be restored, with the extent it had when formerly possessed by France. Spain could not restore the parts of the original colony which were not in her actual possession, and which already formed parts of the western States and Territories of this Union; but she could restore that part of the colony of which she had become possessed by a treaty of 1783 with Great Britain. Mr. Cevallos urged, with some earnestness, that the first clause having marked the extent of the colony or province, such "as it then had in the hands of Spain," it would be inconsistent and absurd to suppose that the words "and that it had when France possessed it" could be intended to mark a greater extent, because it would be saying, in one breath, that the cession was of the *same* extent, and of *more* than the same extent, that it had in the possession of Spain. But there is no absurdity or inconsistency in modifying, by one clause of a definition, an extent described in another clause of the same definition; no more than, in the description of a surface, the line in breadth is inconsistent with the line in length. According to this argument of Mr. Cevallos, the words "and that it had when France possessed it" had no meaning at all; they merely repeated what had been fully and completely expressed by the preceding clause; but if they had no meaning, what possible motive could the parties have for inserting them, when it must have been perfectly familiar to the memory of both that the extent of the province or colony, when in the hands of France, had included West Florida to the Perdido, which territory was also then in the actual possession of Spain? If it were possible to suppose that the ministers of France and Spain, in the very article defining the extent of the country to be conveyed, could have been so careless as to admit an idle waste of words, the very composition of this article carries internal evidence with it that no such improvidence is imputable to those by whom it was drawn up. The reference to the extent of the colony in the primitive possession of France could not be to a time when the property of it had been no longer hers. It could not be to say over again what had been said in the immediately preceding clause. Every word of the description carries with it evidence of deep deliberation and significancy. The first clause marks the intention of the parties, by the incident of actual possession by Spain, all of which was to be restored; the second clause modifies by enlarging the extent, from the incident of original possession by France; and the third clause modifies, by restricting the grant to the conditions

which Spain had stipulated concerning the territory with other states. Altogether, the clear and explicit meaning of the whole article is, that Spain should restore to France as much of old French Louisiana as she had to restore, but under such restrictions as the engagements contracted by Spain with other Powers required of her good faith to secure.

Let us pass to the consideration of the western boundaries of Louisiana.

With the note of Messrs. Monroe and Pinckney to Don Pedro Cevallos, of 28th January, 1805, a memoir upon these boundaries was presented to that minister, proving that they extended eastward to the Perdido, and westward to the Rio Bravo, or Grande del Norte. They observed in that note that "the facts and principles which justify this conclusion are so satisfactory to their Government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described."

In their note of the 20th April, 1805, to the same minister, replying to his argument in support of the pretensions of your Government with regard to those limits, they lay down and establish, by a chain of reasoning, which neither Mr. Cevallos at the time, nor your Government at any period since, has ever attempted to break, three principles, sanctioned alike by immutable justice and the general practice of the European nations which have formed settlements and held possessions in this hemisphere; and, by the application of which to the facts also stated in their note, this question of the western boundary ought then to have been, and eventually must be settled. These principles were—

First. "That when any European nation takes possession of any extent of seacoast, that possession is understood as extending into the interior country to the sources of the rivers emptying within that coast, to all their branches, and the country they cover, and to give it a right in exclusion of all other nations to the same."

Secondly. "That whenever one European nation makes a discovery, and takes possession of any portion of this continent, and another afterwards does the same at some distance from it, where the boundary between them is not determined by the principle above mentioned, the middle distance becomes such of course."

Thirdly. "That whenever any European nation has thus acquired a right to any portion of territory on this continent, that right can never be diminished or affected by any other Power, by virtue of purchases made, by grants or conquests of the natives within the limits thereof."

The facts stated in this last mentioned note, and to which these principles were applied in support of the claim of the United States, under the cession of Louisiana by France to them, were—

1. That the Mississippi, in its whole length to the ocean, was discovered by French subjects from Canada, in 1683.

2. That La Salle, a Frenchman, with a commission and authority from Louis XIV., discovered the bay of St. Bernard, and formed a settlement there on the western side of the river Colorado, in the year 1685, and that the possession thus taken in the bay of St. Bernard, in connexion with that on the Mississippi, had always been understood, as of right it ought, to extend to the Rio Bravo.

3. That the boundary, thus founded upon possession, was described as forming the limits of Louisiana, in the grant by Louis XIV. to Crozat, in 1712.

4. That it was supported by the testimony of the historical writers, Du Pratz and Champigny; by an historical and political memoir on Louisiana, written by the Count de Vergennes, the minister of Louis XVI.; by a chart of Louisiana, published in 1762, by Don Thomas Lopez, geographer to the King of Spain; and by a map of De Lisle, of the Academy of Sciences at Paris, revised and republished there in 1782.

To these principles, thus clear, equitable, and explicit; to these facts, thus precise, authentic, and unsophisticated, what was opposed by Don Pedro Cevallos at that time, and what is now alleged by you?

Mr. Cevallos began by admitting that the western limits of Louisiana had never been exactly fixed; and alleged that, in the year 1690, five or six years after the possession taken, and the settlement formed by La Salle, Captain Alonzo de Leon, under a commission from the Viceroy of Mexico, examined the bay of Espiritu Santo, (St. Bernard,) took possession of the territory, and founded the mission of *St. Francisco de Texas.* Mr. Cevallos asserted that it *would be very easy* to make it appear that France never had claimed this extent for Louisiana, but he did not make it appear. He also said that, if France had claimed it, Spain had never recognised, and was not bound to acknowledge the claim.

Mr. Cevallos said that the limits between Louisiana and the Texas had always been *known*, even when the French possessed Louisiana, but he had just before acknowledged that they had never been fixed. He spoke of missions founded near the beginning of the last century by the venerable Margel, of the order of St. Francisco; he alluded to plans, and documents, and historical relations which were not to be found in his department, but many of which, he added, were in the department of the interior, besides those which were in the viceroyalty of Mexico. But he never pretended a possession, by Spain, of the territories in question, of an earlier date than 1690.

And what are these plans, and documents, and historical relations, which, after the lapse of thirteen years, you have drawn forth from all the archives of Spain, and all the historical disquisitions upon the discovery and conquest of the new world? Is it to that catalogue, biographical and geographical, of Spanish adventurers, and of the numberless regions explored by them in the sixteenth century, which swells your note of the 5th of January, that we are to look for the limits of Louisiana and Texas? Or is it to that "royal order issued by Philip II., enjoining the extermination of all foreigners who would dare to penetrate into the Gulf of Mexico," by virtue of which the viceroy fitted out the expedition to scour the country and *hunt out* the French of La Salle's settlement? Is it to that royal order that you appeal for proof of the prior title of Spain? It is even so. But as the voyages of Ponce de Leon in 1511, of Francisco de Garay in 1518, and of Hernando de Soto in 1538, have no more bearing upon this question than the voyages of Christopher Columbus and Sebastian Cabot, so you must be sensible that the royal exterminating order of Philip II., if it proved any thing, would prove fatal to the whole province or colony of Louisiana. If that order *could* have been carried into execution, no such colony as that of Louisiana could ever have been established by France. That order, and any proceeding of the Viceroy of Mexico under it, can no more affect the right of the United States to the limits marked by the settlement of La Salle, than it can impair their title to the island of New Orleans. Far more honorable would it be, sir, to the character of your nation and the credit of your Government, to bury in the profoundest oblivion the memory of that atrocious order, than at this day to produce it for the purpose of bolstering up a title for which you have in vain ransacked the records of the Spanish monarchy to discover a better support.

To the efficacy, however, of this royal order, your whole argument, in behalf of the pretensions of your Government, perpetually recurs; for, although in some passages of your note you appear disposed to allow to the colony of Louisiana at least the eastern banks of the Mississippi, yet you are as frequently shrinking even from this concession, and representing the whole colony as an encroachment upon the dominion of Spain; at one time representing it as a profound stratagem of Louis XIV., seizing with rapacious avidity the unsuspecting moment of confidence of his grandson Philip V., while placing him upon the throne of Spain; and, at another, holding it up as

the act of a disordered imagination of the same Louis XIV., manifested in the grant of 1712 to Crozat. This grant you pronounce to be absurd and completely despicable; but for what reason it is not easy to conjecture. It certainly does not favor the pretensions of your Government, and it has none of the exterminating features of the royal order of Philip II.; but we consider it, as it has always been considered by the world, as a document not only indicative of sound judgment and discretion, but as marking the limits of Louisiana, as always claimed by France, and transferred, as relates to the western limits, with her title to that province, to the United States.

It is remarkable that, in imitation of Mr. Cevallos, you also, after repeatedly insisting that the boundaries of Louisiana were well known, and always acknowledged by France, finally conclude by admitting that they never were fixed or agreed upon. You repeat, time after time, that the French *never disputed* the right of Spain to all the territory westward of the Mississippi, while you cannot deny the settlement of La Salle at the bay of St. Bernard, in 1684; nor that the French settlements of Natchez and Natchitoches were made and maintained in spite of all the military expeditions, rigorous executions, and exterminating orders which the Viceroys of Mexico could send against them.

We may admit that, so long as the Spanish viceroys could exterminate every foreigner who dared to penetrate into the Gulf of Mexico, they had the royal order of Philip II. for so doing. The bull of Pope Alexander VI. is a document of still earlier date, and at least of less disgusting import, upon which Spain once rested her claims to yet more extensive dominion in this western world. With equal show of reason, and with less outrage upon the rights of humanity, might you have alleged that bull as the incontrovertible proof of the Spanish claims, as to bring forth at this day, for its only substitute, that royal order of Philip II.

You know, sir, and your own notes furnish, themselves, the most decisive proofs that France, while she held the colony of Louisiana, never did acknowledge the Mississippi as the western boundary of that province. The claim of France always did extend westward to the Rio Bravo; and the only boundaries ever acknowledged by her, before the cession to Spain of November 3, 1762, were those marked out in the grant from Louis XIV. to Crozat. She always claimed the territory which you call Texas as being within the limits and forming part of Louisiana, which, in that grant, is declared to be bounded westward by New Mexico, eastward by Carolina, and extending inward to the Illinois and to the sources of the Mississippi and of its principal branches.

Mr. Cevallos says that these claims of France were never admitted nor recognised by Spain. Be it so. Neither were the claims of Spain ever acknowledged or admitted by France; the boundary was disputed and never settled; it still remains to be settled; and here is a simple statement of the grounds alleged by each of the parties in support of their claims:

On the part of the United States.

1. The discovery of the Mississippi, from near its source to the ocean, by the French from Canada, in 1683.
2. The possession taken, and establishment made, by La Salle, at the bay of St. Bernard, west of the rivers Trinity and Colorado, by authority from Louis XIV., in 1685.
3. The charter of Louis XIV. to Crozat, in 1712.
4. The historical authority of Du Pratz and Champigny, and of the Count de Vergennes.
5. The geographical authority of De Lisle's map, and especially that of the map of Don Thomas Lopez, geographer to the King of Spain, published in 1762.

These documents were all referred to in the letter from Messrs. Pinckney and Monroe to Mr. Cevallos, of 20th of April, 1805. Since which time, and in further confirmation of the same claims, the Government of the United States are enabled to refer you to the following:

6. A map published by Homann, at Nuremburg, in 1712.
7. A geographical work, published in 1717 at London, entitled "Atlas Geographicus, or a Complete System of Geography, Ancient and Modern," in which the map of Louisiana marks its extent from the Rio Bravo to the Perdido. In both these maps the fort built by La Salle is laid down on the spot now called Matagorda.
8. An official British map, published in 1755, by Bowen, intended to point out the boundaries of the British, Spanish, and French colonies in North America.
9. The narratives published at Paris, of Hennepin, in 1683; of Tonti, in 1697; and of Joutel, in 1713.
10. The letter from Colonel La Harpe to Don Martin D'Alarconne, of 8th July, 1719. (A. No. 1. B. No. 2.)
11. The order from the French Governor of Louisiana, Bienville, to La Harpe, of August 10, 1721. (C. No. 3.)
12. The geographical work of Don Antonio de Alcedo, a Spanish geographer of the highest eminence. This work and the map of Lopez, having been published after the cession of Louisiana to Spain, in 1762, afford decisive evidence of what Spain herself considered as the western boundary of Louisiana, when she had no interest in contesting it against another state. (D. No. 4.)

On the part of Spain.

1. The voyages of Ponce de Leon, Vasquez de Ayllon, Panfilo de Narvaez, Hernando de Soto, Luis Moscoso, and other Spanish travellers in the sixteenth century, who never made any settlement upon any of the territories in question, but who travelled, as you observed, into countries too tedious to enumerate.
2. The establishment of the new kingdoms of Leon and Santander in 1595, and the province of Cohaquila in 1600.
3. The province of Texas, founded in 1690.

Here, you will please to observe, begins the conflict with the claims of France to the western boundary of Louisiana, transferred by the cession of the province to the United States. The *presidios*, or settlements of Las Texas, were, by your own statement, adverse settlements to that of La Salle, who, six years before, had taken formal possession of the country in the name of and by authority of a charter from Louis XIV. They were preceded by an expedition from Mexico the year before, (that is, 1689,) to *hunt out* the French remaining of the settlement of La Salle. Now, what right had the Viceroy of Mexico to hunt out the French who had formed a settlement under the sanction of their sovereign's authority? You will tell me that from the time when Santa Fé, the capital of New Mexico, was built, *Spain considered* all the territory east and north of that province, as far as the Mississippi and the Missouri, as her property; that the whole circumference of the Gulf of Mexico was hers; and that Philip II. had issued a royal order to exterminate every foreigner who should dare to penetrate to it; so that the whole question of right between the United States and Spain, with regard to this boundary, centres in this: the naked pretension of Spain to the whole circumference of the Gulf of Mexico, with the exterminating order of Philip II. on one side, and the actual occupancy of France, by a solemn charter from Louis XIV. on the other. Well might Messrs. Pinckney and Monroe write to Mr. Cevallos, in 1805, that the claim of the United States to the boundary of the Rio Bravo was as clear as their right to the island of New Orleans.

In the letter of Messrs. Pinckney and Monroe to Mr. Cevallos of the 20th of April, 1805, referring to the historical documents relative to the discovery and naming of Louisiana, they state that the Mississippi was dis-

covered, with "its waters and dependant country as low down the river as the Arkansas, by the Sieurs Joliet and Marquette, from Canada, as early as the year 1673, and to its mouth by the Father Hennepin, in 1680; and by De la Salle and Tonti, who descended the river with sixty men to the ocean, and called the country Louisiana, in 1682; and, in respect to the bay of St. Bernard, in 1685;" that this was done at these periods, in the name and "under the authority of France, by acts which proclaimed her sovereignty over the whole country to other Powers, in a manner the most public and solemn, such as making settlements and building forts within it."

To this Mr. Cevallos made no reply in 1805. But you, after giving an account of the murder by Spaniards of Réné de Laudonnière, observe, that "the story related of a Recollet friar, called Father Hennepin, is still more *ridiculous*, who is said to have been made a prisoner by the Indians at the time they were at war with the French of Canada, and taken to the Illinois, whence he was occupied in exploring the country as far as the banks of the river St. Louis, or Mississippi, of which he took possession in the name of Louis XIV., and gave it the name of Louisiana, (doubtless in his secret thoughts, and by a mere mental act.)" You add that these accounts, and others of the like nature, are "contemptible in themselves, even although the facts they relate were authentic; since nothing can be inferred from them that can favor the idea started by those who speak of those transient adventures and incursions."

I have in my possession, sir, (and it shall, when you please, be subject to your inspection,) a volume, published at Paris in the year 1683, the title of which is, "Description de la Louisiane, nouvellement decouverte, au Sud-ouest de la Nouvelle France, *par ordre du Roy*, dediée à Sa Majesté; par le R. P. Louis Hennepin, Missionnaire Recollet et Notaire Apostolique." (Description of Louisiana, recently discovered, to the southwest of New France, *by order of the King;* dedicated to His Majesty by the Rev. Father Louis Hennepin, a Recollet missionary and apostolic notary.) In the preface to the King, the author says: "Sire, I should never have dared to take the liberty of offering to your Majesty the narrative of a new discovery, which the Sieur de la Salle, governor of Fort Frontenac, my companions, and myself, have just made to the southwest of New France, if it had not been undertaken by your orders." "We have given the name of Louisiana to this great discovery, being persuaded that your Majesty would not disapprove that a part of the earth, watered by a river of more than eight hundred leagues, and much greater than Europe, which may be called the delight of America, and which is capable of forming a great empire, should henceforth be known by the august name of Louis, that it may thereby have a sort of right to your protection, and hope for the advantage of belonging to you."

Now, sir, permit me to request you to compare this authentic statement with that perversion of all historical evidence by which you have styled and have attempted to make the story of Father Hennepin's discovery of Louisiana ridiculous. Here is a book published at Paris, dedicated to Louis XIV., at the most glorious period of his reign, declaring to the world the discovery of Louisiana; declaring that it was made by his orders, and called by his name, for the express purpose of entitling it to become his property. Is this contemptible? Is this a secret thought, or a mere mental act? Is this a transient adventure or incursion? And, after calling this information too vague and uncertain upon which to found a title, can you talk of the rights of possession derived to Spain from the travels of Ponce de Leon, Francisco de Garay, and Vasquez de Ayllon?

Your view of the expeditions and adventures of La Salle is equally remote from the real and well-authenticated facts. "Let us see," you say, "what importance can be attached to what is said of Bernard [Robert] de la Salle, who, in 1679, descended from Canada *to* the Mississippi, and there built Fort *Crèvecœur*, according to M. Du Pratz, or Fort Prud'homme, according to others. *What is certain* amounts to this: that he only made a rapid incursion from Canada to the Mississippi, as any other adventurer might do, *crossing the territories* of another nation; that he returned to Quebec, without any further result than that of an imperfect exploration of the country; and that he embarked at Quebec for France, from whence he returned in 1684, with an expedition composed of four vessels, commanded by Captain Beaujeau, to explore the mouth of the Mississippi," &c. In this passage you represent—

1. The facts attending the expedition of La Salle as *uncertain.*

2. That he only made a rapid incursion, as a private adventurer, and, so far as related to his exploring expedition, with an imperfect result.

3. That he only went from Canada *to* the Mississippi, and thence returned to Quebec, whence he embarked for France.

4. That he only crossed the territories of another nation, (meaning Spain.)

I examine this part of your note with a minuteness which will be tedious to you, because it is precisely upon the character of La Salle's expeditions that the grant of Louisiana to Crozat by Louis XIV. is, in express terms, founded; because you have represented these expeditions in the colors thus marked with the avowed purpose of weakening the original title of Louisiana; and because you know that the characters, diametrically opposite, which I shall now prove to have belonged to them, must lead to the result of an incontestable title in France, and, consequently, at this time, in the United States. I answer the above insinuations in the order in which they have been stated.

There are three narratives of the expeditions of La Salle, all published at Paris, by persons who accompanied him in them.

The first in 1683, by Father Louis Hennepin; the same volume from which I have already presented you an extract.

The second by the Chevalier *Tonti*, governor of Fort St. Louis, at the Illinois, published in 1697.

The third by Joutel, who was with him in his last expedition, and almost by his side when he fell by the hands of an assassin.

Of all the heroic enterprises which, in the sixteenth and seventeenth centuries, signalized the discoveries of Europeans upon this continent, there is not one of which the evidence is more certain, authentic, and particular, than of those of La Salle.

La Salle, after having resided many years in Canada, as governor of Fort Frontenac, formed the project of exploring the country from thence to the Gulf of Mexico, and of taking possession of it in the name of his sovereign. He went to France for the purpose of obtaining the sanction to his enterprise. "His Majesty, (says Tonti,) not content with merely approving his design, caused orders to be given to him, granting him permission to go and put it in execution; and, to assist him to carry so vast a project into effect, shortly after the necessary succors were furnished him, with entire liberty to dispose of all the countries which he might discover."

He sailed from La Rochelle the 14th of July, 1678, and arrived at Quebec the 15th of September. On the 18th of November of the same year he left Fort Frontenac, to proceed upon his expedition, with thirty men, Tonti and Father Hennepin being of the company. After spending more than a year in traversing the four lakes, now known by the names of Ontario, Erie, Huron, and Michigan, and erecting forts at suitable places, where he landed, from them he embarked upon the Illinois river, and, having descended it for some distance, was obliged to stop, from the disappointment of losing a boat from which he expected supplies. Here, upon the Illinois river, he built Fort

Crèvecœur, divided his company into two separate parties—one for ascending the Mississippi to its source, and the other for proceeding down that river. Father Hennepin was of the former of these parties, and in their progress upwards, which they accomplished higher than the falls of St. Anthony, was taken prisoner by the Indians, and, after some time, was released by them, found his way back to Quebec, and thence returned to France, and published the book of which I have spoken. In this book, published in 1683, at Paris, and marked as having been finished printing the 5th of January of that year, three months before La Salle had reached the mouth of the Mississippi, there is a map of the river as far down as Hennepin descended it, after he parted from La Salle, and upwards to the falls of St. Anthony, and the river St. Francis above them; at some distance above which, within a few leagues of its source, is the oak tree upon which the arms of France were carved by the detachment from La Salle's expedition, authenticating, with the most minute precision, the discovery of the Mississippi, to within a small distance of its source, as well as its course to the Gulf of Mexico. On the same map are also marked the fort at the Miamies, and that of Crèvecœur, on the Illinois river, constructed by La Salle's orders.

In the mean while La Salle was obliged to leave the other part of his company, under the command of Tonti, and go back to Fort Frontenac for the supplies and reinforcements which had failed him by the loss of his boat. He returned and joined them again in November, 1682, proceeded down to the Mississippi, and to the mouth of the Wabash, where they built the Fort Prud'homme, (which you have confounded with that of Crèvecœur,) after which they continued descending and successively meeting the Cappa, Arkansas, Tensas, Abenake, Tacucas, and Natchez Indians, and, on the 7th of April, 1683, reached the mouth of the Mississippi, where, after the religious solemnity of a Te Deum, they took formal possession of the country, erected a cross, fastened the arms of France upon a tree, and built several huts, which they surrounded with suitable intrenchments. La Salle, having thus accomplished the object of his expedition, returned by the same way, ascending the river to his fort of Prud'homme, which he reached on the 12th of May, and where he was some time detained by sickness. "On his arrival at Quebec, (again says Tonti,) he informed the whole city of his great discoveries, and of the voluntary submission of so many different Indian nations to the power of the King. A Te Deum was celebrated as a thanksgiving for this happy accession to the glory of the crown. The eagerness of M. de la Salle to go and make known to the King and his ministers the success of his travels obliged him to hasten his departure. He left Canada in the beginning of October, 1683." On his return to France, he was received with many marks of distinction by the King and his ministers, and a new expedition was fitted out of four vessels and nearly three hundred persons, for the purpose of forming a colony at the mouth of the Mississippi. One of these ships was a frigate of the King, of forty guns, commanded by M. de Beaujeau, in which La Salle himself, his brother Cavelier, and the principal persons belonging to the expedition embarked; another was a smaller armed vessel, which the King had given to La Salle; the third, a flute of three hundred tons, laden with all the articles necessary for the settlement of the country; and the fourth, a small sloop of thirty tons, freighted for St. Domingo, where the expedition stopped on its way, but before their arrival at which this last vessel was taken by Spanish cruisers. This expedition sailed from La Rochelle on the 24th of July, 1684.

They failed in finding the mouth of the Mississippi, their destination—an accident similar to that which had happened to the first settlers of New England; and, after many disasters, landed and built a fort in February, 1685, at the head of the bay of St. Bernard, or, as they call it, of St. Louis, and westward of the river Colorado. Beaujeau returned with the frigate to France; the two other vessels were lost in the bay; and La Salle, after several unsuccessful attempts to find the Mississippi, on the 12th of January, 1687, left at his fort twenty persons, including seven women, under the command of Le Barbier, and took his departure with sixteen others, to go by land to the Illinois, and thence through Canada to France, to seek further reinforcement and supplies. On this journey he was basely assassinated on the 19th of March, 1687, by two of his own men, and left a name among the illustrious discoverers of the new world second only to that of Columbus, with whose history and adventures his own bear in many particulars a striking resemblance. His brother Cavelier, however, with Joutel, Father Anastase, and several others of the party with whom he had commenced the journey, successfully accomplished it, arrived at the French fort at the Illinois, where they found Tonti still in command, after having again been down to the mouth of the Mississippi, conformably to his orders from La Salle, to meet the expedition from Europe, and, after waiting some time there, returning to his post. From the fort at the Illinois, Cavelier, Joutel, and Father Anastase proceeded to Quebec, and thence returned to France, where they arrived in October, 1688, and where Joutel published the narrative of the expedition to which I have referred.

From this work of Joutel it likewise appears that the fort and colony left by La Salle at the westward of the Colorado was destroyed, not as you state by the Indians, but by the Spaniards from Mexico, who, until that time, had never had any settlement of any kind nearer than Panuco, and who, by your own account, had no other right or authority for this act than the royal order of Philip II. to exterminate all foreigners penetrating into the Gulf of Mexico.

The settlements of La Salle, therefore, at the head of the bay of St. Bernard, westward of the river which he called Rivière aux Bœufs, but which you call Colorado of Texas, was not, as you have represented it, the unauthorized incursion of a private adventurer into the territories of Spain, but an establishment having every character that could sanction the formation of any European colony upon this continent; and the Viceroy of Mexico had no more right to destroy it by a military force than the present viceroy would have to send an army and destroy the city of New Orleans. It was a part of Louisiana, discovered by La Salle, under formal and express authority from the King of France; and the royal exterminating order of Philip II. was but one of the multitude of sanguinary acts which signalized the reign and name of that monarch, while the name of La Salle is entitled to stand high in the glorious roll of the benefactors of mankind. After this statement, founded upon the most authentic documents, the foundation of the presidio of Texas, in 1693, was, by your own showing, an unlawful encroachment upon the territories of France, which, by the first of the three principles laid down by Messrs. Pinckney and Monroe at Aranjuez, and above referred to, extended on the coast of the Gulf of Mexico, half-way to the nearest Spanish settlement of Panuco, namely, to the Rio Bravo.

Your "thorough investigation" of the history of the original French settlements at the Illinois and the Arkansas is as unfortunate and as wide from the facts as all the rest of your dissertation upon the history of Louisiana. The following translated extracts from the work entitled "Dernières Decouvertes dans l'Amérique Septentrionale de M. de la Salle, mises au jour par M. le Chevalier de *Tonti*, gouverneur du Fort St Louis, aux Illinois." (Last discoveries in North America of Mr. de la Salle, published by the Chevalier Tonti, *governor of Fort St. Louis at the Illinois*: Paris, 1697,) will furnish you more correct ideas upon the subject.

When La Salle left his fort, Crèvecœur, on the 8th of November, 1680, to go back to Canada for supplies, "on the third day (says Tonti) he arrived at the great village of the Illinois, where, after having observed the situation of the country, in the midst of several nations of the Miamies, Kickapoos, Ainoos, Mescontaws, and several others, watered by a beautiful river, he thought he ought to build a fort upon a height commanding the whole country, as well to make himself master of all these different tribes as to serve as a retreat and a rampart for our French peo-

ple." (p. 94.) M. de la Salle, after learning that his boat was "lost, was not in the least discomposed, but wrote to me immediately, sent me with his letter the plan of the fort that he had designed, and ordered me to come and set to work upon it without delay." Tonti accordingly went, and began the building of the fort, which, from various untoward events, he was soon obliged to abandon. La Salle afterwards, before rejoining Tonti to proceed down the river, went to the new fort, and left several workmen to continue, and some soldiers to guard it. But it was upon his return from the mouth of the Mississippi, on leaving Michilimackinac, to go to France, that he gave orders to Tonti to finish the fort.

"He charged me with the duty to go and finish Fort St. Louis, of which he gave me the government, with a full power to dispose of the lands in the neighborhood, and left all his people under my command, with the exception of six Frenchmen, whom he took with him to accompany him to Quebec. We departed on the same day—he for Canada, and I for the Illinois."

Tonti accordingly finished the fort, round which a regular and rapid settlement was formed; and a new Governor in Canada having displaced him in the command of the fort, he was restored to it through the influence of La Salle, by a regular commission from the King, Louis XIV.

So much for the settlement at the Illinois. You have seen that when La Salle, in 1683, returned to France, to fit out the new expedition for the mouth of the Mississippi, he ordered Tonti, at the proper time, to go down from Fort St. Louis and meet him there. In the autumn of 1684 Tonti was informed by the Governor of Canada that La Salle had sailed from La Rochelle with four ships for the Gulf of Mexico. He therefore took with him forty men from Fort St. Louis, and went down the river to the gulf, where he waited until Easter Monday, 1685, for La Salle's arrival. He was obliged to go back disappointed, and, on his way upwards, when he came to the Arkansas, he says: "My French companions, delighted with the beauty of the climate, asked my permission to settle there. As our intention was only to humanize and civilize the savages, by associating with them, I readily gave my consent. I formed the plan of a house for myself at the Arkansas. I left ten Frenchmen of my company there, with four Indians, to proceed with the building, and I gave them leave to lodge there themselves, and to cultivate as much of the land as they could clear. This little colony has since then so much increased and multiplied that it has become a resting-place for the Frenchmen who travel in that country."

I trust, sir, we shall hear no more of the independent and unconnected Indian colonies of the Illinois and the Arkansas, nor of the *pretended* settlement of the French there.

You consider the charter of Louis XIV. to Crozat as a solitary document, warranted by nothing that had preceded, and supported by nothing that followed it; and you appear to believe that the first expedition to Louisiana was that of 1699 and 1700. I have shown you, sir, that that expedition was fitted out, as it is represented in the grant to Crozat, merely to carry into execution the project originally formed by La Salle. The Mississippi, from near its source to the ocean, had been discovered by him in an expedition meditated by him for many years before, for which he had obtained the authority from Louis XIV., through the influence and patronage of Colbert. The expedition of Joliet, in 1673, Hennepin says, was only an envious rival attempt to forestal the great design which was even then known to be intended by La Salle, and for which he had already been making laborious and expensive preparations. Joliet reached the Mississippi, and returned without making any other discovery or any settlement; but La Salle's undertaking has every characteristic of sublime genius, magnanimous enterprise, and heroic execution. To him, and to him alone, the people of this continent are indebted for the discovery, from its source to the ocean, of the Mississippi, the father of the floods; and of the numberless millions of freemen destined in this and future ages to sail on his bosom, and dwell along his banks, and those of his tributary streams, there is not one but will be deeply indebted for a large portion of the comforts and enjoyments of life to the genius and energy of La Salle.

It was in the order of Providence that he should not live to accomplish the whole of his undertaking, but that he should so nearly accomplish it as to place it beyond the power of events that it should perish with him. His project was revived immediately after the peace of Ryswick, and settlements were effected by D'Iberville and his brother, near the mouth of the Mississippi, upon the Gulf of Mexico. They languished, as they naturally must, during the war of the Spanish succession. The grant to Crozat, after a very few years, was transferred to the Mississippi Company, and soon after the peace of Utrecht the city of New Orleans was founded.

There is no doubt that, if the Viceroy of Mexico could have exterminated D'Iberville and his expedition, no French settlement on the gulf would have been made. The Spanish establishment at Pensacola had been made only one month before he arrived there, and, solely for the purpose of preventing him, the Spaniards protested even against his entering the Mississippi. So it was afterwards; when the French settlement was made at Natchitoches, immediately afterwards was founded the post at Adaes. Wherever a Frenchman took a seat, there appeared a Spaniard from Mexico to dispute his right to it; but the original usurpation, which vitiated all those that followed, was the foundation of the presidio of Texas, after extirpating the settlement of La Salle at the bay of St. Bernard. And so far was France from renouncing or abdicating any part of the right asserted in the charter to Crozat, that, under the Mississippi Company, M. de Bourmon was appointed, with a salary, as commandant on the Missouri, and Bernard la Harpe commandant for the bay of St. Bernard. In August, 1721, he went there, and left a new impression of the arms of France, as a continued assertion of the title. A vessel, commanded by Berenger, had been sent there, and had left a sergeant and three men the year before. The correspondence between De la Harpe and D'Alarconne shows the respective claims both of France and Spain at that time; nor do they appear to have been, nor have you exhibited any document to show that they had been, in any manner varied, until the cession of the province to Spain, in November, 1762.

You affirm that, "from the year 1693, the province of Texas has continued in perfect tranquillity under the Spanish Government, and no further attempts were made by the French to penetrate into any part of it." The letter of M. de la Harpe to Don Martin D'Alarconne, of 8th July, 1719, is sufficient to refute this assertion.

You assert that the French settlements of Natchez and Natchitoches were made only through the sufferance or permission of the Spanish governors, for the sole purpose of trading with the Indians. We say that you have not a particle of evidence to support this assertion, and that the whole tenor of the historical evidence is to the contrary; that the post of Natchitoches, particularly, was established with the deliberate purpose of preventing a Spanish establishment there, and that the mission of St. Michael at the Adaes was founded after it, and in opposition to it. You admit, yourself, that although positive orders were issued by the Spanish governors to drive the French from the whole district, and to destroy both the posts of Natchez and Natchitoches, yet the officer charged with the execution of the orders, after advancing with a sufficient force for that purpose, acceded to the proposals of the French at Natchitoches, that Arroyo Hondo, midway between Natchitoches and Adaes, should be considered as the dividing line until the determination of the two courts; which state of things, you say, continued until the cession of Louisiana to Spain, in 1762. What clearer proof could be required that the French never renounced their claim to the countries watered by the Mississippi and its branches; and that Spain has nothing to oppose to that claim, which she might not with as much force oppose to the right of France to every other part of the colony of Louisiana?

You allege that, upon the cession of Louisiana to Spain, a memoir of its proper extent and limits was drawn up by Mr. Kerlet, who had been many years governor of the province, and delivered by the Duke de Choiseul to the Spanish ambassador at Paris, as a supplement to the act of cession; that this memoir contained a description of its proper extent and limits, and *agreed substantially* with your assertions. Permit me to observe, that, had you produced the memoir itself, it might be a subject of reply or of remark; that, not having produced it, you cannot expect it should be considered as possibly differing in substance from the charter of Louis XIV., by which alone Louisiana had been held, or from the subsequent memoir of the Count de Vergennes; and that the rights of the United States can as little be affected by secret memoirs as by imaginary treaties or exterminating royal orders of Philip II. With regard to your offer of further demonstrations of the Spanish title, if they are of the like description with these, you will do well to spare yourself and me the waste of time which it would take to produce and to notice them. You have the goodness to inform me, in the name of the King, your master, that Spain has an indisputable right to all the right bank of the Mississippi, but that His Majesty has resolved to claim it solely with a view to adhere to the *uti possidetis* of 1764. If, sir, you will exhibit *any* evidence of right in Spain to the right bank of the Mississippi, it will be considered by the Government of the United States with all the attention to which it can be entitled. In the mean time, you cannot but perceive that this pretension is utterly incompatible both with that advanced in another part of your note, of a right in Spain to the whole circumference of the Gulf of Mexico, and with that of the *uti possidetis* of 1764.

The question of disputed boundaries between European settlements in America is not new. From the nature of those settlements, the imperfect geographical knowledge possessed by all the parties to them of the countries where they formed their establishments, and the grasping spirit by which they were all more or less animated in forming them, it was inevitable that disputed boundaries should be an appendage to them all. Of this spirit of boundless ambition Spain gave the most memorable example by the original pretension of engrossing to herself the whole American hemisphere. The common sense and common feeling of mankind could not, and did not, long tolerate this assumption. With what lingering reluctance, and by what ungracious gradations, Spain was compelled to recede from it, is notorious in the annals of the last three centuries; but it is among the most curious characteristics of your notes to show that she clings to these long-exploded pretensions still. You have not scrupled, even at this day, to style the most ancient settlements of other European nations in America "attempts to disturb the Spaniards in their possessions in the new world."

You recall to mind, with exultation, as if pointing to the most splendid monuments of Spanish glory, the ferociousness with which they attacked, and made prisoners, and put to death, and overthrew, dissipated, and destroyed the forts and settlements of Francis Ribaut, and Réné de Laudonnière, the companion of Coligny. You recite with triumph the expedition of Alonzo de Leon to scour the country and hunt out the wretched remnant of the brave and enterprising but unfortunate La Salle's establishment. You record, as one of your proudest title-deeds, the rigorous execution of the sentence of a court-martial upon the Spanish Governor of Adaes, Sandoval, for yielding a musket-shot's length of ground to the French Governor of Natchitoches, suffering under the calamity of an inundation. You call the whole colony of Louisiana an *intrusive establishment;* style the authentic charter of Louis XIV. the absurd and despicable act of a disordered imagination; assert more than once a right of Spain to the whole circumference of the Gulf of Mexico; and talk of the territory and dominions of the Crown of Spain as if we were living in the age of Ferdinand the Catholic, or of Charles V.

To all such pretensions on the part of Spain I am directed to inform you that the United States can never accede. The President is willing to hope that the time will come when your Government will become sensible of the uselessness of resorting to them.

From the time when the establishments of European nations on these continents became common, and their respective claims of territory under the charters of their sovereigns were found to interfere with one another, reason, justice, and necessity concurred in pointing out to them certain rules and principles for the adjustment of their conflicting claims. By these rules and principles we are willing that the question of the western boundary of Louisiana may be decided. Till Spain, who has repeatedly acceded to them heretofore, shall be prepared to abide by them on this occasion, it will be of little avail to pursue a discussion upon which the principles of the parties are utterly irreconcileable together.

With regard to the third of the subjects of difference between Spain and the United States that remain to be adjusted, the claims of indemnification for injuries, losses, and damages, suffered by American citizens from Spanish authorities and subjects, and within Spanish jurisdiction, I flatter myself, from the tenor of your note, devoted particularly to the consideration of this point, that it is not absolutely unsusceptible of being brought to a favorable issue. You express the willingness of your Government to resume the unratified convention of 1802, and to extend its stipulations to the cases of complaint of a similar character to those provided for in it, which have since that time accrued. It is undoubtedly the intention of this Government that its engagements should be reciprocal; and if this was not expressly declared in my note of the 16th of January, it was merely because the President was not aware that any such claims of Spanish subjects for indemnities from the American Government were in existence. I am authorized to assure you that there will be no difficulty in including any such as may exist in the convention, and in making the United States answerable for all indemnities which may be justly due by them. As you have also been impowered to include the cases of injuries and losses of citizens of the United States, in consequence of the suppression by the Spanish intendant of the deposite at New Orleans, as stipulated by the treaty of 27th October, 1795, it cannot be necessary for me to reply to your objections against the admission of those claims. I the more readily pass over that argument, because, as it is merely a repetition of what was urged on the same point by Mr. Cevallos in 1805, it may suffice to refer you, for a full and complete refutation of it, to the letter from Messrs. Pinckney and Monroe to him of 26th February of that year.

But even upon this branch of the negotiation, it is with regret that the President perceives a persevering determination of your Government to exclude from the consideration of the commissioners for settling indemnities the cases of American sufferers by French spoliations committed within the jurisdiction of Spain. In answer to your reference to the arguments of Mr. Cevallos on this point, in his notes to Messrs. Pinckney and Monroe of February 10 and March 5, [4,] 1805, it will be sufficient for me to refer you to their letters to him of 28th January, 12th and 26th February, 8th March, 9th April, and 12th May, with the statement then made by them of French captures of American vessels carried into the ports of Spain, and the demonstration that no indemnity for any one of those cases had even been demanded by the American Government of France, much less provided for in the conventions between the United States and France of 1800 and 1803. When you say that "no reply was made, on the part of the United States, weakening in the least the force of the principles and the truth of the facts on which the opposition of Spain to a responsibility for those damages and injuries was founded," it is impossible to account for your assertion but by supposing you have not been furnished by your Government with a copy of the above-mentioned statement. I therefore now enclose (E. No. 5) a copy of it, in which you will find how grossly mistaken, with regard to the facts, are all the allegations in the letter of the French Minister of Foreign Relations to Admiral

Gravina, of 27th July, 1804, of which you have inserted in your note an entire copy, and of which Mr. Cevallos had already favored Messrs. Pinckney and Monroe with an extract.

It may be proper here to present some obvious remarks upon the frequent appeals to the opinions and assertions of France, (under the government of Napoleon,) in reference to the controversy between the United States and Spain, which were made by Mr. Cevallos at Aranjuez, in 1805, and which are now repeated by you with as much confidence as if you considered France, as then governed, the most impartial of umpires, and the most disinterested of friends.

At that time, when these opinions and representations of France were alleged by Mr. Cevallos, they were answered by the American ministers with the firmness which became the representatives of a great and independent nation, and with the sentiment at once of their country's dignity, and of the respect due to the Government of France, with which the United States were in amity. With regard to the eastern limits of Louisiana, they observed that, the question depending upon the construction of a treaty to which the United States were a party, the opinion of France concerning it could be of no more weight in itself than that of the United States; that, in adopting the phraseology of the treaty of St. Ildefonso, when France declined substituting a more specific definition of boundaries, the United States could not be supposed to have subjected themselves to the subsequent explanatory restriction by France of that which she then chose to leave standing upon the force of the terms themselves; and that, the delivery of the province by the commissioner of France to the United States having been without any limitation, it was obvious that he had received it alike without limitation.

With respect to the French spoliations within Spanish jurisdiction, while the interest of France was so immediate and direct as to take from her opinion all right to the consideration due to an impartial arbitrator, it was supposed that the proper view of the subject had not been presented to the Emperor; and the most unequivocal demonstration was given that no indemnity or satisfaction had been received, or even demanded, from France by the United States for this description of injuries.

At this day your Government must be aware that the umpirage, and even the opinions, of France upon these questions, was liable to other and still more decisive objections. Of the use which France was already making, and was further contemplating to make, of Spain, of her revenues and possessions, not only in Europe, but in every other quarter of the globe, little needs to be said. That she was converting to purposes of her own all the resources of Spain, has been, since then, too signally manifested to the world to require further elucidation. It was impossible for her to recognise that Spain was bound to indemnify the United States for the spoliations of French cruisers within Spanish jurisdiction, without acknowledging herself the debtor of Spain to the same amount. To call for her testimony, therefore, was to claim her as a witness in her own cause; to appeal to her opinions, was to make her the judge of her own delinquencies. By countenancing Spain in the denial of justice to others, she did but reserve her as a richer spoil for herself; nor can it be dissembled that the recourse of Spain, on that occasion, was rather to the predominating power than to the justice of France. These observations are made, not with the view of reproaching Spain now for the compliances with which she then sought and obtained the declarations of France in her favor upon her controversies with the United States, but to show the solid and irrefragable grounds upon which the United States may refuse all deference for the opinions, and disclaim all credit to the statements of France.

At the time when France had ceded Louisiana to the United States, her good offices with Spain to secure the acquisition of Florida to the United States had been explicitly promised. The letter of Mr. Monroe to Mr. Talleyrand, of 8th November, 1804, in reminding him of that engagement, had sufficiently shown that the Government of the United States, in calling upon France for the performance of her promise, had no intention of admitting her to arbitrate upon the extent of the concession which had been made by herself. True it is that she not only espoused the side of Spain, as considering it her own, but she even stimulated Spain to the denial of justice to the United States. As her motives, if Spain could be doubtful of them then, must be abundantly notorious now, it could scarcely have been expected that Spain should still recur to them as entitled to the slightest consideration or credit.

There is no principle of the law of nations more firmly established than that which entitles the property of strangers within the jurisdiction of a country in friendship with their own to the protection of its sovereign by all the efforts in his power. This common rule of intercourse between all civilized nations has, between the United States and Spain, the further and solemn sanction of an express stipulation by treaty. In violation both of the common usage of nations and of the express promise of Spain in the treaty, nearly two hundred vessels and their cargoes, belonging to citizens of the United States, were seized, many of them within the territorial limits of Spain, and under the cannon of her fortresses, by French cruisers; and all of them were condemned within Spanish jurisdiction.

You allege, *first*, that Spain has, in the cases to which reference is now made, actually carried into effect the obligations contracted by treaty; that she has used all her efforts for the defence and protection of this property. But in what have these efforts consisted? These were not cases of vessels seized by sudden violence, and carried away beyond her jurisdiction, before the officers appointed for the execution of her laws could be apprized of the wrong, and summoned to the performance of their duties. They are not cases of clandestine depredations, eluding the vigilance of the magistrates; they are cases of friendly merchants and navigators, frequenting the ports of Spain upon the faith of treaties, and for purposes of a mutual beneficial intercourse—seized, some of them, in the very harbors of Spain, by foreign cruisers, dragged on Spanish ground before a foreign consul, and there plundered of their property before the face of all the lawful authorities of Spain, who neither raise a voice nor lift an arm for their defence. What, then, have been all the efforts of Spain for the protection of this property, conformably to the treaty?

You say, *secondly*, that Spain was not responsible for these depredations, because they were made by a nation with which the United States were not at war; and this you say immediately after quoting the words of the sixth article of the treaty, expressly stipulating protection and defence in the ports of Spain to the vessels and other effects of citizens of the United States, "whether they are at war *or not* with the Power whose subjects have taken possession of the said effects."

You observe, *thirdly*, that France and Spain were then allies in a war against England, and that Spain *could not prevent* the privateers of her ally from entering her ports. But it is not that the French privateers were allowed to enter the ports of Spain of which the United States complain, but that they were suffered to make prizes, and the French consuls to condemn them within the territorial jurisdiction of Spain. You refer to the decision of a subordinate British court of admiralty that the prizes of a belligerant may be carried into the ports of an ally, and there lawfully condemned; but surely you do not mean to contend that the decisions of an admiralty court of one nation constitute the law of nations, or can even be adduced as authority for others. Of this principle, at least, there can be no doubt that an alliance between two nations cannot absolve either of them from the obligations of previous treaties. Now, the treaty between Spain and the United States, by which Spain was bound to protect the property of American citizens within her jurisdiction, was concluded before the alliance between Spain and France

had been contracted; and the alliance could in nowise impair the rights of the citizens of the United States to the protection of their property, stipulated in their favor by the antecedent engagement of Spain.

Your fourth and last expedient for relieving Spain from responsibility for these losses and injuries, suffered by American citizens upon her territory, is the positive assertion that satisfaction has already been made for them by France; your only voucher for which is the letter of 27th July, 1804, from Mr. Talleyrand to Admiral Gravina. The assertions of that letter I have shown, by reference to indisputable documents, are utterly without foundation.

Your subsequent offer of the good offices of your Government near that of the present court of France to obtain indemnities for American citizens for French depredations committed within Spanish jurisdiction, by virtue of an alliance between Spain and Napoleon, you doubtless did not expect to be accepted. It is to Spain alone, sir, that the United States still look, and will continue to look, as they always have looked, for those indemnities for which Spain alone is responsible to them. I am instructed to renew to you the declaration repeatedly made by the minister of the United States to your Government at Aranjuez, in 1805, that no satisfactory arrangement can be made of the differences between the two countries which shall not include the adjustment of these injuries.

Before bringing this reply to your four successive notes to a close, it is necessary to advert to several incidental assertions and remarks, which you have made in relation to the negotiation at Aranjuez, equally destitute of foundation with the claims and pretensions to which this letter has already replied.

In your note of the 29th December, you affirm that the negotiation at Aranjuez was "early interrupted;" and in that of the 24th January, to confirm the assertion, that, if all the differences between the two countries have not long since been adjusted, it has not depended upon the Government of Spain, you say that this is "evident, beyond the possibility of denial, from the official correspondence between His Catholic Majesty's Minister of State and the plenipotentiaries of the American Government, who *suspended* and *gave up* the negotiation at Aranjuez, after having obstinately refused to accept the modifications, founded on strict justice, which were proposed by the Spanish Government."

The negotiation of the special mission of the United States at Aranjuez, in 1805, occupied a period of nearly five months, from the beginning of January, when Mr. Monroe arrived at Madrid, to the 22d of May, when he took leave of the King to return to London. In his address to the King on that occasion, he said: "On my arrival here I had the honor to assure your Majesty of the high consideration of my Government for your Majesty's person and Government. I then hoped to have had the honor to conclude the special mission with which I was charged, in conjunction with the minister plenipotentiary near your Majesty, to the advantage and satisfaction of both parties; but, being disappointed in this respect, *all our propositions having been rejected, and none others ever offered on the part of your Majesty's Government, though often invited*, it is my duty to return to my station at London."

This assertion, made to the King of Spain in person, at the close of that mission, was fully warranted by the transactions under it. Every one of the topics now included in your four notes, as embracing all the subjects of difference between the two countries, was discussed at great length, much in the same manner which you have now insisted upon repeating. The questions of indemnities for spoliations, Spanish and French, and for the suppression of the deposite at New Orleans, of the eastern and of the western boundary of Louisiana, were descanted upon with pertinacity as indefatigably by Don Pedro Cevallos as by yourself. He bestowed as many pages upon the terms *retrocede* and *retrocession* as you have done. He appealed with equal confidence and alacrity to the opinions, and cited with equal complacency the testimonials of the ministers of Napoleon, and reminded Messrs. Monroe and Pinckney, with a satisfaction not inferior to your own, of the "very pointed" manner in which the French Minister of Foreign Relations, Mr. Talleyrand, announcing the sentiments of His Imperial Majesty, observed that "to *make known* the rights which France had acquired was to indicate the *extent* and the *limits* of those which she transmitted to the Federal Government." To every thing that had the semblance of reason and argument, adduced in the successive notes of Mr. Cevallos, the American ministers temperately and patiently replied; they unfolded, with a clearness and precision to which nothing can now be added, the claims of the United States, and the facts and principles by which they were supported. They proposed, at the commencement of the negotiation, a projet of a convention for the adjustment of all the interests in dispute. After all the subjects had been thoroughly discussed, they presented a second projet, modified in the most conciliatory spirit of accommodation to Spain. They invited, and reiterated, almost to importunity, the invitation to a counter-projet, or proposals on the part of the Spanish Government. These unwearied efforts were met by a constant, invariable, inflexible refusal either to accept their proposals, or to make to them any whatsoever in return.

You speak of the *titles*, *dates*, *documents*, and *arguments* produced on the "part of Spain, at that negotiation, incontestably proving, by abundant and irresistible evidence, the rights of the Spanish monarchy to the territory in question."

If such had been the facts, where would be the pretence that the American ministers had prematurely suspended or given up the negotiation? But Mr. Cevallos produces no such titles, dates, or documents; the only *title* ever alleged by him in support of the pretensions of Spain was the title of *retrocession*, applied to the treaty of St. Ildefonso; the only date was that of 1690, which he assigned as the period of the first Spanish settlement of Texas, which date was five years later than the settlement of La Salle, at the head of the bay of St. Bernard; and the only documents were the dictatorial and menacing testimonials of the French Minister of Foreign Relations. That all the titles, dates, and documents then referred to were insufficient, in the estimation of your own Government, to establish the rights which you have claimed, is manifest from the efforts which you have made to bring forward others, and from the character of those to which you have resorted—an unknown, and, as it is believed, imaginary treaty of 1764, and a royal exterminating order of Philip II.

You perceive, sir, that the Government of the United States is not prepared either to renounce any of the claims which it has been so long urging upon the justice of Spain, or to acquiesce in any of those arguments which appear to you so luminous and irresistible.

Determined to pursue the establishment of their rights as long as by any possibility they can be pursued through the paths of *peace*, they have acquiesced, as the message of the President at the commencement of the present session of Congress has informed you, in that policy of Spain which has hitherto procrastinated the amicable adjustment of these interests, not from an insensibility to their importance to this Union, nor from any indifference to the object of being upon cordial terms of harmony with Spain, but because peace is among the dearest and most earnest objects of their policy; and because they have considered, and still consider, it more congenial to the principles of humanity, and to the permanent welfare of both nations, to wait for the favorable operation of time upon the prejudices and passions opposed to them than to resort to the unnecessary agency of force. After a lapse of thirteen years of patient forbearance, in waiting for the moment when Spain should find it expedient to meet their constant desire of bringing to a happy and harmonious termination all the conflicting interests between them, it will need little additional effort to wait somewhat longer with the same expectation. The President deems this course even more advisable than that of referring the questions depending between the two nations to the arbitrament or mediation of one or more friendly European Powers, as you have been authorized to propose. The

statement in your note of the 10th of February, in reference to this subject, is not altogether correct. It is not the British Government which, on this occasion, has offered; but your Government, which, without first consulting or asking the concurrence of the United States, has requested the mediation of Great Britain. The British Government, as must be well known to you, have declined the offer of their mediation, unless it should be requested by both parties; and have communicated to the Government of the United States this overture on the part of Spain. The President has thought proper, from motives which he has no doubt will be deemed satisfactory both to Great Britain and Spain, to decline uniting in this request. He is, indeed, fully persuaded that, notwithstanding any prepossessions which the British Government may have heretofore entertained with regard to any of the points in controversy, they would have been entirely discarded in assuming the office of a mediator. But it has hitherto been the policy, both of Europe and of the United States, to keep aloof from the general federative system of each other. The European states are combined together, and connected with one another by a multitude of important interests and relations with which the United States have no concern, with which they have always manifested the determination not to interfere, and of which, no communication being made to them by the Governments of Europe, they have not information competent to enable them to estimate their extent and bearings. The United States, in justice to themselves, in justice to that harmony which they earnestly desire to cultivate with all the Powers of Europe, in justice to that fundamental system of policy which forbids them from entering the labyrinth of European politics, must decline soliciting or acceding to the interference of any other Government of Europe for the settlement of their differences with Spain.

But however discouraging the tenor and character of your recent notes have been to the hopes which the promises and professions of your Government had excited, that the time for adjustment of these differences with Spain herself had at length arrived, the United States will not abandon the expectation that more correct views of the subject will ultimately be suggested to your Government, and they will always be disposed to meet them in the spirit of justice and amity. With regard to those parts of the province of Louisiana which have been incorporated within the State of that name, it is time that the discussion should cease. Forming part of the territory of a sovereign and independent State of this Union, to dispose of them is not within the competency of the Executive Government of the United States, nor will the discussion be hereafter continued. But if you have proposals to make, to which it is possible for the Government of the United States to listen with a prospect of bringing them to any practicable conclusion, I am authorized to receive them, and to conclude with you a treaty for the adjustment of all the differences between the two nations, upon terms which may be satisfactory to both.

With regard to the motives for the occupation of Amelia island, the messages from the President of the United States to Congress, and my letter to you of 16th January, have given the explanations which, it is presumed, will be satisfactory to your Government. The exposed and feeble situation of that island, as well as of the remainder of East Florida, with their local position in the neighborhood of the United States, have always been among the primary inducements of the United States for urging to Spain the expediency to the interests of both nations that Spain should cede them for a just and suitable equivalent to the United States. In the letter of the 28th of January, 1805, from Messrs. Pinckney and Monroe to Mr. Cevallos, the following passage stands prominent among the arguments used by them to that effect: "Should Spain," say they, "not place a strong force in Florida, it will not escape your excellency's attention that it will be much exposed to the danger of being taken possession of by some other Power, who might wish to hold it with very different views towards Spain than those which animate the Government of the United States. Without a strong force being there, it might even become an asylum for adventurers and freebooters, to the great annoyance of both nations."

You know, sir, how far the events, thus anticipated, and pointed out so early as in January, 1805, to the prudent forecast of Spain, have been realized. Pensacola has been occupied by another Power, for the purpose of carrying on war from it against the United States; and Amelia island has been occupied by adventurers, to the great annoyance of both nations, and of all others engaged in lawful commerce upon the Gulf of Mexico. Before these events occurred, the Congress of the United States, aware of the great and growing danger of them, which had been so long before distinctly foreseen, had made it the duty of the Executive Government, in the case of such a contingency, to take the temporary possession of the country, which might be necessary to avert the injuries that must result from it. Amelia island was taken, not from the possession of Spain, but of those from whom she had been equally incapable of keeping or of recovering its possession, and who were using it for purposes incompatible with the laws of nations and of the United States. No purpose, either of taking or of retaining it as a conquest from Spain, has ever been entertained; and, unless ceded by Spain to the United States, it will be restored whenever the danger of its being again thus occupied and misused shall have ceased.

It is needless to add, that the proposal that the United States should take any further measures than those already provided by law for preventing armaments hostile to Spain within the territories of the United States is inadmissible. The measures already taken, and the laws already existing against all hostile armaments within our jurisdiction, incompatible with the obligations of neutrality, are sufficient for its preservation: and the necessary means will continue to be used, as they have been, to carry them faithfully into execution.

I have the honor to be, &c.

JOHN QUINCY ADAMS.

A. No. 1.

Don Martin D'Alarconne to M. De la Harpe.

MONSIEUR: TRINITY RIVER, *May* 20, 1719.

I am very sensible of the politeness that M. de Bienville and yourself have had the goodness to show to me. The orders I have received from the King, my master, are to maintain a good understanding with the French of Louisiana; my own inclinations lead me equally to afford them all the services that depend upon me; but I am compelled to say that your arrival at the Nassonite village surprises me very much.

Your governor could not be ignorant that the post you occupy belongs to my Government, and that all the lands west of the Nassonites depend upon New Mexico.

I counsel you to give advice of this to M. Bienville, or you will force me to oblige you to abandon lands that the French have no right to occupy.

I have the honor to be, &c.

D'ALARCONNE.

B. No. 2.

Monsieur De la Harpe to Don Martin D'Alarconne.

NASSONITE, *July* 8, 1719.

MONSIEUR:

The order from His Catholic Majesty to maintain a good understanding with the French of Louisiana, and the kind intentions you have yourself expressed towards them, accord but little with your proceedings. Permit me to inform you that M. de Bienville is perfectly informed of the limits of his Government, and is very certain that the post of Nassonite depends not upon the dominions of His Catholic Majesty. He knows, also, that the province of Lastekas, of which you say you are governor, is a part of Louisiana. M. de la Salle took possession in 1685, in the name of His Most Christian Majesty; and, since the above epoch, possession has been renewed from time to time.

Respecting the post of Nassonite, I cannot comprehend by what right you pretend that it forms a part of New Mexico. I beg leave to represent to you that Don Antoine du Miroir, who discovered New Mexico in 1683, never penetrated east of that province or the Rio Bravo. It was the French who first made alliances with the savage tribes in this region; and it is natural to conclude that a river that flows into the Mississippi, and the lands it waters, belong to the King, my master.

If you will do me the pleasure to come into this quarter, I will convince you I hold a post I know how to defend.

I have the honor to be, &c.

DE LA HARPE.

C. No. 3.

On the 10th of August, 1721, M. de la Harpe received the following order:

We, John Baptiste de Bienville, chevalier of the military order of St. Louis, and commandant general for the King in the province of Louisiana:

It is hereby decreed that M. de la Harpe, commandant of the bay of St. Bernard, shall embark in the packet the Subtile, commanded by Berenger, with a detachment of twenty soldiers, under M. de la Belile, and shall proceed forthwith to the bay of St. Bernard, belonging to this province, and take possession in the name of the King, and the west company shall plant the arms of the King in the ground, and build a fort upon whatever spot appears most advantageous for the defence of the place.

If the Spaniards, or any other nation, have taken possession, M. de la Harpe will signify to them that they have no right to the country; it being well known that possession was taken in 1685 by M. de la Salle, in the name of the King of France, &c.

BIENVILLE.

D. No. 4.

Extracts, translated from the "Diccionario Geografico Historico de las Indias Occidentales ó America," by Colonel Don Antonio de Alcedo, captain of the royal Spanish guards; printed at Madrid in 1786-'89, *by the permission of Government, and dedicated to the Prince of Asturias, afterwards Charles IV.*

"*Louisiana*, a province and Government of North America, one of the two which form new France, bounded on the south by the Gulf of Mexico; on the north by the river Illinois and the Indian tribes of the Pamasus, Paodocas, Osages, Tronontes, Tecagas, Chavanons, and others; on the east by West Florida, Georgia, and Carolina; and on the west by New Mexico and New Spain. Its extent from north to south is about fifteen degrees; that is to say, from the twenty-fifth to the fortieth degree of north latitude; and from east to west ten or eleven degrees, between the eighty-sixth and ninety-sixth degrees of west longitude; its limits, however, not being precisely fixed, M. de Lisle gives it a much greater extent, particularly towards the north, where it borders on Canada; and, according to him, it is afterwards bounded by New York, Pennsylvania, Virginia, &c. and to the west by the rivers Bravo and Salado."

"*Missouri*, an Indian tribe of the province and government of Louisiana, inhabiting the banks of the river of the same name, on which a fort was built by the French for defence of that establishment."

"*Natchitoches*, or *Natihetoches*, as pronounced by some, a tribe of Indians of the province and government of Louisiana, in North America, living fifty leagues up the Red river, by which name they are sometimes called. This tribe has always been friendly to the French, and hostile to the Spaniards; is very numerous, and has upwards of two hundred cabins. The French soldiers who had completed their time of service settled in an island in the Red river, where they built a fort, and called it Natchitoches; but having planted tobacco, and discovered that the sand blown on it by the wind gave it a bad quality, they removed their settlement to the main land, where they succeeded in cultivating that plant, so as to give it a particular estimation; it is sixty leagues from New Orleans."

"*Rouge*, (Red river,) a large and rapid river of the province and government of Louisiana, in North America, takes its rise about the tribe of the Cannesis, runs southeast, and, after receiving other streams, changes its course to the south as far as the tribe and fort of Natchitoches, where it again turns to the southeast, forms several lakes and islands, and thence, running eastward, joins the Mississippi much increased, near where the river empties into the sea."

E. No. 5.

Extract from a paper communicated by Messrs. Pinckney and Monroe to Mr. Cevallos, dated

ARANJUEZ, *May* 12, 1805.

From the 1st of October, 1796, until the ——— there were brought into the ports of His Catholic Majesty, in Europe and Africa, by the French, 168 vessels.

Of the above have been condemned,	74
Acquitted, ransomed, or compromised,	23
Cases of violation of the Spanish territory, condemned,	13
Run ashore and lost,	1
Unaccounted for,	7
Result not known,	50
Total,	168

A statement of the facts relative to American vessels taken by French privateers, and condemned in Spanish ports, obtained from the most authentic sources.

Of the French spoliations, there have been fifty appeals from the consular judgments in Spain to the Council of Prizes at Paris, of which thirty have been released, nine condemned, and twelve are yet depending. Not one *sous* has been paid in any case, nor is there a single case of such spoliations on the list of liquidations now at the French treasury, which are to participate of the twenty millions of livres to be paid by the United States to their citizens, under the treaty of 1803, on account of French spoliations. The American minister never did demand payment of French spoliations made in Spain, knowing them as such; nor did the American agent ever demand it by his order or knowledge. The first intelligence which the American Government had of appeals being permitted from the French consular tribunals in Spain to the Council of Prizes in France was received from Spain herself.

As soon as it was received, the Secretary of State wrote to the American minister in Paris to know what the fact was, and instructed him, at the same time, to prohibit the agent from acting in such cases; it having been, at all times, the opinion of the Government that Spain alone was answerable, of whom only has the recompense been demanded.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: MARCH 23, 1818.

I have read with deliberate reflection the note which you addressed to me on the 12th of this month, in reply to those which I had the honor to write to you on the 29th December and on the 5th, 8th, and 24th January of the present year, on the different points embraced in the dispute hitherto pending between the Government of the United States and that of Spain.

After examining, with the strictest impartiality, all the data and arguments advanced by you, without yielding to any other impressions than those inspired by the sincere desire of ascertaining the truth of facts, and the propriety of their application to the several points in dispute, I cannot but express to you, sir, that it has not been possible for my reason to discover any thing capable of forming a just exception to the principles and grounds which support the rights sustained by His Catholic Majesty's Government, as notorious, and hitherto undisputed with the Crown of Spain.

I perceive that, on the question of boundaries, you still maintain the same pretensions as those advanced by Messrs. Pinckney and Monroe at Aranjuez to the Spanish Government—pretensions which it appears to me impossible to exist, after weighing the arguments adduced by the Secretary of State of His Catholic Majesty, Don Pedro Cevallos, and again urged more at length and with sufficient conviction, in my judgment, in the notes which I had the honor to address to you.

On the subject of the eastern boundaries of Louisiana, you insist they should be extended by West Florida to the river Perdido, although this pretension has no other foundation than the particular and specious interpretation attempted to be given to the clauses of the treaty concluded between France and Spain in 1800, for the retrocession of Louisiana. But I do not conceive how these clauses can admit such an interpretation, because it gives a strained interpretation to and inverts its proper import, is contradictory to the intention of the contracting parties, and attributes to their contract a latitude which does not appear in it. How can it be imagined that West Florida, or any part of it, should be the object of the treaty of 1800, when, throughout the whole of it, there does not appear a single word referring or alluding to that province, or any mention being made of it? Did there ever exist a public treaty, or even a simple transaction between private persons, stipulating a thing of which the slightest mention is not made? Certainly not. Besides, the two contracting parties declare and maintain that it was not their intention to include, nor did they include, Florida, or any part of it, in the retrocession. How, then, can the contrary be maintained, merely by the help of a particular conception or conjecture? The objections you make against the personal character of the minister Talleyrand, and the temper of the French cabinet at the time of Napoleon, can never weaken the authority of the solemn declaration of the Government of France. You will also recollect that the same Government gave the assurance that it had ordered them to be communicated to that of the United States, and that the Spanish Government brought them forward as soon as the present dispute was set on foot, which they could not be before, as the possibility of this case did not enter into their contemplation, nor could they calculate on its being objected to without necessity or just reason.

Notwithstanding, therefore, your ingenious arguments, I continue in the firm persuasion that the three clauses of the treaty of San Ildefonso neither can nor do in any manner admit of the comment or abstract interpretation which is now attempted to be given to them, and that it is impossible to vary the obviously genuine and literal sense in which they have ever been understood by the Governments of France and Spain.

You say, and affirm decisively, that the secret convention between Spain and France, by which the Most Catholic King ceded Louisiana to His Christian Majesty, did not take effect in 1764, but in 1762, one year before the general treaty of peace concluded at Paris 10th February, 1763, by which the Floridas were ceded to Great Britain. If that be so, I confess I cannot comprehend or reconcile the *concluding clauses* inserted in the seventh article of the same treaty, which run as follows: "The Most Christian King cedes to His Britannic Majesty, in full property, the river and port of Mobile, and all that he possessed or ought to have possessed on the left side of the river Mississippi, *with the exception of the city of New Orleans, and of the island in which it is situated, which shall remain to France.*" How is it then, that in this treaty the bay and port of Mobile are ceded to England, and all that France possessed or ought to have possessed on the left of the Mississippi, with the exception of the island and city of New Orleans, which are expressly to remain in France? How could they remain to France, if in the former year they had been ceded to Spain? We must deny the faith of this treaty, or admit that the cession made to Spain did not take effect until a subsequent period; and by a necessary consequence, that when France made the said cession to the Crown of Spain, she possessed nothing more in that part of the American continent, since she had before ceded all to Great Britain; it being notorious, moreover, that France continued in the dominion and possession of the delta of Louisiana until the 19th of August, 1769, at which time she delivered up that province to Spain, and into the hands of General O'Reilly. By this we are convinced of the true understanding of the three clauses of the treaty of 1800. Louisiana did not then include, in the hands of Spain, any part of the Floridas, nor did France possess more than the delta of New Orleans when she ceded and delivered it to Spain. To these two undeniable facts do the first and second clauses of that treaty refer; the third refers to what appears in the treaties which afterwards followed between Spain and other Powers. If it is not wished to introduce confusion where there is none, it is necessary to ascertain the precise period at which the time began that this clause refers to. I do not see that any other can be found than that when France ceased to possess the delta of Louisiana; and if the cession made by her to Spain was effected after that made by France and Spain to England on the 10th of February, 1763, it is evident that this clause could not refer to the treaty of Paris concluded the same day and year, but to those which

were subsequent to it, as the same clause expressly declares. In my note of the 5th of January last I cited the treaties to which this treaty could and did refer, and pointed out at the same time the meaning and object of the contracting parties in framing its stipulation by referring to the treaties themselves. I discover nothing to weaken the force and propriety of what I then proved to you, nor do I think that there can be any thing advanced without altering or destroying the decisive sense of the clauses of the treaty of St. Ildefonso.

The ingenuity of logic may suggest evasions, but never can furnish solid arguments to maintain the contrary; and as it is our duty only to ascertain the truth, we must confine ourselves to the literal text of the treaty of retrocession, and to that of others referred to in it. Notwithstanding Don Pedro Cevallos, in his letter of 24th February, 1805, to Messrs. Pinckney and Monroe, only spoke of the treaties concluded between Spain and England in 1783, and between Spain and the United States in 1795, that neither is nor can be a reason why we may not now refer to some other treaty capable of shedding light on the points in question. In fine, I consider it as a point fully demonstrated and indisputable, that Spain retroceded Louisiana to France only as she had received it from her, and as she then possessed it, without any connexion whatever with Florida.

I cannot conceive how the plain and decisive clauses of the treaty of 1800 can be susceptible of any other interpretation which is in perfect accord with the tenor of the royal cedula issued by His Catholic Majesty, at Barcelona, on the 15th of October, 1802, for the purpose of completing and carrying into effect the act of the retrocession of Louisiana. His Catholic Majesty therein declares that he has retroceded Louisiana, and gives orders for its delivery, *with the same extent it now has*, and that it had *under the dominion of France*, when *ceded by that Power to his royal crown*. You are aware, sir, that it was by virtue of the royal cedula that the retrocession of the said province took place, and that it is a document regulating and explanatory of the contract passed at St. Ildefonso. As such was it received by France, who, on taking possession of Louisiana in virtue of the said royal cedula, and in conformity thereto, never exacted or pretended to any thing more.

In consideration, therefore, of treaties, documents, and acts of so solemn a nature, which decide the question with the greatest precision and clearness, no room is left for personal doubts or individual opinions.

I now pass, sir, to your observations on the question of the western boundaries of Louisiana.

I have before said, and now repeat it to you, sir, that the King, my master, glories in the religious observance of all treaties existing between Spain and other Powers, and sincerely desires that, in conformity with them and the inviolable principles of general justice and public good faith, the limits which separate or ought to separate Louisiana from the provinces and territories possessed by His Majesty to the westward thereof should be carefully examined, investigated, and determined. He has proposed as a basis of this inquiry the *uti possidetis*, or state of possession by France when she ceded Louisiana to the Crown of Spain, and has moreover admitted in the basis all that Spain delivered to France, as incorporated in Louisiana, and all that was stipulated in favor of the United States by the treaty of 1795. I conceive there can be no other basis of an examination, investigation, and final demarcation of the said boundaries, if we are to regulate them agreeably to public treaties and the solemn principles of justice and good faith. This basis being admitted, such as I propose it, all the equivocal expressions and interminable disputes to which the contradictory narratives of the early French missionaries and settlers who penetrated into this part of America have opened so wide a field, would at once be put an end to. In fact, I cannot persuade myself that such narratives are entitled to a place either in diplomacy or in sound criticism.

In my note on the question of the western limits of Louisiana, I likewise touched on the principal facts, data, and grounds on which the notorious right of the Crown of Spain to the territories in dispute is founded. These facts, data, and grounds do not receive their credit or support from the tales or narratives of travellers, missionaries, or adventurers who may have made excursions in America, nor from the memoirs or writings which have since been published, and are merely copies of these narratives and marvellous tales.

They receive their credit and support from titles and documents of the most unexceptionable character, as will be shown in due time, having confined myself to indicating them to you, and conceived that it was not absolutely necessary to accompany my notes with the volumes of books, papers, and documents extant on the subject, because that would have been too troublesome, and because the Crown of Spain being from time immemorial in possession of the territories to which your Government forms pretensions, that fact alone was sufficient to resist them, seeing that on the part of the United States no documents or titles were exhibited which could support their right to the territories in question. Let us see, then, on what your Government founds these pretensions, and how they are supported by you in your note of the 12th instant. The following are the data stated by you, and on which you say the United States found their claims:

1. The discovery of the Mississippi from near its source to the ocean by the French from Canada, in 1683.
2. The possession taken, and establishment made by La Salle, at the bay of St. Bernard, west of the rivers Trinity and Colorado, by authority from Louis XIV. in 1685.
3. The charter from Louis XIV. to Crozat in 1712.
4. The historical authority of Du Pratz and Champigny, and of the Count de Vergennes.
5. The geographical authority of De Lisle's map, and especially that of the map of Don Thomas Lopez, geographer to the King of Spain, published in 1764, [1762.]

Such are the data or grounds alleged by you in support of the pretensions of your Government, and to refute what I have advanced in defence of the rights of Spain.

I now proceed to answer each one of these data, or grounds, by reproducing those which I urged in my former note, and presenting them in their aspect and true light.

As to the first, I maintain that long before Joliet, Marquette, and Hennepin, or any other Frenchman, had penetrated from Canada as far as the banks of the Mississippi and Arkansas, the Spaniards had discovered and explored both those rivers in different and repeated expeditions which took place from the time that Juan Ponce de Leon discovered the coast and country of Florida, and took possession of them in the name of the King of Spain, in 1512. These expeditions were not, as you say, made by travellers, but by Spanish commanders, acting under the orders and authority of their Government, and with vessels, troops, artillery, and other necessary means for carrying their enterprises into execution. Consequently, it is of little consequence that Joliet, Marquette, and Hennepin, or others, may have traversed the country from Canada, and met with rivers and territories which, many years before, had already been discovered by Spaniards, and included in the dominions of the monarchy. What armies did Joliet, Marquette, and Hennepin take with them to dispute this country and its rivers with the Crown of Spain? What settlements did they found and maintain there? Such excursions as these neither give nor could give France any right to those rivers and countries, nor could she have any secure dominion over the soil, if we admit the principle that such invasions confer the right of property on the nation to which the individuals making them happen to belong.

Nor is the argument deduced by you from the expedition undertaken by La Salle more fortunate. It is the second of the grounds on which your Government founds its claims. I also maintain that La Salle never made but one incursion into the country already known to the Spaniards, and incorporated in the dominions of the

monarchy. There exist sufficient documents and testimony to prove that the Spaniards had entered the bay of St. Bernard long before, and had taken possession of it and of the whole country on the coast and into the interior. The fort built by La Salle for his defence against the Indians could confer no right on France to that bay, or to that country; and it is a certain fact that the Viceroy of New Spain, on receiving advice of this incursion, immediately despatched a force; they had been unfortunate; they no longer existed; and the expedition sent from New Mexico met with nothing more than the shattered fragments of one of their vessels at the entrance of the bay. More effectual measures were afterwards adopted by the Government of Spain for the defence of the coast and preservation of the interior of the country; so that there is no recollection, even in the narratives and wonderful romances of the early French settlers and travellers, of any individual of that nation having afterwards made the smallest attempt against the bay of St. Bernard.

The third ground cited by you is the famous charter granted by Louis XIV. to M. Crozat. A wretched document, indeed! It may in truth be said that this charter of Louis XIV. is very like that you mention, granted by the Pope's bull, in which, seated on his chair at Rome, he divides unknown seas and lands between Spain and Portugal. By what authority could Louis XIV. bestow on Crozat the territories and rivers discovered and possessed by Spain in that part of the new world? From every thing that appears, it is plain that they who granted this cession or charter in the name of Louis XIV. had no knowledge nor any exact idea of the situation, extent, or circumstances of the country they were speaking of. They were equally ignorant of the extent of the acquisitions and dominions of Spain in that part of America, and proceeded under the impression of the tales and flattering narratives of the early French explorers, and principally that collected by the missionary Hennepin from his own imagination, published at Paris, and dedicated to Colbert, or, it may be, to Louis XIV. The Spanish Government always viewed this grant with contempt, and went on in the peaceable possession of those dominions, extending their settlements as circumstances permitted, and founding towns and forts as they found it convenient. It always opposed the invasions and incursions of the French, and I cannot conceive how the royal orders issued by Philip II. which you term *sanguinary*, or those successively issued by other Spanish monarchs to preserve and defend their dominions by expelling the foreigners who attempted to invade them, can be called sanguinary acts. The fact is that these royal orders were duly carried into execution; whereas the grant, so much cried up, remained a dead letter.

In my letter of January last, I stated to you the manner in which the French got a footing in the bay of Biloxi, and afterwards spread themselves on the lower shores of the Mississippi, by the permission or toleration of the Spanish Government. It is therefore superfluous to dwell longer on this point.

4th. As to what regards the fourth ground which you have adduced, I am at a loss to perceive how it can answer the purpose intended. Whatever authority Du Pratz, Champigny, and the Count de Vergennes may be entitled to in matters of history, it is unquestionable that all they wrote on Louisiana and countries adjacent was taken from the incorrect, exaggerated, and marvellous narratives of the early French travellers, explorers, and settlers; and it is no less so that their assertions or notions are contradicted by facts and truths of the most decided authenticity and notoriety.

In addition to what has been laid down by the most respectable Spanish historians and chroniclers of those early times, and by subsequent writers, there exist unexceptionable acts, despatches, and documents, transmitted by the Council of the Indies in Spain to the tribunals, secretaries, officers, and others in Mexico, as well as to those in other parts, and also to several in the island of Cuba, which prove the facts I have pointed out to you in my aforesaid note of the 5th of January last. Nor are there wanting documents and proofs to be found in different writings and memoirs by foreigners, corroborating the certainty of the same facts, and completely confuting and destroying the idle tales and fanciful description which the missionary Hennepin has foisted into his memoir dedicated to the French Government. Nothing is to be found in the famous grant of Louis XIV., in the writings of Du Pratz and Champigny, or in the memoir of the Count de Vergennes, invoked by you in support of the pretensions of your Government, which is not a multiplied repetition of what has been imagined and written by that French missionary. These tales and flattering descriptions pass from mouth to mouth among the adventurers, traders, and settlers from Canada to Biloxi; and, as that nation has an itch for writing and publishing every thing that flatters the imagination, it is not surprising that we find the same wanderings, fables, or errors in many writings published by them. But you are sensible, sir, that tales and narratives of this description are inadmissible, both in diplomacy and sound criticism, which will only admit unexceptionable titles and legal documents. The same remark will apply to what was written by the Chevalier Tonti, cited by you as a decisive and incontestable proof of your assertions. Although the facts or things referred to in it were admitted, they would prove nothing in favor of their intended application, nor in the least weaken the force of antecedent titles and facts, on which the Spanish Government found their resistance to the unbounded and absolute pretensions of the United States.

I proceed to the fifth ground advanced by you—"the geographical authority of Mr. De Lisle and of Don Thomas Lopez." I think there can be little doubt that Mr. De Lisle framed his map on the same erroneous data and fabulous description I have spoken of in the preceding paragraph. It is a well known fact that Don Thomas Lopez, wholly uninformed respecting the country he wished to delineate on his map, copied from that of Mr. De Lisle all the errors remarked in it; and the same happened, with little variation, to Don Antonio Alcedo. You cannot but have noticed, sir, the numerous errors, ambiguities, and extravagances, which are to be found in the works of a multitude of geographers and writers who treat of subjects they have never seen, or taken the pains to verify with critical exactness. The circumstance of Don Thomas Lopez having been geographer to the King of Spain neither adds nor gives any authority to his map, because he neither drew it up nor published it under the authority or by order of His Majesty's Government; and the errors into which he or Alcedo may have fallen do not, nor can they, in the least prejudice the rights of the Crown of Spain, or change the nature of things, or the positive certainty of facts. In opposition to the errors of that Spanish geographer, to those of Alcedo, and of the Frenchman De Lisle, from whom they copied them, we have the testimony, in every thing substantial, of all the maps and charts that have been published from the most accurate knowledge of the country, and conformably to the treaties concluded between those Powers which possess or did possess dominions in that part of America. Among the French themselves, you may examine the maps of D'Anville, Janvier, Bonne, and others; likewise that published at London in 1757, by Emanuel Bowen, geographer to His Britannic Majesty; that published at London by Carrington Bowles, according to the observations of the Royal Academy of Sciences; the American Atlas, or geographical description of the whole American continent, according to the observations and researches of Major Holland, Lewis Sevans, [Evans,] Julian Scull, &c., published at London in 1778, by Thomas Jeffreys, geographer to the King, and others; the large map of New Spain, and countries bordering on it, published by Baron Humboldt; and the map published by I. B. Pierson in 1811, from the former.

I might cite many others, not only by Spanish geographers, but also by foreigners; but I deem it superfluous, under a thorough conviction that nothing can be found in opposition to the data and grounds I have advanced, but what appears in writings and maps composed at pleasure, and wholly incompatible with public treaties, and the most notorious and undeniable facts and truths.

The observations I have just made appear to me sufficient to destroy the weight of the data you have laid down as forming the grounds of the pretensions of your Government. I am aware that they have been already advanced, as you remark, by Messrs. Pinckney and Monroe, at the time of the discussion at Aranjuez; but as they were then completely refuted, I did not suppose they would be again brought forward. I have indeed seen the same data referred to in several writings published in this country since the acquisition of Louisiana by the United States, and maps formed here on bases assumed by those formerly published, abounding in errors and unsupported positions; but I did not, nor do I, conceive that they can have the smallest weight when opposed by facts and the principles most respected among nations.

You state that the United States can cite to me the geographical work, published at London in 1712, [1717,] entitled *Atlas Geographicus;* the British map, published in 1755, by Bowen; the narratives, published at Paris, of Hennepin, in 1683; of Tonti, in 1697; and of Joulet, [Joutel,] in 1713; the letter from Colonel La Harpe to Don Martin de Alarconne, of 6th [8th] July, 1719; the order from the French Governor of Louisiana, Bienville, to La Harpe, of 10th August, 1721; and, finally, the geographical work of Don Antonio Alcedo, and the map of Don Thomas Lopez. It is very certain that the United States may cite these writings and maps, and many others, founded upon the data above alluded to; but it is no less certain that such writings and maps are wholly undeserving of credit, being founded on narrative void of truth, or on the most doubtful ideas, in direct contradiction to public facts and the most solemn treaties, and completely disproved by the authentic and unquestionable history of the Spanish discoveries and settlements, as well as by an immense number of documents, beyond the reach of contradiction, which prove my assertion. I am perfectly aware of the attempts of the French to encroach on the Spanish dominions when they were in Louisiana, and to give a color to their pretensions by recurring to the vague expressions of Louis XIV. and the romances of Hennepin and others, but which were never formally urged or sustained by his Government, and were always treated as absurd by Spain. The wish of the French speculators, traders, and settlers to spread themselves in the territories of the Crown of Spain, and countries bordering on them, and make incursions into those territories, has nothing wonderful in it; because, the greater part of those territories being desert, and the French being then exclusively engaged in the navigation of the Mississippi, it was quite natural for them to penetrate into the adjacent countries, for the purpose of trading with the Indians, as it was for them to wish to establish posts or settlements for the benefit of their trade. But this, assuredly, has no connexion with the right you state they acquired to the whole of the immense country extending to the river Bravo.

The fact which neither can nor does admit a doubt is, that Spain has constantly been the mistress and possessor of that country, and of all the territories now contended for by the United States, during the whole period that Louisiana was held by France, and much earlier, with the exception of the points and districts which have been taken possession of by the United States. The French themselves never carried their pretensions beyond the space comprehended between the left bank of the Rio Roxo, (Red river,) as far as the point of Natchitoches, the bank of the Mississippi, the adjacent coast, where the river Caricut, or Calcasia, empties into the gulf, and the left bank of that river, which was always considered the boundary, to its source, between the Spanish province of Texas and French Louisiana; and this is the reason why France never made the smallest opposition to the building of the three presidios or forts, Nacogdoches, Orcsquezac, and San Miguel de los Adaes, by Spain. How, then, could it be contended that, in the face of facts so undeniable, of titles of property of the most genuine character, and of uninterrupted possession from time immemorial, the vague pretensions of the French should be entitled to any weight, since they have no other foundation than the incorrect, contradictory, and absurd narratives of the early travellers, explorers, and traders of that nation, who made momentary excursions from Canada and the bay of Biloxi into that vast country? I shall now present the data extracted by you from my note of the 5th January last in their genuine sense and true aspect.

1. Discovery of the Mississippi, of the Arkansas, and of the Rio Negro to its source, by the Spaniards, under Don Alonzo de Soto, in 1541. Discovery of Florida, and possession taken of the eastern part thereof, by the Spaniards, under Don Juan Ponce de Leon, in 1512. Continuation of discoveries and settlements in Florida by the Spaniards, in 1525, under Vasquez de Ayllon; in 1527, under Panfilo de Narvaez; in 1538, under Adelantado Hernando de Soto; and successively by the Spanish governors of that province, which then comprehended the whole country from the Rio de las Palmas, which is the boundary of Panuco, to latitude 48°, extending more than six hundred leagues, and crossing the Mississippi; the whole being carried on by means of regular expeditions, composed of vessels, troops, artillery, and every requisite for carrying them into execution.

2. Dominion of the Crown of Spain over the whole coast of the Gulf of Mexico, and the vast regions in the interior of Florida and Mexico, from the beginning of the sixteenth century; the kingdoms of Leon and Santander, founded in 1579 and following years; the kingdom of New Mexico, founded in 1595; the province of Cohaguila, a few years afterwards; and that of Texas, after 1690.

3. Successive increase by Spain of settlements, towns, and forts, at the places judged most suitable, in the interior provinces of Mexico and in Florida; she remaining in possession of the whole coast, and defending it, as often as occasion required, against the invasion or incursions of foreigners, down to the latter times.

In support of these data, there is alleged, on the part of Spain, a notorious and indisputable right of first discovery and first occupation or conquest, and that of uninterrupted possession to the present time, which refer to a long course of public facts and authentic documents, and by which they are identified and proved, on the highest testimony of which human events are susceptible. And what has been replied to all this, on the part of the American ministers at the court of Spain? They threw themselves back, if I may say so, upon the same data and allegations which they had at first advanced, and are now again brought forward by you, without producing any additional facts that can strengthen your pretensions—the famous grant of Louis XIV. to Crozat; the transient incursions, or, if you are pleased to call them so, the formal expeditions of Bernard de la Salle; some point or another occupied by the French, at distinct periods, on the coast of Florida and on the lower shores of the Mississippi; the post they were permitted to hold in Illinois; and those they also obtained in the immediate neighborhood of the Rio Roxo (Red river) and the Arkansas. That is all; and that is considered sufficient to confer on France the right of property to the whole extent of those immense territories, and to dispossess Spain of the ancient possession and dominion over them! I am at a loss to conceive on what this mode of reasoning can be founded.

The grant of Louis neither has nor can have any value, no more than any other grant issued by another monarch or Government, in like cases, could be valid, if the countries thus disposed of were not in possession of Louis XIV., or if France had no well-founded right to them. Now, then, the countries to which your Government forms pretensions, westward of the present Louisiana to the Rio Bravo, were never in the possession of Louis XIV., nor of any other monarch of France, as you will certainly admit. As to which forms the point of right, I know of nothing on which Louis XIV. could have founded it but the incursions of La Salle, and those of some trader or missionary.

I wish not to rob La Salle of the glory you are disposed to allow him for his brilliant enterprises and sublime philanthropy. But what I have alleged, and can prove by the fullest evidence of which facts of this nature are

susceptible, is, that La Salle did nothing more than traverse from Frontenac to the shores of the Mississippi, through territories which, although included in the dominions of the Crown of Spain, were still desert, and without forts or garrisons to check the incursions of that French adventurer; that nothing resulted from them. The fort of Crèvecœur, which was necessary for his protection against the Indians, was immediately destroyed by them; and that said to have been left under the command of Ribaut was destroyed by the Spaniards, who, headed by Governor Melendez, attacked it without loss of time, and made prisoners of Ribaut and his whole party. The same happened in the case of the unfortunate shipwreck of La Salle on the coast of the province of Texas. He was enabled to save himself by landing at the bay of St. Bernard; and, flying from the Indians, proceeded upwards by the banks of the Trinidad river. He then raised a redoubt or fort to defend himself against their attack, and, leaving several of his party there, he advanced into the interior of the country, and fell a victim of assassination. The Indians immediately demolished the fort, and barbarously sacrificed the few French in it who had not been able to make their escape. An expedition was despatched by the Viceroy of Mexico, with a competent force, to repel La Salle's invasion, the moment he received notice of it. This expedition advanced a great distance into the country, and descended as low as the bay of St. Bernard, as I have already said, but met no Frenchmen, or other foreigners. From that time the dominion of the Crown of Spain to that whole coast, and all the territories of that province, was preserved with perfect tranquillity; and towns were quickly founded, and forts built wherever they appeared necessary for defence. Can there be a reason, then, for attributing to the French a right to that whole coast, and those extensive territories, from the simple occurrence of these momentary incursions, or it may be expeditions, which miscarried without effecting any thing?

I declare, too, that I do not wish to derogate from the veneration and confidence with which you consider Father Hennepin. But I can never believe the fabulous tales and fictions which abound in his narrative dedicated to Colbert. We may judge of the confidence it deserves from the following tales:

1. His descent from the mouth of the Illinois river to the mouth of the Mississippi (a distance of more than 1350 American miles) *in seventeen days*, passing the nights on shore, and delaying a considerable time among the Indians, and in search of provisions.

2. He and two others, in a canoe, stemming the current of the Mississippi from the mouth of that river to the Illinois in twenty days. It is unnecessary to cite the other absurdities and fables scattered throughout his narrative, and I shall content myself with reminding you that, on the testimony of the Swedish naturalist Kahn, the opinion entertained of Hennepin, in Canada, is expressed in the following words: "The name of honor they give him there is *the great liar;* he writes of what he saw in places *where he never was.*"

In fine, I think it easy to prove that all which of right belongs to the United States is Louisiana such as it was ceded and delivered to Spain by the Government of France, with the addition of those points and districts with which Spain retroceded it to France, and of such as by public treaties were annexed to it in favor of the United States. I go farther: although France might have an unquestionable right to other points and districts eastward and westward of that province, (which is not admitted,) she lost it from the moment she ceded and delivered to England all she possessed in Florida, and to the left of the Mississippi, with the exception of the city and island of New Orleans. By this cession and delivery, all the rights whatsoever which France could have beyond the delta of Louisiana were transferred to the Crown of England; and as Spain only retroceded to France what she had received from her, to nothing more could France have a right in virtue of the treaty of 1800. Whatever abstract reasoning or subtle arguments may be resorted to, it will be impossible to prove any thing else, because it is impossible now to alter or amend the treaty, or to claim that which is not stipulated in it. I therefore have said, and I now repeat, that, to terminate this controversy, nothing is more just and natural than to recur to the period when France completed the cession and delivery of Louisiana to Spain, to establish what France then ceded to Spain, and what she retroceded and delivered in virtue of the treaty of St. Ildefonso. These preliminary points being determined, and the bases laid down which are their natural consequence, the subsequent arrangements will be attended with no difficulty.

The Government of Spain is prepared to produce all the titles and documents which I have cited, and many others I did not hitherto cite, judging it unnecessary. It is the anxious wish of the Spanish Government that a suitable opportunity may be afforded to it for the production of those titles and documents, that they may be compared and confronted with those which may be produced on the part of the United States, (for hitherto they have been merely referred to,) as neither the state of the discussion, nor what has been advanced by the United States, has permitted or required any thing further.

I cannot pass over, without remark, your observations tending to prove a contradiction between Don Pedro Cevallos and what I have laid down. You state therein that I have said that the boundaries of Louisiana were most notorious and acknowledged by France: and that I *finally* conclude by admitting that those same boundaries have never been fixed or agreed on. That which has been said by Don Pedro Cevallos and by me, and which can admit of no doubt, is, that the western boundaries of Louisiana have always been notorious and acknowledged between Spain and France; from the ocean by a line drawn between the rivers Mermento and Calcasia, running by Arroyo Hondo, between the Adaes and Natchitoches, crossing the Rio Roxo, (Red river,) and ascending towards the north. It is the boundaries between French Louisiana and the Spanish possessions after that line has crossed Rio Roxo, (Red river,) which have never been fixed, and it is proper not to confound one thing with another.

At the same time it is proper to remark that this same divisional line between the possessions of Spain and France has not been fixed by any treaty between the two Powers, but has always been considered as such from the time that the French established themselves on the right bank of the Mississippi until they ceded and delivered that province (that is to say, the delta of Louisiana) to Spain; the said divisional line from the ocean to the point I have shown having at all times been notorious and acknowledged, *both* by the authorities and inhabitants of each of the territories, respectively. I can therefore discover nothing contradictory in what was advanced by Don Pedro Cevallos and myself in the note referred to by you, and only see in our assertions a truth of facts which it is impossible to deny. Indeed, I do not comprehend what solid reason there could be to combat this truth; and the only matter susceptible of discussion is that which refers to the points that it may be just to examine, fix, and establish for the continuation of the line northward after it has crossed the Rio Roxo (Red river.) All this may be easily adjusted if, as I have before said, the basis be admitted which I have proposed, and that is, to recur to the state of possession of France when she completed the cession and delivery of Louisiana to Spain. I remark, however, that what you have communicated is opposed to this, namely, that the United States will no longer entertain a discussion relating to the territories included in the State of Louisiana. If this were the only difficulty, I do not doubt, knowing as I do the desire of the King to do whatever might be acceptable to the United States as far it may be practicable, and comport with the dignity of his august station, that His Majesty will agree thereto; and although he will not assume the lofty and dictatorial tone which you attribute to the Spanish Government at the time of Charles V. and Philip II., if he had on this occasion adopted the same principle on which the resolution of your Government, according to your communication, has been formed, yet His Catholic Majesty is ready to hear all that

can be advanced by the United States in support of their pretensions, and to relinquish any point or territory whatsoever which may lawfully belong to them, although it be comprehended and incorporated in the ancient dominions of his royal crown.

I forbear to analyze the three principles laid down by you as being founded on the immutable basis of justice, and on the general practice of European nations which have formed settlements and acquired possessions in this hemisphere. It is sufficient to read them to be satisfied that they are wholly inapplicable to the case to which you refer; and that they are, besides, conceived with too vast a latitude to be exempt from absurdities and contradictions, not only of the general practice of nations, but of the most venerable rules of justice, and even of common sense. Fortunately, the question at issue is not in that state to render it necessary or possible for your Government to recur to those principles, because I flatter myself that the principal points on which the dispute turns are already sufficiently clear to admit of their being brought to an amicable conclusion and equitable arrangement.

Let us now pass to the subject of claims. It gives me great satisfaction to observe that we agree as to what regards claims for losses and injuries reciprocally caused by Spaniards and Americans, contrary to the law of nations and existing treaties. The convention of 1802, between the plenipotentiaries of the United States at the court of Spain, and His Catholic Majesty's Secretary of State, was specially formed for the settlement of these reciprocal indemnities; and, consequently, it not only from that moment established the certainty of losses and injuries caused by Americans to Spaniards, in violation of the law of nations and the existing treaties, but also exhibited and admitted the right of the said Spaniards to claim adequate indemnity. This point, therefore, will be attended with no difficulty in settling it on the basis of the above-mentioned convention, with the additions as proposed to you in my note of the 24th January, and which you state there is no difficulty in admitting. But I have at the same time to regret that we have not been able to agree on the point relating to the spoliations committed by French cruisers on the coast of Spain, and by French consuls in Spanish ports. As it is notorious and unquestionable that these spoliations were committed by the French under the authority of their Government, I can discover no reason why Spain should be made responsible for them when the nation exists by whom they were committed. Even the American citizens have admitted that their right was against France directly, and addressed themselves to her, by laying their claims before the competent tribunals of that nation. The United States also claimed of the French Government on the same subject. In fact, Frenchmen were the aggressors. By the French Government they were authorized. It was in French tribunals that the privateers committing the excesses complained of gave the usual bonds; they were French subjects, subject only to the laws of France, and amenable only to the Government and authorities of France. It was France alone which reaped the benefit of the produce of their captures; all which, combined with the arguments I have touched on in my note in relation to this matter, cannot fail to convince you, if they be impartially attended to, that it is France, and not Spain, which should be responsible to the United States for the spoliations in question; or, what amounts to the same thing, while France exists, there can be no right whatever to have recourse on Spain, and claim of her indemnity and compensation for those spoliations. If the responsibility for this indemnity and compensation has not been redeemed by France, in her conventions with the United States, as you assure me, my opinion continues unchanged, that the right of the United States, or that of their citizens, can only in justice be applied to France; and I am at present no farther authorized in this case than to offer the co-operation of Spain in promoting the favorable issue of the claims of the United States on the Government of France.

Before I conclude this note, I think it fit to impress on your mind that, the United States being at peace with France at the period the occurrences now spoken of took place, there could be no difficulty in the American citizens having recourse on the Government and tribunals of France; and they, in fact, had such recourse in all those cases in which they consider themselves well founded in resorting to it; and that, notwithstanding Spain was likewise at peace with the United States, she could not ascertain whether the American vessels brought into her ports by the privateers of France, her ally, had violated the law of nations, and thereby forfeited their right to the protection due to them by Spain, in conformity to the existing treaty, and the public law of nations. It was for her to believe that this point would be ascertained by the consuls of France, and finally determined by the tribunals of cassation there. She was further to believe so by the consideration that France was at peace with the United States, and that their citizens enjoyed the benefit of a recourse to her tribunals, of which they availed themselves as often as was requisite. To this simple idea are the observations reduced, which I laid before you in my note of the 8th January, and which you appear to consider as in contradiction with others stated in the same note—a contradiction which I do not conceive can be discovered in them.

It is my duty to repeat, from a thorough consideration, that His Catholic Majesty is earnestly desirous to satisfy the United States, and amicably to settle and adjust all pending differences, and that it is no less certain that His Majesty extends his sincere wishes, in that respect, even so far as to be willing to make every sacrifice in favor of the United States, consistent with the indisputable rights of the monarchy, and the dignity of his august character. I have already offered you these assurances; I now renew them in the most positive manner. But I cannot, however, refrain from expressing to you my great regret on perceiving that the Government of the United States seems resolved not to agree to submit the pending differences to the judgment and impartial decision of friendly Powers, or admit the mediation of any of them, as appears by your communication to me. My regret is greatly increased, when I reflect and see that the two modes pointed out are the most simple, proper, and just which could be resorted to to terminate a dispute in which each of the parties proceeds with good faith, and conceives it is in the right. It was one which was admitted by the United States themselves, when, in the late war, they accepted the mediation of Russia, for the purpose of settling and adjusting, under the auspices of that mediation, the points on which they had not been able to agree. Nor can I more easily comprehend why there should be any obstacle to admitting one of those two modes because the United States have no communications made to them, by the Governments of Europe, of the order and state of their negotiations, and their system of policy has no interest or relation with that pursued by those Powers; it being considered expedient, as you assure me, to avoid entering into the labyrinth of European politics. As the points in dispute between your Government and that of Spain are not entangled in this labyrinth, and as the Government of the United States is confident, as you state, that their rights are clear, and their arguments invincible, I cannot conceive what inconvenience can result from referring these rights and these arguments to an impartial third party, in whom the United States have the greatest confidence, and submitting the case to its judgment and decision; or from conferring on the points embraced by the present case, and settling and adjusting them under the mediation of such Power or Powers as, in the face of the world, are most entitled to the confidence of your Government. I was told by Mr. Monroe, in one of his early notes, that if this case were submitted to the judgment of an impartial tribunal, disposed to take it into due consideration, he was confident the decision would be in favor of the United States. I know not, for my part, what would be the result; but what I can assure you is, that, whatever might be the decision of the tribunal to which the two Governments had agreed to refer their differences, it would meet the approbation of His Catholic Majesty, and relieve him from the anxiety created by this business.

Why not, then, make choice of a tribunal, and submit to its decision? Is it possible there cannot be found in the whole universe a Government, or a number of individuals, worthy of confidence in such a case? I am satisfied that your Government neither does nor can think so; and that its love of peace and amity with all Powers, its firm adherence to the principles of equity and justice, and its humane sentiments, offer the best-grounded hopes that the present difficulties will be overcome, and the wished-for moment is at hand when all the differences pending will be finally settled to the entire satisfaction of both Governments.

Seeing, therefore, by your communications to me, that the opinions still maintained by the Government of the United States are derogatory to the indisputable rights of the Crown of Spain, and that you propose no basis capable of reconciling the contradictory views respectively taken by each Government of the subject, I find myself unprovided with suitable powers and instructions finally to agree on and stipulate in the present case. I am, therefore, under the necessity of despatching a courier to Madrid to inform my sovereign of the actual state of this negotiation, and to request of him the necessary orders and instructions, by increasing my powers, as may be deemed requisite, in reference to existing circumstances.

In the mean time, I confidently hope that the Government of the United States will rely on the honor and good faith of the Spanish Government, and in the earnest desire of His Catholic Majesty to satisfy the United States, and strengthen the ties of the most perfect harmony and good understanding.

As the partial gazettes throughout the Union unfortunately endeavor to scatter the seeds of animosity in the minds of unguarded persons, or such as are uninformed on the points embraced by the differences pending; and as the Congress has requested information of the President on the present state of those differences, who has laid before the House of Representatives the official correspondence on these subjects, both here and at Madrid, it would be desirable that his excellency would be pleased also to lay the present note before Congress, as it forms a part, and is the complement of that correspondence, and presents the most unquestionable view of the amicable dispositions of Spain, and of the determination of His Catholic Majesty to omit nothing to meet the just wishes and hopes of the United States. I therefore hope that the President will be pleased to direct this measure, and that you will contribute to its adoption.

In the mean time, it is my most ardent wish that you may suggest a just mode by which we may be enabled to approach the necessary basis for the settlement of all the differences pending, by removing the principal difficulties which have hitherto obstructed our progress, as I shall, notwithstanding the deficiency of my powers and instructions, with the greatest pleasure, take into due consideration, without waiting for new orders from my sovereign. You must be aware, sir, that those I am already furnished with cannot extend to the case presented by the proposals contained in your note of the 16th January, since Spain never imagined that the *Rio Colorado*, hitherto spoken of by the minister of this republic, could be any other than that of Natchitoches; and I did not even think you meant to speak of any other in your note, until I was more exactly informed by you; the river which you wished to designate being known by the name of San Marcos, or de las Canas. This circumstance, taken in connexion with the other respecting the cession of the Floridas without any equivalent or retribution whatever, produces an infinite difference in the view to be taken of the first proposals made on the part of your Government to that of His Catholic Majesty; and I am unable to stipulate such sacrifices, on points of such magnitude, until I have previously consulted my court, and received orders and instructions adapted to the purpose. Hence I find myself under the necessity of despatching a messenger to Madrid with all possible expedition. But to prevent the loss of time, in the mean while, this need not prevent our continuing the negotiation, and employing every proper means to bring it to a conclusion, on principles of common justice and reciprocal convenience, to the satisfaction of both Governments. To attain this, I conceive it will not be difficult, provided we confine ourselves to the essential objects of the dispute, and honorably reject whatever has no important connexion with it, or cannot contribute to the end in view.

I flatter myself, sir, that both you and your Government will proceed under the influence of similar sentiments. Reposing in this hope, I renew to you the assurances of my distinguished esteem and respect. God preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *March* 27, 1818.

In the President's message transmitted to Congress on the 25th instant, on the state of the present war with the Seminole Indians, it is declared by his excellency that the greater number of those Indians inhabit within the limits of Florida, and that Spain was consequently bound to restrain them, and prevent their committing hostilities against the United States; but that it is painful to observe that she has failed to fulfil this obligation; that it is yet unknown whether the Spanish Government has attempted to fulfil it agreeably to the stipulation of its treaty with this republic; that His Catholic Majesty not having kept up a sufficient force in Florida to restrain those Indians, the United States had a fair right to enter the territory of that Spanish province with an armed force in order to chastise them, which will be effected, showing due respect to the Spanish authorities where they may exist, and evacuating the province as soon as the object of the war and the entry into the Spanish territory shall be obtained.

It is my duty to state to you, for the information of the President, that the Governor of Florida uniformly observed the most scrupulous neutrality throughout all that province during the late war between the United States and Great Britain, and constantly employed every becoming and practicable means to avoid all manner of hostilities on the part of the Indians, alluded to by the President in his message, against the people or citizens of the United States; in proof of which, I have the honor to enclose a letter received by me from the Governor of St. Augustine, with a correspondence also received from him in relation to this particular subject. I am yet uninformed that any complaint of the authorities or citizens of the United States had been made to that officer of the Seminole Indians, or that any demand had been made of him to restrain and compel them to make satisfaction to the United States for any injuries they may have committed. From the governor's correspondence, a literal copy of which is enclosed, it is evident that he used the utmost attention in recommending them to observe peace and the most perfect harmony with the citizens of this republic, in appeasing all their bickerings and jealousies, and in dissuading them from every hostile feeling towards the persons or property of the citizens of the United States. He would also at once have employed forcible means to effect this, in case any complaint had been made to him of those Indians, stating the excesses they may have committed, and the grounds there existed of obliging them to make

reparation for the injuries sustained, and of punishing them for their outrages. As nothing of this kind took place, I cannot perceive how a failure in this case can be attributed to the Government of Spain.

As to what relates to His Catholic Majesty's not keeping up a more considerable force in Florida, you must be aware, sir, that Spain has reposed full confidence in the peace and good understanding subsisting with the United States, and that, relying thereon, her attention has been confined to keeping up such garrisons as were absolutely necessary to preserve good order and public tranquillity; of course, she never entertained the idea of putting that province on a war establishment. Its garrisons, being in the neighborhood of a friendly and respectable Power, were competent to the purposes they were intended for, and to keeping the Indians dependant on them within their duty, and to enforcing that peace and orderly conduct they were bound to observe, as well towards the territories and subjects of His Catholic Majesty as towards those of the United States.

It is therefore to be presumed that the information or advices communicated to the President are without foundation; and I therefore hope that his excellency, on correcting the truth of facts by an examination of the correspondence, (copy of which is herewith transmitted,) as well as by other suitable means, will be pleased to prevent any violation of the territory of Florida, or any other part of the dominions of Spain, by the troops of the United States. If that fact should unfortunately be realized, it would be my duty to enter my solemn protest against it, in the name of the King, my master; but confidently relying on the rectitude and wisdom of your Government, I trust that its measures will conform to the strict principles of justice and that good faith in which His Catholic Majesty places full confidence. Spain has at all times strictly fulfilled her engagements stipulated by the treaty with the United States, and, while she prides herself on a religious observance of them, in every particular relating to the Indians inhabiting within the territories of the monarchy, she is also desirous of protecting those unfortunates, and of acquitting herself towards them of every duty dictated by humanity. She has never permitted them to be molested by the Spanish authorities, nor a single step to be taken tending to their extermination, the dispossessing them of their properties, or disturbing them in the free enjoyment of their customs and government. The philanthropic sentiments of the American Government and people are assuredly in unison with those of His Catholic Majesty on this point. I therefore hope that those Indians, on being punished for the violences or injuries they may have committed, will be viewed with that indulgence by the President which their ignorance and rusticity seem to claim for them.

I renew the assurances of my perfect respect, and pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don José Coppinger, Governor of St. Augustine, to Don Luis de Onis.

MOST EXCELLENT SIR: ST. AUGUSTINE, FLORIDA, *February* 10, 1818.

I have most attentively examined the contents of your letter of the 17th of December last, in relation to the complaints of the Government of the United States against that of the province under my command, founded on the protection alleged to have been afforded to the English in their late war with that nation; also, on the hostilities committed by the Indians under the protection of our Government, and affirmed to be fomented by the Spaniards.

The occasion furnishes a theme for ample and well-founded discussion, were I to undertake to point out to you the motives of these complaints, and if I could contrast the conduct of the Government of this province, as to what regards the United States,'with theirs in respect to the Spanish nation, on those different occasions on which they have hitherto and still do give proofs of their proceedings upon the subject of neutrality; but leaving this to your enlightened and judicious investigation, I now proceed to submit to you such information and documents as are in my reach, in compliance with your request.

In order to answer you categorically, I have had recourse to the archives of the Secretary's office for this Government, and have collected such documents as are essential, copies of which are herewith transmitted, marked No. 1 to 14. They will readily solve the two problems brought into discussion, and show that the system of this Government has been diametrically opposite to the proceedings attributed to it, which are wholly without solid or even plausible foundation.

In fact, what more convincing proof can be offered of the observance of the strictest neutrality than the total ignorance of any complaint ever being made here by the Government of the United States, their officers and citizens, of any infractions? The letters of Brigadier Don Sebastian Kindelan, then governor of this province, to the different officers under his command, recommending the observance of the strictest neutrality towards the belligerants, offer similar proofs of this spirit. The letter of John Brown, a citizen of the United States, written at that period, the claim made of the commander of the English squadron, and the copy of a letter addressed to George Woodbine, captain of infantry, and British agent with the Indian nations, at the time he came here, forming part of the documents now transmitted, are additional evidence of the protection afforded to American citizens, in conformity to the laws of nations and the sixth article of amity, limits, and commerce, concluded between the King of Spain and the American nation on the 27th of October, 1795.

If your excellency attends for a moment to the charge of hostilities committed by Indians inhabiting this province on citizens of the United States, in consequence, as is alleged, of the hostile feelings suggested and fomented by the Spaniards, it will be no difficult matter to repel it, and refute an insinuation so injurious to the Spanish character. Truth needs no circumlocution to prove it; in communicating, therefore, evidence on this point, it will suffice to lay before you my correspondence with Boleck, a Seminole chief, making part of the enclosed documents, for the purpose of enjoining on him a strict observance of peace, good order, and friendship with the people of the United States. This will demonstrate to them and to the world that the Government and inhabitants of this province, so far from being instigators of hostility and discord, have performed the office of friends and peacemakers, and that the political conduct of the superior officers in East Florida has been founded on the principles of reason, justice, and friendship. Influenced by the sentiments of honor and good faith which have ever characterized the Spanish nation, I was solely animated by them when I invited the chief Boleck to come and see me, which he did. I then recommended to him most earnestly to refuse any retreat or asylum within his territory to the fugitive slaves from the United States, and offered to act as a mediator in his differences, if he had any. To which he replied, that he had no other than those connected with his endeavors to preserve his cattle, which were daily stolen from him by the Americans, who, besides, were endeavoring to dislodge him from his territories.

I leave it to the discernment and decision of politicians to pronounce whether, in the course of the events alluded to, the most unimpeachable neutrality and good faith have not been observed by the Government of this province. The proofs referred to in support of this are so clear and convincing that I refrain from trespassing further on you, satisfied as I am that your accurate judgment will give the proper direction to the affair in question.

God preserve you many years.

JOSE COPPINGER.

No. 1.

[TRANSLATION.]

SIR: ST. AUGUSTINE, *January* 11, 1815.

I have received yours of the 8th instant, informing me of the arrival of the King's schooner the Empezinada; also of the appearance off the bar of seven frigates, three brigs, and two schooners, supposed to be English. In reply to the first part of your letter, I have to request that you will afford the commander of the Empezinada all the facilities in your power for the repair of his vessel; and to the second, that, as His Majesty has recommended to me the observance of the strictest neutrality, you will firmly maintain it in a becoming manner, by not permitting any foreign troops to land within the Spanish territory, or affording any aid or assistance directly or indirectly, the said troops being at war with the United States. You will not fail to give me immediate advice of whatever may occur.

God preserve you many years.

SEBASTIAN KINDELAN.

To Don FERNANDO DE LA PUENTE.

A true copy: TOMAS DE AGUILAR.

No. 2.

[TRANSLATION.]

SIR: ST. AUGUSTINE, FLORIDA, *January* 21, 1815.

I am happy to learn the amendment of your health, announced in yours of the 17th instant, and hope it is now perfectly re-established; but, in case it is not, you will take charge of the command provisionally, and of course open the correspondence I have directed to you, as well as any future communications, to give all due effect to their contents. I further inform you that, as circumstances have rendered it necessary to prohibit the export of provisions from the province, you will not permit any to be taken off, and on this ground, as well as that of necessity, you will, in the most civil manner, decline offering or affording any supplies to the English, of provisions, arms, warlike stores, or any thing else to be hostilely employed against the United States, or any aid or assistance for their remaining in their present position, pointing out to them, in the most attentive and becoming way, the necessity we are under of observing the strictest neutrality, recommended to us by our court on the most serious responsibility; and that, in consequence, and to avoid the compromitment of this province, it would be desirable they should cease their visits and communications with the inhabitants. In case the commandant is in a state fit for duty, you will deliver him the original of this letter for his government.

God grant you many years.

SEBASTIAN KINDELAN.

To Don CRISTOBAL BRABO.

A true copy:

TOMAS DE AGUILAR.

No. 3.

[TRANSLATION.]

SIR: ST. AUGUSTINE, *January* 21, 1815.

I approve of your conduct in endeavoring to prevent the approach of the English ships of war into your river, and you will inform them that on no account whatever are they to enter therein, or station themselves within hail. If discovered in these attempts, they will lose their claim to that name for which they have a reputation. I have also to direct you that, in case they wish to water their ships, you will decline it in an attentive and polite manner, and explain to them the difficulties which oppose their receiving supplies; in one word, you will, in your communication with them, avoid whatever may compromit the neutrality which is so strictly enjoined on us.

God preserve you many years.

SEBASTIAN KINDELAN.

To Don PEDRO MIRANDA, *Harbor Master at Amelia Island.*

A true copy:

TOMAS DE AGUILAR.

No. 4.

[TRANSLATION.]

MOST EXCELLENT SIR: ST. AUGUSTINE, *February* 4, 1815.

A complaint has been laid before me by Robert Harding, a citizen of the United States of America, stating the capture, by His Britannic Majesty's forces under your command, of his boat, called the Maria Teresa, then at anchor within the Spanish waters of Bell's river, at the spot known by the name of Roun's Bluff, and claiming the protection of the Spanish Government, to which he conceives himself entitled, both by the law of nations and the sixth article of the treaty of amity, limits, and navigation, concluded between His Catholic Majesty the King of Spain and the United States of America, at San Lorenzo el Real, on the 27th of October, 1795, in order that a due inquiry may be made of the facts, to obtain the restoration of said boat. You will readily admit the propriety there is of my attending to this claim, and the importance attached to the maintenance of national jurisdiction and the faithful observance of treaties. This affair, being important, cannot be viewed with indifference, as silence would give room for conjectures unfavorable to the honor of the Spanish character, and to the good faith with which it observes treaties and compacts. The English nation, being in strict alliance and amity with Spain, cannot fail to disapprove such proceedings, which have a tendency to affect their friendship and that favor and protection which are justly due to so close a union. I trust, therefore, that your excellency, penetrated with the sentiments insepa-

rable from these unshaken principles, will have the goodness to take this claim into due consideration; and, relying on the mutual good understanding subsisting between Spain and England, I venture to request you will be pleased to give orders for the restoration of the above-mentioned vessel, as I have a satisfaction in reflecting that your well-known zeal and reputation will be a sure pledge of your respect for the honor of the Spanish nation, which reposes full confidence in the fidelity of its friends and allies.

I request you to receive the assurances of the high consideration with which

I am, sir, your most obedient servant,

SEBASTIAN KINDELAN.

To Sir GEORGE COCKBURN, *Rear Admiral of His Britannic Majesty's squadron.*

A true copy: TOMAS DE AGUILAR.

No. 5.

[TRANSLATION.]

MOST EXCELLENT SIR: HEAD-QUARTERS, CUMBERLAND ISLAND, *February* 13, 1815.

I have the honor to acknowledge the receipt of your excellency's letter of the 4th instant, soliciting, on the grounds therein stated, the restoration of the Maria Teresa, a vessel belonging to Robert Harding, a citizen of the United States, captured by the force under my command. This affair took place before my arrival; and His Majesty's officers who made the capture affirm that the vessel was navigating the waters of the St. Mary's river, in violation of the blockade, at the moment they gave chase to her. They, consequently, thought themselves justified in capturing her; and it is, therefore, necessary she should be sent to some port where an admiralty court is established for the decision of such cases. In this view of the case, the impartial justice administered in the courts of His Britannic Majesty, as is well known to you, forbids any apprehension that this incident can interrupt the friendship and good understanding happily subsisting between the two Governments. *It may, however, not be superfluous to call your attention to the inconsistency of such a claim on behalf of a citizen of the United States* by the Spanish nation, and particularly through the medium of your excellency, when we reflect that the Americans have, in a hostile manner, possessed themselves of a considerable portion of the territory under your immediate command; and, further, that a number of them, styled patriots, were, at the very moment of the occurrence complained of, in possession of the territory surrounding the spot you allude to, (Rose's Bluff.) And although the Government of the United States, after having ordered Fernandina and part of East Florida to be occupied by their troops for a year, has thought fit to disclaim any authority for the invasion of the Spanish territory, you cannot be ignorant that the officer who co-operated with the gun-boats in the hostile movements of the said Americans, styled patriots, still retained the command of that flotilla, which it is not presumable would have been permitted had he not acted conformably to his orders. A late occurrence at Pensacola, in West Florida, followed by the destruction of Fort Barrancas, is an additional proof how little the Americans are disposed to respect the neutrality of Spain, except in cases like the present, in which they are likely to gain something. I beg your excellency, however, to be persuaded that although I consider the foregoing remarks as indispensable, since they prove the slender foundation *these people* have to claim the protection of a neutrality which they have so recently and so extensively violated, yet it is my anxious wish to respect as sacred and inviolable not only the neutrality of the province under your government, but also all the rights you may claim of me in behalf of the Spanish nation, when they do not interfere with my duty to my own.

I beg leave to assure your excellency of the high consideration and respect with which

I have the honor to be, your excellency's faithful and obedient servant,

GEORGE COCKBURN, *Rear Admiral.*

To His Excellency Don SEBASTIAN KINDELAN, &c. &c.

A true copy: TOMAS DE AGUILAR.

No. 6.

[TRANSLATION.]

PROTEST.

FERNANDINA, *Amelia Island, E. F.:*

This third day of April, one thousand eight hundred and fifteen, appeared before Don José Pacot, captain of the regiment of Cuba infantry, military and civil commandant and deputy of the royal treasury *(hacienda)* at said place, John Brown, late captain of the American ship Sabine, captured on the 20th of January by the British forces, who declared his wish to enter his protest against said capture, noted at this command, on the 23d of the same month, for the like cause, and in presence of the witnesses Don José Maria Ugarte, an inhabitant of this province, and Juan de Rosello, corporal of infantry, appointed to act in the want of a notary public, having first declared his acceptance and taken oath in due form, through the medium of Don Jorge Clark, appointed interpreter, on the Holy Bible, according to the Protestant faith, of which he is a member, to speak the truth, and nothing but the truth, deposes: That the said ship Sabine, formerly the Countess of Harcourt, was captured in the late war by the United States privateer schooner Sabine, and carried into St. Mary's, in Georgia, where she was tried before the court of admiralty for the State of Georgia, and condemned as good prize, put up at public sale the 5th October, 1814, and bought by Messrs. Diego Williams, Juan Gooding, and Juan Donnell, merchants of Baltimore, as duly appears by the documents to be referred to. That the said purchasers of the prize, being apprehensive that she would be attacked by the British force, as actually happened, took measures to shelter, and did shelter, her within the Spanish territory, by making her fast in a creek connected with the Spanish river, Santa Maria la Chica, (Little St. Mary's,) in the firm belief that, under the protection of a neutral Power in amity both with Great Britain and the United States, she was not exposed to attack or injury, from the respect it was thought would be observed to her while within the Spanish limits. She was carried four miles up said creek, and made fast to the trees. In this situation she was boarded by a British force, detached by Admiral George Cockburn, who was in possession of the country towards St. Mary's, with his head-quarters at Cumberland island. They carried off by force part of the property on board said ship, and the next day took full possession of her, and carried her off from the Spanish territory to Cumberland island, where she had a cargo of negroes put on board of her, and

was sent, as deponent was informed, to a British port, supposed to be Bermuda, for adjudication as prize of war; and as neither the deponent nor any one on board committed any act whatever that could serve as a motive for the proceedings of the captors in violation of the justice of Spain, and her dignity and absolute neutrality towards both nations, nor made the smallest resistance to the seizure, as is public and notorious, he therefore protests, once, twice, thrice, and as often as may be necessary, both on behalf of himself and of all those interested in the said ship, against the proceedings of the said Admiral Cockburn, as well as against all others of whom he may and ought of right to claim for the damages and losses sustained by this illegal seizure, and also against the violation of the neutrality of the province of East Florida, to the injury of the parties interested in the said prize before the seizure, declaring, as he now does, that he refers to the note of this protest, made on the 23d of January, which was made with all possible expedition at this command. All which he declares and confirms upon the oath he has taken; and having required this original document to take his recourse therewith, I have granted him complete and ample testimony of the same, and signed it, together with the said commander and interpreter, to which we witnesses present bear testimony.

GIL JOSE PACOT,
JOHN BROWN,
JORGE CLARK,
JOSE MARIA UGARTE,
JUAN DE ROSELLO.

MEMORIAL.

May it please your Excellency:

Mr. John Brown, late captain of the American ship Sabine, formerly the Countess of Harcourt, with all due respect submits: That the said vessel being within the shelter and refuge of a creek of the river called Santa Maria la Chica, (Little St. Mary's,) within the limits of the dominions of Spain, was attacked and seized on by the forces of His Britannic Majesty, under the command of Admiral George Cockburn, in the mode and manner duly set forth in the annexed protest, made and entered before the military and civil commander of the town of Fernandina, and attested by proper witnesses, in the want of a public notary. The said river being within the limits of the dominions of His Catholic Majesty, and the vessel seized on when that Power was in a state of peace and amity both with His Britannic Majesty and the United States of America, the offence committed by this outrageous act is evident, as well as the violation of the neutral territory, to which a sacred respect was due, and of those universal laws which are maintained and acknowledged by all independent states and princes. It being the duty of this memorialist to claim of your excellency a demand of the restoration of said vessel, in virtue of the protection afforded to him by the stipulation contained in the sixth article of the treaty of amity, limits, and navigation, concluded between His Majesty the King of Spain and the United States of America, at San Lorenzo el Real, October 27, 1795, expressly applicable to cases of this nature: he therefore entreats your excellency to be pleased to cause the necessary orders to be issued, and therewith to employ all due efforts and energy, claiming the recovery and restoration of the said vessel, and addressing the same to the lords commissioners of the admiralty of Great Britain, the judges of the several courts of admiralty or vice-admiralty, and all civil and military officers and functionaries authorized to take cognizance of such matters, to the end that, on the exhibition of such proofs as may be produced and appear satisfactory and competent to substantiate the contents of the afore-mentioned protest, the said ship may be restored, together with every thing belonging to her at the time of her capture. All which is hoped from your justice.

JOHN BROWN.

ST. AUGUSTINE, IN FLORIDA, *6th April*, 1815.

Decree.—St. Augustine, 6th April, 1815. Referred to the Auditor of the War Department.

KINDELAN.

Notification.—Before me, Juan de Entralgo, Government notary *pro tem.* At St. Augustine, on the same day, and in the same month and year, I attest that I notified the foregoing decree to Captain John Brown.

ENTRALGO.

OPINION.

May it please your Excellency:

This petition is the third that has been presented in this superior tribunal, of like nature to that submitted by Mr. John Brown. In the two former cases, a letter was addressed to the English admiral then at Cumberland island, in which it was requested, with all the politeness and respect due to the existing alliance, to be pleased to cause to be restored to their respective owners the vessels claimed by each one, on the ground of their having been captured in our waters, it being essentially important to extend to them, when so situated, the protection of our Government, in conformity to the sixth article of the treaty of amity, limits, and navigation, concluded between our court and the United States on the 27th October, 1795, which runs thus: [Here follow the words of the article.] But having been informed extrajudicially, not only that the vessels so captured within the Spanish waters have not been restored, but that the interposition of our Government has been received with indifference, it is expedient that the claim should be made with all the energy required by the case, and the honor of the nation asserted, by causing due respect to be paid to the inviolable rights of neutrality. By a reference to the foregoing article, it is abundantly proved that the citizens of the United States are entitled to the protection of our Government while within the Spanish territory, and, consequently, to resort to it in claiming for them the restitution of such property as may have been taken from them within the limits of our jurisdiction; it is therefore evident and incontrovertible that, as the said treaty remains in full force, it is indispensable to maintain and observe its whole tenor and stipulations.

But setting aside so decisive an authority in support of the protection due to a friendly Power so circumstanced, it is sufficient to view the case as connected with the principles of the law of nations—a subject so thoroughly discussed by all politicians, that no one possessing any ideas upon international law dissents from the general opinion of all the civilians as to the degree of aid to be afforded to those who take shelter in the ports or within the limits of a friendly Power: and, according to the opinion of a native of the kingdom, *any vessel taking shelter under the cannon of a neutral port ought to be defended by it, by keeping the pursuers at the distance of cannon shot.* And would it not be a stain on the character of our nation to pretend to misunderstand the fact of a friendly vessel being taken out of the Spanish waters, *although only made fast to the trees of our territory*, by a force belonging to a Power which, although our ally, was, however, then at war with the other? Such an indifference would give rise to all manner of conjectures, which every one would interpret as they pleased, but all tending to throw discredit on our national character. Doubts, at least, would be entertained of our good faith in observing our compacts,

which delicate point is the distinguishing principle that has ever characterized the Spanish name; and it is well known how important it is for a nation faithfully to observe her treaties. The sixth article, above referred to, is so clear and explicit as to leave no room for the slightest interpretation; and if we were now to endeavor to give it a sense different from that expressed in it, the mischievous consequences would be easily seen.

The general opinion of all political writers is, that, "by a violation of a single article of a treaty, it is doubtful whether the whole ought not to be considered as violated. This point has been sufficiently discussed by all the civilians. It cannot be doubted that, strictly considered, the failure in the last article of a treaty invalidates the whole. In fact, what dependance can be placed on the word of a nation which does not faithfully perform its promises? What it stipulated cannot be undone or annulled, notwithstanding there may be an innocent cause for it. The importance of a faithful observance of treaties may be inferred (he adds) from their being so highly interesting for the public welfare, the purpose for which they were formed; for this reason they are inviolable and sacred, and the prince or nation which would seek to violate them would justly be considered as the enemy of the general weal and the rights of nations. All nations would be under the necessity of openly declaring themselves against the violation of the public faith, as disturbers of society." If our Government did not claim with firmness the property taken from the United States within the limits of Spain, who can doubt that such an indifference would be sufficient to authorize the conclusion that the treaty concluded between the two nations on the 27th October, 1795, was thereby violated? Even the English, who have made prize of American vessels within the Spanish dominions, would disapprove our conduct, and consider themselves released from the present ties of amity in the expectation that, under similar circumstances, they would be deprived of that favor and protection to which they are entitled in consequence of our close alliance. I am therefore of opinion that a formal application, in polite terms, and embracing all the case, be addressed to the members of the admiralty court at Bermuda, or any other competent tribunal in Great Britain, claiming for the said John Brown, and all others interested with him in the case, all due justice; and hoping that the tribunal taking cognizance of it will be pleased to apply to this present application, that it, together with the result, may be laid before our court.

JUAN DE ARREDONDO Y SANTECHIES.

St. Augustine, 11*th April*, 1815.

Decree.—St. Augustine, 11th April, 1815. Opinion of the Auditor at War in the foregoing dictamen.

KINDELAN.

Before me, Juan de Entralgo, notary *pro tem.* of the Government.

Nota.—I certify that on the same day the application above referred to was made out and delivered to the party interested.

ENTRALGO.

I certify that the foregoing are conformable to the originals deposited in the archives under my charge, to which I refer; and that by order of Don José Coppinger, colonel of the royal armies, civil and military governor of this fortified place and province, for His Majesty, the present documents have been made out, which I sign on eight sheets of common paper, not having used stamped paper.

JUAN DE ENTRALGO, *Secretary of the Government.*

St. Augustine, in Florida, *February* 4, 1818.

No. 7.

[translation.]

Sir: St. Augustine, *December* 30, 1814.

At the time you stated to me verbally the motives of your coming to this place, I had the honor to represent to you, in like manner, the orders I had received from my Government to observe the strictest neutrality; that I could not, therefore, permit any communication with the English vessels which might appear off the bar; that I would give you every facility for a passage to Providence; that you would be pleased to discharge the escort of people of color, which, under an erroneous idea of this province being invaded, you had obtained from the Seminoles as a safeguard on your journey; all which I repeat to you officially for your information and government; and I now add that, by the treaty of peace of 1783, both the Floridas were ceded to Spain by Great Britain, with the same rights therein as possessed by the latter; and that, by the treaty of St. Ildefonso with the United States of America in 1796, the northern boundaries of those provinces were defined, namely, by a line commencing at the east bank of the Mississippi, at the thirty-first degree of latitude, and running thence to the river Chatahoochee, and from the junction of that river and the Flint, by a right line, to the head of the St. Mary's, in the State of Georgia; therefore, all the Indians inhabiting the country to the south of said line are under the dominion and protection of the Spanish nation; and such of them as inhabit eastward of the river Appalachee are included within the limits of the eastern province, under my government; in consequence of which, I have to inform you that any disembarcation of troops within those limits, or expedition directed towards this province for the purpose of attacking the United States, will be considered as a rupture on the part of Great Britain; and that, in such case, I shall conduct myself as becomes my duty.

I have the honor to assure you of my respect, and to request you will have the goodness to inform me in writing of your intentions. God preserve you many years.

SEBASTIAN KINDELAN.

To Captain George Woodbine.

A true copy: TOMAS DE AGUILAR.

No. 8.

[translation.]

Captain Woodbine to Governor Kindelan.

Sir: St. Augustine, *December* 30, 1814.

I have the honor to acknowledge the receipt of your two notes of this date. In reply to the former, permit me to assure you that I have never used any endeavors to induce the colored people *(los morenos)* of the province to desert; on the contrary, my instructions, since I have been in the Indian territory, have been to give every aid

(as far as requisite) to the cause of our good and faithful ally, the Spanish nation; I am only authorized, in case any deserters should come in from the United States of America, to protect and recruit them for the service of His Britannic Majesty, agreeably to the proclamation of Vice Admiral Sir Alexander Cochrane; copy of which I enclose for your information. With respect to the few Indian and colored people *(morenos)* who attended me as an escort, as their appearance seems to have produced some sensation among the inhabitants, from an uneasiness about their slaves, I have given them orders to withdraw immediately to a greater distance from their neighborhood, and, if possible, I will leave this place in the evening. I should not have brought this small escort with me if I had not been informed by the Seminole chief Bowlegs that he had certain intelligence that a party of mounted banditti were committing hostilities against the Spanish authorities in this neighborhood. I am greatly obliged by the honor you do me in acquainting me with the boundaries of the territory which Spain considers as hers, which I shall communicate to my commanding officer.

I beg you to accept my sincere acknowledgments for your politeness, and that you would believe me to be your most devoted, humble servant,

GEORGE WOODBINE,
Captain 1st Battalion Royal Marines, and British agent at the Talapuss.

To His Excellency Don SEBASTIAN KINDELAN, *&c.*

No. 9.

[TRANSLATION.]

Letter of Boleck (Bowlegs) to the Governor of Florida.

MAY 7.

Be pleased to inform me if it is your wish I should go and see you, and be so good as to write to me. I cannot leave this now, as I do not know but I shall soon have the enemy upon me; I therefore cannot go at present; please to inform me if it is for His Majesty's business or not. I also wish you would advise me what I am to do with these Americans who come and steal my property. I wish you to send me a letter from your own hand.

BOLECK, *Chief of the nation.*

No. 10.

[TRANSLATION.]

The Governor of East Florida to the Indian Chief Boleck.

ST. AUGUSTINE, FLORIDA, *May* 31, 1816.

Friend and brother Boleck, Chief of the Seminole nation:

The wish I have constantly had since my entrance into this Government to become known to you, in consequence of the satisfactory information given me by my predecessor, Don Juan José de Estrado, of the friendship and good understanding he has experienced in his intercourse with the Seminole nation, of which you are the chief, induced me to express to you by one of your warriors the pleasure I would have in receiving a visit from you whenever circumstances may permit you. I now repeat the same to you in writing, in consequence of the desire you manifest in your letter of the 7th instant, which was delivered to me by one of your people, to which you add a request that I would give you my advice as to the measures you should take relative to the continual robbery of your cattle; to which I reply, that you may prevent it by resolutely driving off the persons who plunder you. Whereupon, I assure you of my good will and sincere desire to serve you.

JOSE COPPINGER.

A true copy: TOMAS DE AGUILAR.

No. 11.

[TRANSLATION.]

Letter of the Chief Boleck.

DEAR FRIEND: SUWANEE, *September* 10, 1816.

I received your letter dated in May, and I am much gratified by the favorable opinion you are pleased to entertain of me. I did not expect to see the English here, but on their arrival they gave us good advice, which was to molest no one, and when they were gone to look on the Spaniards as our friends, since they and the Spaniards were as one. When we were at war with the Americans, all the Indians did us injury; I therefore remain quiet till I see what they will do. You are still calling for me, but it is not in my power to go; every day there are talks in the nation, and I cannot leave them. You will greatly oblige me by seeing to the payment of old July, as that is a just debt. I often write you, but I never receive an answer.

No. 12.

[TRANSLATION.]

The Governor of East Florida to the Chief Boleck.

ST. AUGUSTINE, FLORIDA, *September* 26, 1816.

Friend and brother Boleck, Chief of the Seminole nation:

In consequence of your recommendation, and of the justice of the claim of your negro slave July, for the payment of the sum due him by Don Francisco Pellicer, I ordered it to be made, and it has accordingly been done, as I have been assured. This is very agreeable to me, as it has procured me the satisfaction of proving the friendship I have for you, which would never allow me to leave unanswered the letters which you say you have written me, if I had received them. My wish that we should see each other arises solely from the pleasure I should have in knowing you; and if your sentiments are the same, when your duties permit, I shall take that opportunity of

giving you my opinion as to the runaway negroes who have taken refuge in your territory—an affair which cannot fail to produce disagreeable consequences with the American nation, as I have seen that they lately destroyed the establishment at Apalachicola, as I have been informed by several of your warriors, and I am sorry to observe that some of them have fallen there. It gives me pleasure to send you some paper, and to assure you of my sincere friendship and good wishes.

JOSE COPPINGER.

To our good friend and brother BOLECK, *Chief of the Seminole nation.*

A true copy: TOMAS DE AGUILAR.

No. 13.

[TRANSLATION.]

SIR: NOVEMBER 18, 1816.

I had the honor of receiving your letter of September, but the impossibility of finding a person to write an answer is the cause of this apparent neglect.

I shall be very happy to keep up a good understanding and correspondence with you, and I hope you will, when occasion offers, advise me of such things as may be of service to myself and my people. My warriors and others who go to St. Augustine return with false reports tending to harass and disturb my people, and prevent them attending to their usual avocations. At one time, the Americans, supported by a force of three thousand men, and such of our brethren as they have compelled to join them, are running lines far within our territory; at another, they are collecting a large force at Fort Mitchell, in the forks of the Flint and Chatahoochee rivers, to fall on the towns that may not join them. Now, sir, we know of no reason they can have for attacking an inoffensive and unoffending people, whose wish it is to inhabit their woods, without disturbing or being disturbed by any one. We have none of their slaves; we have taken none of their property since they made peace with our good father, King George; we have followed the orders of the officer of our father, who was among us, Colonel Edward Nichols, [Nicolls,] and in nowise molested the Americans, though we daily see them encroaching on our lands, stealing our cattle, and murdering or carrying off our people. We were told by the same officer that, as allies of our father, we were included in the treaty of peace between our good father and the Americans, and that the latter were to give up all the territory that had been taken from us before the war; but, so far from complying with the ninth article of that treaty, they are making daily encroachments, and forging treaties (which they pretend are concluded with our people) for cessions and grants of land which never were in existence, and the signatures to which are unknown to the chiefs of the Creek nation, who alone have a right to assign or transfer the common property. The want of a proper person among our people to acquaint us with these transactions is the cause of our long silence on them, and leads the world, as well as our friends, to think we are in league with the Americans.

The principal chiefs of the nation assembled lately at my town of Sahwahna, and resolved to inform the minister of King George at Washington of our grievances, and of the conduct and usurpation of the Americans, which was accordingly done, and copies sent to England. Until we have one or more persons among our people to watch over our rights and interest, we shall continue to be exposed to the same conduct on the part of the Americans, whose system appears to be the destruction of our peace and tranquillity, and expelling us from our native land.

You desired that I would chase off those who steal my cattle, &c. Some of my people have lately driven away several Americans who were endeavoring to settle at Lachua, and I do not doubt they will represent that as an act of hostility, although you well know that Lachua is in the heart of my territory, and was, until the Americans killed my brother, our chief town. I return you my thanks for your letter,

And am, with great respect, your most obedient, humble servant,

Mark of × BOLECK,
Chief of the Seminole nation at Sahwahna.

To His Excellency Don JOSE COPPINGER, *Governor of St. Augustine.*

No. 14.

[TRANSLATION.]

FRIEND AND BROTHER BOLECK: ST. AUGUSTINE, FLORIDA, *December* 20, 1816.

Your letter of the 18th of November was delivered to me yesterday by one of your servants, in which you inform me of the receipt of mine of the 26th September last, and other circumstances which give you and your warriors uneasiness. I see with pain that the whole comes from the information of persons in whom you ought not to place the smallest confidence, it being their principle to employ such opportunities for the purpose of seducing you and your people from their daily labors; in consequence of this, and of what you tell me of your desire to keep up the best understanding and correspondence with me, and of your hope that the opportunities will not be wanting, let me give you such counsel as may be useful to you, your people, and warriors; I will do so from the sentiments of sincere friendship I bear towards you, fearful, however, that the sentiments of others who come into the territory under the appearance of friendship, but with bad intentions, may influence your minds, and obtain your confidence, by their flattering representations. It is ascertained here that two persons have lately presented themselves as commissioners of the English nation, who have carried off several runaway negroes, belonging to subjects of the King, my master, and your friend; among whom was one of Don Francisco Pellicer's, and another of Bunch's, both inhabitants of this province. This did not seem credible to me, as I could not suppose that so good a friend to our nation as you are could consent to such proceedings; but in case they have really happened, you will be sensible of their great impropriety and of the just grounds of complaint on the part of the persons so injured, who are desirous, as well as myself, of assuring you of the sincere good will and friendship we have for the Seminole tribe of Indians, of which you are the chief.

I am, with great respect, your most affectionate and faithful servant,

JOSE COPPINGER.

Friend and brother BOLECK, *Chief of the Seminole tribe of Indians.*

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *May* 7, 1818.

I have received official advice, through different channels, that the expedition of French adventurers which left Philadelphia towards the end of last year, with the apparent intention of going to Tombigbee, but in reality to Galvezton, is now receiving, at the former place, a considerable number of recruits, and large supplies of military stores from the ports of New Orleans, Charleston, Savannah, and others within this republic; from whence they proceed in small parties to Galvezton, and thus elude the vigilance of the Government.

From the period at which (namely, on the 6th of September last) I announced to you the preparations for this expedition, referring for its unquestionable certainty to the plan communicated to this Government by the minister of France, which offered the most indubitable proof that Joseph Bonaparte was at the head of it, with the rash project of being crowned King of Mexico, I have relied on your assurances to the same ambassador, and which were forthwith communicated by him to me, that the most effectual measures had been taken by the Government to prevent its execution. But, perceiving that this expedition daily takes a greater consistence, and that the recruiting and supplies clandestinely sent from this republic are not put a stop to, I can no longer refrain from again calling your attention, and, through you, that of the President, to the enormous abuse of the hospitality offered by this republic, on the part of Joseph Bonaparte and his adherents, with a view to disturb the tranquillity of Europe, and especially that of the possessions of the King, my master.

I would have considered myself dispensed from the necessity of again pressing this subject on your attention, if it had appeared possible for me to restrain these armaments by the employment of judicial means; but, unfortunately, the act of Congress of the 20th April last for preserving neutrality with foreign nations, and others already in force, although highly judicious, are easily eluded; and although these practices are public and notorious throughout the whole Union, His Majesty's consuls advise me that, through a deficiency of evidence, they cannot be restrained by a regular application of the law.

Convinced, however, as I am, that nothing is more remote from the intention of the President than to tolerate hostile expeditions within the territories of the republic, directed against Powers with which it is in a state of profound peace, I cannot for a moment doubt that his excellency will take into his most serious consideration what is due to the demand which I now make in the name of my sovereign, that Joseph Bonaparte, the generals Lallemand, and other Frenchmen now residing in this country, be compelled to keep themselves within the bounds prescribed by the hospitality and generosity with which they have been received, and prevented from continuing to organize expeditions for the purpose of invading the territory of His Catholic Majesty, and disturbing the peace enjoyed by his subjects.

I therefore hope that you will be pleased, sir, to inform me of the measures which may be taken on this subject, in order that, in communicating them to my sovereign, His Majesty may see in them a confirmation of the amicable sentiments of this republic towards his monarchy.

I renew to you the assurance of my respects, and pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: BRISTOL, *June* 9, 1818.

At my passage through Baltimore, on my way to Philadelphia, it was represented to me by His Catholic Majesty's consul for the State of Maryland that there were then in that port four pirates, or privateers, if you please so to call them, namely, the "Independencia del Sud," Captain Grennolds; the "Pueyrredon," *alias* "Mangore," Captain Barnes; the "Republicano," Captain Chase; and the schooner "Alerta," Captain Chaytor. These pirates, denominated privateers or vessels of war of the pretended Government of Buenos Ayres, have entered the port of Baltimore for the purpose of dividing the spoil resulting from their depredations on Spanish commerce, and of refitting and arming to renew these excesses on the high seas. It is a matter of universal notoriety at Baltimore that three of the above-named vessels were fitted out there, and the fourth is a schooner captured by them from Spanish subjects; it is no less so that their commanders, and the greater part of the crews, are American citizens, and that there is scarcely a single individual belonging to Buenos Ayres to be found among them.

Whoever has read the so-called constitution and the provisional laws existing at Buenos Ayres, (for there is nothing there but what is provisional,) must know that no vessel of the rebels can sail under their flag unless the captain and one-half of the crew be natives of that country, and that no foreigner can be naturalized there till after five years' residence. I submit to your judgment, sir, whether, on such grounds, the vessels in question can be admitted to be Buenos Ayrean privateers, or whether the American captains and crews that man them, commissioned or not by that rebel Government, can be considered as citizens of that country; and whether, agreeably to the laws of nations and the existing treaty between His Majesty and this republic, they can be viewed in any other light than as pirates; and if it be possible for you to conceal from your discernment that the captains and crews of these vessels have violated the laws of this Union in perpetrating these atrocities to the dishonor of the American name. I repeat, that I submit it to your consideration to determine whether the prizes made by vessels under these circumstances ought not to be restored to their lawful owners, or that these persons ought to be indemnified by the United States, seeing that they have tolerated such armaments in violation of their laws, of the laws of nations, and of the existing treaty between Spain and this republic.

I am aware, sir, that you will tell me that the courts are open to the recognizance of claims of this nature, and ready to apply the law to such cases as occur and are supported by suitable testimony; but I am under the necessity of declaring to you that it is in vain to seek such testimony, however clear it may be to every body. I have remonstrated in the most pointed manner with His Majesty's consul on his attention to points of so much importance; but he has proved to me that a great portion of the commercial people of Baltimore being interested in the cases which produce my present reclamations, no one is willing to come forward and offer testimony against what is termed the general interest; and thus the wise measures of Government are eluded, justice is paralyzed, and the suits procrastinated and deferred from court to court, with a view to deprive His Majesty's subjects of that justice which they have an undoubted right to seek in the tribunals on all their claims.

Presuming that all I have stated is well known to you and to the President, I cannot but persuade myself that it is highly disapproved of, and I am entirely willing to believe that, if these abuses are not remedied, it is owing to a want of due attention to the execution of the orders of the Government; but my duty compels me to call the

attention of the President to this important point, and to represent to him, through the medium of your Department, that (as far as I have been able to ascertain) the vessels in question, in addition to their object in coming hither, for the purpose of conveying to the parties interested at Baltimore the proceeds of their spoliations on the Spanish commerce, and, among others, that of the Philippine Company's ship Triton, to the amount of a million and a half of dollars, captured by the pirate "Independencia del Sud," and carried to Buenos Ayres to be sold there, have a project in fitting out anew, and of attacking some possession of the King, my master, on this continent, to which they may more easily send their prizes; that these same privateers have brought in two Spanish prizes, which are at this moment in the port of Baltimore, one of them a vessel belonging to the royal navy. I therefore demand, in the name of the King, my master, the restoration of those prizes, as having been made by American citizens and vessels fitted out in this country, in violation of the existing treaty between the two Powers; and that the sailing of the said privateers be stopped, and they compelled to give security for the result of an expedition, of which, without knowing positively that they intend to execute it, I have the strongest grounds for presuming they mean to do. I therefore hope that this subject will receive all the attention which I claim, and that you will be persuaded that, in taking the liberty to trouble you with it, it is because I have no other recourse, as I have in all other cities of the Union, where the officers of the Government afford the requisite attention to the reclamations of His Majesty's consuls, and the citizens are disposed to offer the necessary testimony in support of justice and the maintenance of the laws.

I seize this occasion to renew to you the assurances of my perfect respect, and I pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: BRISTOL, *June* 17, 1818.

It is now some time since information has been circulated through the medium of the newspapers, and through private channels, of different incursions and acts of hostility committed within the territory of the Crown of Spain by divisions of the army under the command of General Jackson, destined, as it appeared, to pursue and chastise the Seminole Indians; but I believed until now that this information, although constantly repeated and augmented, doubtless proceeded from vague and unfounded rumors, as I could not persuade myself that such acts of violence and hostility could be committed by the United States against a friendly Power, and in the midst of the most profound peace. How was it possible to believe that, at the very moment of a negotiation for settling and terminating amicably all the pending differences between the two nations, and while Spain was exhibiting the most eminent and generous proofs of a good understanding, and the most faithful observance of all the duties of good neighborhood, the troops of the United States should invade the Spanish provinces, insult the commanders and officers of their garrisons, and forcibly seize on the military posts and places in those provinces? Notwithstanding this, the official advices I have just received from the Governor of West Florida confirm what I had conceived to be impossible.

General Jackson and his officers have made demands on the governor of that Spanish province in the most unbecoming and insulting tone; they have in different places violated the Spanish territory and its waters; they have committed enormous vexations, unexampled in history. With considerable force they fell upon the fort of St. Mark, and compelled the Spanish garrison to surrender prisoners of war; they took possession of that fortress, with all the artillery, warlike stores, and effects, without drawing up an inventory of the same, and have extended their military possession over the bay of St. Mark and the adjacent country. In speaking of the conduct of the American general and his officers, I confine myself to what relates to the act of hostility and violence committed within the territory of the Crown of Spain, to the violation of peace, and the forcible occupation of the aforesaid country and fort.

Under the pretext of making war against the Indians on complaints or motives which have neither been communicated to the governor of those provinces, nor to the captain general of the island of Cuba, who is also governor of them, nor to any other Spanish officer or public functionary, the dominions of East Florida have likewise been invaded, and the Spanish territory entered as if it was an enemy's country; in fine, General Jackson has omitted nothing that characterizes a haughty conqueror but the circumstance of adding to these monstrous acts of hostility the contradictory expressions of peace and friendship with Spain.

I therefore find myself under the necessity of protesting strongly and solemnly, as I now do, in the name of the King, my master, against the invasion of the Floridas, and against the taking possession of the fort and bay of St. Mark by the troops of this republic; and I request you, sir, to lay before the President this my protest, in full confidence that his excellency will cause things in both the Floridas to be reinstated and placed *in statu quo;* the fort of St. Mark to be delivered up to the Spanish commandant, together with all the ordnance, warlike stores, and effects found in that fortress; and all damages and injuries caused in the Floridas by the officers and troops of this Union to be fully indemnified and compensated. In the mean time, I repeat this most solemn protest in the name of my sovereign, all which I shall duly communicate to His Majesty in the discharge of my duty.

I trust, sir, that you will be pleased to acknowledge the receipt of this note, and inform me of the resolution taken by the President thereon. In the mean time, I renew the expressions of my particular respect, and pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: BRISTOL, *June* 24, 1818.

In the National Intelligencer, which is considered in this country as the Government paper, I have seen the publication of the attack, assault, and capture of the place of Pensacola by the American troops under the command of General Jackson; which publication is repeated in other papers of the Union, and of which I have yet seen no contradiction, either in the Government paper or in any other. Notwithstanding which, the fact appears to be so improbable, from its very enormity, that I cannot but think the publication has originated in some ill-founded rumor, and, under this impression, I have deferred proceeding to the federal city, in the hope that some light might be thrown upon what has really taken place; but as I have yet received no official advice from the

Governor of Pensacola, or any other Spanish authority upon this point, and as the publication in the Government paper is still circulating extensively, I cannot avoid applying to you, sir, and requesting that you would be pleased to inform me, in a positive, distinct, and explicit manner, what has occurred in this matter, together with all the circumstances relating to it.

I await your answer on this subject, as well as that in relation to my protest and reclamation concerning the seizure of the fort and bay of St. Mark, to which you have not yet been pleased to reply. I use this occasion to renew to you the assurances of my distinguished consideration and respect, and pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *July* 8, 1818.

The article published in the National Intelligencer, and reprinted in other papers of the Union, referred to in my late letter written at Bristol, has unfortunately been confirmed. General Jackson, with the American forces under his command, has not only violated the Spanish territory under the pretext of pursuing and chastising the Seminole Indians, but he has taken possession, by force of arms, of the fort and bay of St. Mark, driven the Spanish garrison from those places, and sent them as prisoners to Pensacola, the capital of West Florida. Not satisfied with this enormous outrage, he marched against the latter place, and has, by open rupture and bloodshed, violated the peace existing between Spain and the United States. He demanded the surrender of Pensacola, as if war had been declared between the two nations; and on the refusal of the Spanish governor to surrender or deliver up the place, the American commander, availing himself of his superior force, attacked it, and bombarded the castle of Barrancas, whither the governor had retired with his small garrison and such of the inhabitants as chose to follow him. Having surrounded that fortress, he gave orders for the assault, and carried it. The governor, with all his people, were made prisoners of war, and were sent off, as it appears by the American general, to Havana, who proceeded to extend his authority over the whole of West Florida, by hoisting on its forts the flag of the United States.

Thus has peace been violated, and rights trampled under foot, which have hitherto been held as most sacred and inviolable by all nations.

These facts need no comment; they are notorious, and speak for themselves: their enormity has filled even the people of this Union with wonder and surprise, and cannot fail to excite the astonishment of all nations and Governments.

The American general can have neither pretext nor subterfuge, of which he can avail himself, to give the least color for this invasion and excessive aggression, unexampled in the history of nations. Whatever pretexts may be resorted to, to mislead and impose on the vulgar, will be frivolous, contradictory, and falsified by the very course of events, public and notorious. It cannot be supposed that the Indians, against whom the American commander directed his operations, received protection in Florida. They never received either favor or protection from the Spanish authorities, either within or without the territory under their jurisdiction.

It is notorious that several atrocious offenders and ringleaders of the South American rebels have repeatedly taken refuge within the limits of this republic, when, being pursued by His Catholic Majesty's troops, they were on the point of falling into their hands. No one can be ignorant that the asylum granted to the unfortunate in cases of this nature has ever been respected by all civilized nations, not one of which ever took up arms to go and tear them from the foreign territory in which they had found an asylum, and still less to invade and take possession of such territory, in violation of an existing peace, and in contempt of all the laws and sacred principles on which the mutual security of independent states reposes; but it is superfluous to insist on venerable truths and axioms, which form an essential part of the law of nations, inasmuch as the cases to which I refer do not occur to require their application.

The Governor of Pensacola had conducted himself with the most scrupulous circumspection, to avoid giving the slightest ground of complaint to General Jackson, his officers, and troops. Neither he nor the Governor of East Florida was notified of the war against the Seminole Indians, nor were they informed of the just causes of that war; nor was any call made upon them to seek and punish those Indians in case of their having committed aggressions upon the lands or citizens of this republic. Notwithstanding the total omission of all this, which was to have been expected as a regular and necessary consequence of the stipulations of the existing treaty, the aforesaid governor granted no favor to the Indians, but forbade them to enter the Spanish territory; and when a small number of them came to Pensacola to receive the annual presents, the governor allowed only a few of them to enter the place, without their arms, and immediately after dismissed them. He further took every necessary precaution to prevent their being supplied with arms and ammunition within His Majesty's territories. These facts being of public notoriety, and impossible to refute, there can be no excuse, pretext, or subterfuge offered to palliate a series of such unheard of outrages.

I refrain from entering into a minute detail of the particular excesses committed by the American commander, his officers, and troops. On taking a view of them, it would be inferred that the war against the Indians has been merely a pretext for General Jackson to fall, as a conqueror, upon the Spanish provinces, unprovided as they now are, and reposing in perfect security, for the purpose of establishing therein the dominion of this republic upon the odious basis of violence and bloodshed. I confine myself, for the present, to the scandalous capture of the fort and bay of St. Mark, and to the attack and occupation of Pensacola and Barrancas, by the American commander, who, carrying his military measures to their utmost extent, has reduced the whole of West Florida, driven off the Spanish governor, troops, military and civil officers, and established, in their room, the laws and authorities of this republic.

I am persuaded that the Government of the United States cannot have authorized this hostile, bloody, and ferocious invasion of the dominions of Spain; and in this belief I only do justice to its humane feelings, and the enlightened and upright principles which govern its policy. In the President's message to Congress of the 25th of March last, I observe that "orders have been given to pursue and chastise the Seminole Indians; and that if, in the course of the war, it should be necessary to enter the Spanish territory, the authorities of Spain are to be respected, and the territory evacuated the moment the war is at an end." I observe, too, that, in your official correspondence, you have given me assurances of the pacific views of your Government, and of the sincere desire of the President to preserve friendship and good understanding with the Government of Spain. Under these fortunate auspices, the most profound peace has subsisted between the two nations, to cultivate which has been the constant endeavor of His Catholic Majesty; and, at the same time, to give generous proofs of his high esteem, distinguished consideration,

and perfect friendship for the United States, negotiations have been entered into with a view to terminate the existing differences between the two Governments to their mutual satisfaction; and the President will assuredly have been apprized of the generosity and frankness displayed by His Majesty in every thing connected with the wishes manifested by this republic, as far as the same have been compatible with the honor of his royal crown.

All these circumstances impress me with the belief that General Jackson has acted contrary to the orders of the President, tarnished the American name, and committed the reputation of his Government in the face of the universe. It is, therefore, my duty to protest, and I do hereby solemnly protest, in the name of the King, my master, against these public acts of hostility and invasion; and I demand, through you, of the President, in the name of my sovereign, the prompt restitution of the fort and bay of St. Mark, also of Pensacola, Barrancas, and other places in Florida, violently attacked and wrested from the Crown of Spain by the forces under General Jackson, in the midst of peace and the most positive assurances of friendship and harmony. In like manner, I demand the faithful delivery of all the artillery, warlike stores, and property, both public and private, taken at Pensacola, and other forts and places taken possession of by the American commander; indemnity for all the injuries and losses sustained by the Crown of Spain and the subjects of His Catholic Majesty in consequence of this act of invasion, and a satisfaction proportioned to the enormity of these offences; together with the lawful punishment of the general and the officers of this republic by whom they were committed.

I therefore hope that the President, penetrated with indignation by acts of such enormity, will immediately comply with my demand, founded on such strict justice; and I impatiently await your answer to this note, which will communicate the resolution of the President for my information, in order that I may transmit the same to my Government with all requisite despatch.

In the mean time, I renew the assurances of my distinguished consideration and respect, and I pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: BRISTOL, *July* 21, 1818.

With a view to avoid any delay in transmitting to my court official information of the events which have occurred in Florida, I have despatched to Madrid the courier I spoke to you of; and I greatly regretted that it was not in my power to forward, by the same opportunity, the answer of your Government to the reclamations and protests which, in the name of my sovereign, I have presented to you, on the invasion and occupation of West Florida by the American army under General Jackson.

I have stated to my Government that I would send the said answer the moment I received it; and as one of the gentlemen attached to this legation will embark for Spain in a few days, I request you will be pleased, sir, to hasten your answer to my last note, that I may transmit it by this conveyance to the Government of the King, my master.

You must be aware of the expediency of a prompt and categorical answer; Spain expects it will not be delayed; and all the Powers await it, in expectation of those *eclaircissemens* which are claimed by the laws of nations, in consequence of an act of hostility enormous in itself, and incalculable in its consequences.

I momently await your answer, and in the mean time I seize this occasion to renew to you the assurances of my most distinguished consideration.

God preserve you many years.

LUIS DE ONIS.

The Secretary of State to Don Luis de Onis.

SIR: DEPARTMENT OF STATE, WASHINGTON, *July* 23, 1818.

I have had the honor of receiving your letters of the 24th June and 8th instant, complaining of the conduct of Major General Jackson in entering West Florida with the forces under his command, taking the Spanish posts of St. Mark and Pensacola, &c.

Without recurring to the long standing and heavy causes of complaint which the United States have had against Spain; to the forbearance with which they have been borne, without despairing of obtaining justice from her by amicable means; to the efforts equally unceasing and unavailing which they have made to obtain that justice; or to the extraordinary delays by which it has been protracted and is still withheld, it is thought proper on this occasion to call your attention to a series of events which necessitated and justified the entrance of the troops of the United States upon the Spanish boundary of Florida, and gave occasion to those transactions of the commander of the American forces against which you complain.

It cannot be unknown to you that, for a considerable time before the Government of the United States issued the orders for military operations in that quarter, the inhabitants of their frontier had been exposed to the depredations, murders, and massacres of a tribe of savages, a small part of which lived within the limits of the United State, far the greater number of them dwelling within the borders of Florida. The barbarous, unrelenting, and exterminating character of Indian hostilities is also well known to you; and, from the peculiar local position of these tribes, it was obvious that there could be no possible security for the lives of the white inhabitants of those borders unless the United States and Spain should be reciprocally bound to restrain the portion of the Indians respectively within their territories from committing robbery and butchery upon the citizens and subjects of the other party. So forcibly was this necessity felt by both, that in the fifth article of the treaty of 27th October, 1795, the following remarkable stipulation is contained:

"The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers which, by the preceding articles, form the boundaries of the two Floridas; and, the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundaries; so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of His Catholic Majesty, or his Indians, in any manner whatever."

Notwithstanding this precise, express, and solemn compact of Spain, numbers, painful to recollect, of the citizens of the United States inhabiting the frontier—numbers, not merely of persons in active manhood, but of the tender

sex, of defenceless age, and helpless infancy, had at various times been butchered, with all the aggravations and horrors of savage cruelty, by Seminole Indians, and by a banditti of negroes sallying from within the Spanish border, and retreating to it again with the horrid fruits of their crimes.

At a former period the Governor of Pensacola had been called upon, by letter from Major General Jackson, conformably to the stipulated engagement of Spain and to the duties of good neighborhood, to interpose by force and break up a stronghold of which this horde of savages and fugitive slaves had possessed themselves on the territory of Florida. The answer acknowledged the obligation, but pleaded an incompetency of force for its fulfilment. Copies of these important documents are herewith transmitted to you; and it may be within your knowledge and recollection that the orders and the competent force which Governor Zuniga stated in his letter that he had solicited from his governor general, and without which he declared himself unable to destroy this fort, created upon Spanish territory for purposes of united civilized, savage, and servile war against the United States, were never furnished; and that the United States were finally compelled to accomplish its destruction by their own force.

The permanent and unvarying policy of the United States, with regard to all the Indian tribes within their borders, is that of peace, friendship, and liberality; and so successful has this policy been, that, for many years, no instance has occurred of their being in hostility with any Indian tribe, unless stimulated by the influence of foreign incendiaries. Even after the repeated commission of these depredations and massacres by the Seminole Indians, at the very moment when the Government of the United States was reluctantly compelled to employ their own military force for the protection of their people, offers of peace were tendered to them, and rejected.

Nor has the respect manifested by this Government for the territorial rights of Spain been less signal and conspicuous, even after the full and formal notice, by the Governor of Pensacola, of the incompetency of his force either to perform the duties of neutrality, or to fulfil the obligations of the treaty. When it became necessary to employ the military force of the United States for the protection of their frontier, on the 30th October last, the commanding officer in that quarter, while directed to take other measures for suppressing the hostilities of the Indians, was expressly instructed not on that account to pass the line, and make an attack upon them within the limits of Florida, without further orders. On the 2d of December instructions to the same effect were repeated. On the 9th of December they were again renewed, with the modification suggested by the continuation of Indian outrages, that, should the Indians assemble in force on the Spanish side of the line, and persevere in committing hostilities within the limits of the United States, the American officer was authorized in that event to exercise a sound discretion as to the propriety of crossing the line, for the purpose of attacking them, and breaking up their towns. On the 16th of December, upon information that an officer of the United States, with a detachment of forty men, had been attacked, and all destroyed, with the exception of six who made their escape, four of whom were wounded, the instruction, of which the following is a copy, was issued from the Department of War to the American general then in command:

"On receipt of this letter, should the Seminole Indians still refuse to make reparation for their outrages and depredations on the citizens of the United States, it is the wish of the President that you consider yourself at liberty to march across the Florida line, and to attack them within its limits, should it be found necessary, unless they should shelter themselves under a Spanish fort. In the last event, you will immediately notify this Department."

These, with a subsequent instruction of the 26th of December to the commander-in-chief, referring to them, and directing him, with a view to them, to adopt the necessary measures to terminate a conflict which it had ever been the desire of the President, from considerations of humanity, to avoid, but which was made necessary by the settled hostilities of the Indians, are all the instructions given in relation to Florida.

By the ordinary laws and usages of nations, the right of pursuing an enemy, who seeks refuge from actual conflict within a neutral territory, is incontestable. But, in this case, the territory of Florida was not even neutral. It was itself, as far as Indian savages possess territorial right, the territory of Indians, with whom the United States were at war. It was their place of abode; and Spain was bound by treaty to restrain them by force from committing hostilities against the United States—an engagement which the commanding officer of Spain in Florida had acknowledged himself unable to fulfil. Of the necessity there was for crossing the line, what stronger proofs could be adduced than that it was within that line that the American general met the principal resistance from the Indians which he encountered in the whole campaign; that within that line, at their towns which he destroyed, he found displayed, as barbarous trophies, the mutilated remnants of our wretched fellow-citizens, the murdered women and children, the accumulated barbarities of many years?

You have seen that no instruction or authority, inconsistent with the declaration in the message of the President of the United States of the 25th of March last to Congress, was ever issued to the commander of the American forces. The possession which he took of the fort of St. Mark, and subsequently of Pensacola, was upon motives which he himself has explained, and upon his own responsibility. For his justification in the adoption of both those measures, he states them to have been necessary upon the immutable principles of self-defence:

That, at an early period of his operations, he had given full notice of their object to the Governor of Pensacola, by communication, dated the 25th of March last, warning him that every attempt on his part to succor the Indians, or prevent the passage of provisions for the American troops in the Escambia, would be viewed as acts of hostility:

That, in defiance of this admonition, the Governor of Pensacola did both give succor to the Indians, and delay the passage of the provisions to the American army, and thereby subjected them to the severest privations:

That the Governor of Pensacola had caused it to be directly reported to the American general that Fort St. Mark had been threatened by the Indians and negroes; and expressed serious apprehensions, from the weakness of the garrison and defenceless state of the work, for its safety:

That this information was confirmed to the American general from other sources, upon which he could rely, and completely warranted the amicable occupation by him of that fort:

That, upon his entering the fort, evidence, clear, unequivocal, and manifold, was evinced of the duplicity and unfriendly feeling of the commandant—evidence demonstrating, beyond the power of denial, that, far from acting in the spirit of that sacred engagement of his sovereign, to restrain by force his Indians from hostilities against the United States, he had made himself, by every act in his power, a partner and accomplice of the hostile Indians, and of their foreign instigators:

That the same spirit of hostility to the United States was discovered by the Governor of Pensacola himself, by his refusal to permit, unless by the payment of exorbitant duties, the passage of provisions to the American army; by the reception and succors given to the Indians at various times; and, finally, by a letter which he sent to the American general, denouncing his entry into Florida as an aggression against Spain, and threatening, unless he should immediately withdraw from it, and should he continue what he thus styled aggression, that he would repel force by force. This was so open an indication of hostile feeling on the part of Governor Mazot, after he had been early and well advised of the object of General Jackson's operations, that this officer no longer hesitated on the measures to be adopted—the occupation of Pensacola and of the fort of Barrancas.

The charges alleged by General Jackson against the commandant of St. Mark's are not known even to have been denied. The Governor of Pensacola has *partly*, and but partly, contradicted those which applied to himself. He assured General Jackson that the information received by him of the numbers of Indians who had been received and harbored at Pensacola was erroneous. It is possible that the numbers may have been somewhat exaggerated in the reports which General Jackson had received. But within ten days after the time stated in his letter to the Governor of Pensacola of this assemblage of Indians at that place, a large body of them were overtaken, surprised, and defeated by the forces of the United States, within one mile of Pensacola. Nor was it until after that event that the governor issued his proclamation for refusing them supplies, and gave them the advice under which eighty-seven of them surrendered themselves to the American officer. But the measures of General Jackson were not founded upon one solitary fact. A combination of circumstances, all tending to convince him of the hostile spirit of the governor, remains yet uncontradicted; and the general has furnished proofs that Governor Mazot's assertion, that there had been, since the surrender of those eighty-seven Indians to Captain Young, only two in Pensacola, and those in jail, was itself very incorrect. Besides the Alabama chief, included in the capitulation, one wounded Indian was found in the fort of Barrancas. Holmes, a noted Red Stick chief, left Pensacola but the day before the American troops took possession, and a number of other Indians were seen about the same time within a few miles of Pensacola, and succeeded, with the aid of Spanish officers, in eluding the pursuit of the American troops.

A conduct not only so contrary to the express engagements of Spain, but so unequivocally hostile to the United States, justly authorizes them to call upon His Catholic Majesty for the punishment of those officers, who, the President is persuaded, have therein acted contrary to the express orders of their sovereign. In the full confidence that your Government will render to the United States ample justice in this regard, the President has directed all the proofs relating thereto to be embodied, as the ground of an application to that effect to your Government.

In the mean time, I am instructed by the President to inform you that Pensacola will be restored to the possession of any person duly authorized on the part of Spain to receive it; that the fort of St. Mark, being in the heart of the Indian country, and remote from any Spanish settlement, can be surrendered only to a force sufficiently strong to hold it against the attack of the hostile Indians; upon the appearance of which force it will also be restored.

In communicating to you this decision, I am also directed to assure you that it has been made under the fullest conviction, which he trusts will be felt by your Government, that the preservation of peace between the two nations indispensably requires that henceforth the stipulations by Spain to restrain by force her Indians from all hostilities against the United States should be faithfully and effectually fulfilled.

I pray you to accept the assurance of my high consideration.

JOHN QUINCY ADAMS.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: WASHINGTON, M. T., *April* 23, 1816.

I am charged by my Government to make known to you that a negro fort, erected during our late war with Britain, at or near the junction of the Chatahoochee and Flint rivers, has been strengthened since that period, and is now occupied by upwards of two hundred and fifty negroes, many of whom have been enticed from the service of their masters, citizens of the United States; all of whom are well clothed and disciplined. Secret practices to inveigle negroes from the citizens of Georgia, as well as from the Cherokee and Creek nations of Indians, are still continued by this banditti and the hostile Creeks. This is a state of things which cannot fail to produce much injury in the neighboring settlements, and excite irritations which eventually may endanger the peace of the nation, and interrupt that good understanding which so happily exists between our Governments.

The principles of good faith, which always insure good neighborhood between nations, require the immediate and prompt interference of the Spanish authority to destroy or remove from our frontier this banditti, put an end to an evil of so serious a nature, and return to our citizens and friendly Indians inhabiting our territory those negroes now in said fort, and which have been stolen and enticed from them. I cannot permit myself to indulge a belief that the Governor of Pensacola, or the military commander at that place, will hesitate a moment in giving orders for this banditti to be dispersed, and the property of the citizens of the United States forthwith restored to them and our friendly Indians; particularly when I reflect that the conduct of this banditti is such as will not be tolerated by our Government, and, if not put down by Spanish authority, will compel us, in self-defence, to destroy them. This communication is intrusted to Captain Amelung, of the 1st regiment United States infantry, who is charged to bring back such answer as you may be pleased to make to this letter. In your answer you will be pleased to state whether that fort has been built by the Government of Spain, and whether those negroes who garrison it are considered as the subjects of His Catholic Majesty, and, if not by His Catholic Majesty, by whom, and under whose orders, it has been erected.

ANDREW JACKSON,
Major General, commanding Division of the South.

To the GOVERNOR *of Pensacola, or Military Commander of that place.*

A true copy:

ISAAC L. BAKER, *Aid-de-camp.*

[TRANSLATION.]

MOST EXCELLENT SIR: PENSACOLA, *March* 26, 1816.

On the 24th of the present month, Captain Amelung, of the 1st United States regiment, put into my hands your excellency's letter, dated at Washington, Mississippi Territory, on the 23d of April last, in which, after apprizing me that your Government had given it in charge to you to inform me that the fort of the negroes, erected during the late war with Great Britain, near the junction of the Chatahoochee and Flint rivers, had been reinforced, and was now occupied by more than two hundred and fifty negroes, many of whom were seduced from the service of their masters, (who are citizens of the United States,) and that all of them are well armed, provisioned, and disciplined, you make many wise reflections with respect to the serious injuries which may result from tolerating such an establishment, not only to those in the immediate neighborhood of it, by disturbing the peace of the nation, but likewise to the good understanding which happily exists between our respective Governments; you enter into an investigation to show what the Spanish authorities ought to do to put an end to an evil of so serious a nature, in the mode prescribed by those principles of good faith which are the foundation of friendly neighborhood among nations; you distinctly state what this Government ought immediately to do, in failure of which your Government

will be obliged to do it, to insure the safety of the inhabitants of the United States; and you conclude by requesting me to state, in my answer to your letter, whether the said fort has been constructed by the Spanish Government, and whether the negroes who compose its garrison are deemed subjects of His Catholic Majesty, and, if the fort was not built by Spanish authority, to state by what authority, and by whose order, it was built.

In answer to your excellency, I will state, with the veracity which comports with the character of an honorable officer, in which class I rank myself, that having arrived at this place nearly at the close of the month of March preceding, and being informed of what your excellency has communicated to me, with this difference, that the fort, instead of being where you place it, is to be found on the eastern bank of the Appalachicola, at about fifteen miles from its mouth, or entrance into the sea, I lost no time in proposing to my captain general the measures which appeared to me proper, as well for securing the inhabitants of the country under my command from damages, losses, and injuries, which they have suffered and still suffer from this establishment, as to prevent the American citizens and the friendly Indians of the neighborhood from continuing to experience them. I have hitherto received no answer; and, consequently, your excellency, who knows how limited are the powers of a subordinate officer, cannot be surprised that I should make known to you that, although my mode of thinking exactly corresponds with yours as to the dislodging of the negroes from the fort, the occupying it with Spanish troops, or destroying it, and delivering the negroes who may be collected to their lawful owners, I shall not be able to act until I receive the orders of my captain general, and the assistance necessary to enable me to undertake the enterprise with a moral certainty of accomplishing the end. I am persuaded that the determination of the said chief cannot be long delayed; and, should it authorize me to act, your excellency may rest assured and persuaded that I will not lose an instant in adopting, on my part, the most efficacious measures for cutting up by the root an evil which is felt to the full extent stated in your letter by the inhabitants of this province, who are subjects of my sovereign, and whose prosperity and tranquillity it is my duty to preserve and protect.

With this explanation your before-named letter may be considered fully answered, as it gives you to understand that, thinking as your excellency thinks, with respect to the necessity of destroying the negroes, the fort of Appalachicola, occupied by them, was not constructed by order of the Spanish Government; and that the negroes, although in part belonging to the inhabitants of this province, and as rational beings, may be subjects of the King, my master, and deemed by me insurgents or rebels against the authority, not only of His Catholic Majesty, but also of the proprietors from whose service they have withdrawn themselves—some seduced by the English Colonel Edward Nicolls, Major Woodbine, and their agents, and others from their inclination to run off. But as your excellency manifests a particular desire that, in case the fort was not erected by Spanish authority, I should state by what authority and by whose order it was erected, I have no difficulty in satisfying your curiosity, by informing you that I have understood, ever since my arrival at this place, that the said fort, and another near the confluence of the Chatahoochee and Flint rivers, which it appears no longer exists, were built by the order of the before-named Colonel Nicolls. I will not assure you that he did it under authority from his Government; but I can say that he proceeded to place artillery, munitions, and provisions in it, by the arrangement of Vice Admiral Malcolm; and that, when Colonel Nicolls and the troops of his detachment, after the conclusion of the expedition against Louisiana, withdrew from that point, he left orders with the negroes, totally contrary to the incontestable right of sovereignty which the King, my master, exercises from the line of thirty-first degree of north latitude to the south. My predecessors in this Government have given an account of all these actions to the authorities on whom they depended, that the satisfaction which the violation required might be demanded by those on whom this duty devolves.

I think I have answered your excellency's letter satisfactorily, and in terms which cannot leave a doubt of the sincerity of my intentions in favor of the common cause of the American and Spanish inhabitants, and that my present inaction does not proceed from a want of inclination. I likewise flatter myself that, until my captain general decides, no steps will be taken by the Government of the United States, or by your excellency, which may be prejudicial to the sovereignty of the King, my master, in the district of Appalachicola, which is a dependency of this Government; and, finally, I conclude by assuring your excellency that it will afford me particular satisfaction to have opportunities of evincing my desire, not only to contribute, so far as depends on me, to the cementing of the good understanding which subsists between our respective Governments, but also to prove to your excellency the high opinion I entertain of your virtues and military talents.

God preserve your excellency many years.

MAURICIO DE ZUNIGA.

His Excellency A. JACKSON.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: BRISTOL, *July* 27, 1818.

It is some time since I have received positive and circumstantial information that a person, acting under a commission from the rebels at Buenos Ayres, had given orders for the building of two frigates, of twenty-eight or thirty guns each, at New York; and that, armed, equipped, and manned with citizens of this republic, they are to proceed from that port on a cruise against the commerce and subjects of His Catholic Majesty.

Although so manifest a violation of the laws of the United States, to the injury of my sovereign, imposed on me the duty of immediately soliciting of the President such measures as are in conformity with the laws of the Union and the peace and good understanding existing between the two nations, and would put a stop to this evil, yet, faithful to the system I have laid down of not trespassing on the attention of your Government, except in cases of indispensable necessity, I directed His Majesty's consul at New York, after he had obtained all the legal evidence required by the courts, to have recourse to them with that calmness and confidence with which the justice of his cause should inspire him when submitted to impartial and enlightened magistrates.

His Majesty's consul has just informed me that, agreeably to my instructions, he had applied to the district attorney, stating that he was possessed of sundry declarations of persons, corroborating each other, showing that the laws of the United States had been violated, and requesting him to cause the said vessels to be stopped and proceeded against, together with the parties concerned in their equipment, in the manner prescribed by the act of Congress of 20th April last, section 11. The district attorney appears not to have been very anxious to carry the act into execution, as he replied that he would not do so, although fifty such declarations were presented to him. I do not pretend to inquire into the motives of the attorney's feelings or conduct, which, to say the least, was extraordinary; but I deem it indispensable to transmit to you four of the original declarations referred to, that they may be laid before the President, and that he may be pleased to direct, with the urgency required by the case, the collector of the customs at New York to stop the above-mentioned vessels, in order that they, as well as the

parties engaged in their outfit, may be proceeded against in due form of law, and the necessary force employed for the faithful execution of his duty.

This demand, which I renew in the name of my sovereign, being in strict conformity with the laws of this republic, I cannot for a moment doubt that the President will readily comply with it; and that you will have the goodness to advise me of its having been carried into effect, that I may direct the consul to produce the necessary testimony for the elucidation and decision of a case transcendently important to the interests of my sovereign.

I renew to you the assurances of my respect, and I pray God to preserve you many years.

LUIS DE ONIS.

STATE OF NEW YORK, *City of New York*, ss:

Samuel Samuels, by profession a mariner, at present in the city of New York, being duly sworn, says: That, about the 11th or 12th of July instant, deponent was at Dominick Morris's house, where they were shipping hands for the Curiazo; he met there a Mr. Brown, who was the man who attended on shore to the enlisting and shipping of the crew; this gentleman asked deponent whether he did not wish to ship on board of the Curiazo, and upon this requested him to walk up stairs, and he would inform deponent all about the object of the vessel; they went up stairs, and Mr. Brown then said that the Curiazo was destined to go around Cape Horn, or would go to Buenos Ayres in the patriot service; that she would join the other ship, which was lying in North river, named the Horatio, and they would be absent about two years; deponent signed articles, at the office of the notary, Mr. Palmer; he did not read the articles at the time of signing; the wages were fourteen dollars a month, and two months' advance, which sum is paid in like manner to all the crew, fourteen dollars at the time of signing the articles, and fourteen dollars after getting on board; he went on board on Tuesday, the 21st of July instant, and found sixty hands on board, agreeably to the muster which was made; and there were others on shore who had enlisted but not yet come aboard; there were a captain, several lieutenants, a sailingmaster, many midshipmen, a boatswain, boatswain's mates, boatswain's yeomen, several quartermasters, a gunner, gunner's mate, and two quarter-gunners, two captains for each of the tops—fore-top, mizen-top, and main-top, two captains of the forecastle, two captains of the after-guard, a captain of the hold, and green hands to form a company of marines; deponent was captain of the main-top of the larboard watch; the hands were exercised every day in loosing and handling the sails; some of the hands were employed in making wads for the cannon; the guns were not yet come on board, but they were expected daily, and the hands conversed about the stations which they would hold at the guns; the exercising of the crews, which he has before mentioned, was the same as is customary in the service of the United States on board their vessels of war; there was a regular watch kept up during the day and night, one-half of the crew being on watch all the night; the hands were all piped by the boatswain and the boatswain's mate at their several meals; when officers came on board, the sides were manned for them by way of salute; and, in every respect, the discipline and duty kept up was the same as is practised in the navy service.

When the deponent shipped, the notary told him to leave a will and power to enable the landlord to receive the prize-money which deponent might become entitled to; which deponent did accordingly in favor of Dominick Morris. The general understanding on board the vessel is, that they were to cruise along the coast of South America after their arrival at Buenos Ayres. The vessel is built in every respect as a vessel of war; the water below is secured exactly in the manner that it is done on board a man-of-war, which is different from what is usual in the merchant service. Deponent further saith not.

SAMUEL SAMUELS, his × mark.

Subscribed and sworn to before me, this 23d day of July, 1818,

JAMES HOPSON, *S. Justice.*

STATE OF NEW YORK, *City of New York*, ss:

George W. Lynch, of the city of New York, merchant, being duly sworn, says: That on the 23d day of July instant, he went on board the ship Curiazo, lying in the North river, in this port, in company with a Mr. Atkinson, who said he was the purser of the said vessel; deponent counted thirty cannon lying on the deck, and a number of new gun-carriages which were lying upon one another, and appeared to be equally numerous; he was presented to the several officers, was told by them that there were a captain, four lieutenants, and a number of midshipmen; that the captain was named Delano, the first lieutenant is named Van Beuren, the second Grinnelow, the third Smith, and the fourth Cobbett; he was told by the purser that the vessel, together with the Horatio, another ship lying near, was bound to Buenos Ayres; there appeared to be a great number of men on board; he was told by said purser that it was their intention to take one hundred men; that the crew were paid two months' advance, and that, as a further inducement to them to ship, they had the prospect of prize money. In conversation with a Mr. Sullivan, who is at the head of the surgical department for the two vessels, and was now on board the Curiazo, he (Mr. Sullivan) said, "I am sorry that the guns are not carronades instead of gunnades;" but then immediately added, "however, it is better as it is; we shall want long guns to fight the Spaniards." Deponent was carried through the vessel, and the different parts of it were pointed out to him; the captain's room, the lieutenants' room, and the midshipmen's room, were severally and respectively designated; there was a quantity of cannon balls between the decks; all hands were piped by the boatswain while deponent was on board. This vessel is newly built, has been launched but a short time, and is now preparing for her first voyage; she is pierced for many guns, and is built in every respect like a frigate.

Deponent left this vessel in company with the surgeon, Mr. Sullivan, and proceeded with him to the other ship, the Horatio. This gentleman is the surgeon of the Horatio, and told deponent that he had selected the surgeons for this and the other vessel, (the Curiazo;) that he had examined them in order to ascertain that they were duly qualified; he mentioned that the crews of each vessel would consist at present of one hundred men for each, but that their complement was three hundred men for each; that the medical list which was handed to him for both vessels was for six hundred men; he showed deponent his medicine chest, his tools, and other implements, and said that he had every thing in complete order; he showed deponent into a room below the cabin, which he said would be his station in time of action; deponent said he supposed there would be little fighting, to which Mr. Sullivan answered, "I don't know, the Spaniards have got a fine frigate out there with five hundred men." Deponent was told on board of this vessel by the said surgeon, and by another officer, the second lieutenant, that, besides the captain, Skinner, who was commodore of the two vessels, the Horatio had four lieutenants and a number of midshipmen; the first lieutenant is named Currie, and the second Eakin; deponent was shown into the several rooms of the captain, lieutenants, and midshipmen; the cannon had not yet been brought on board of this vessel, but the officers told deponent they expected them shortly; this vessel resembles the other in every respect, was built at the same time, and has never yet been to sea. Speaking about the complement of men for these vessels, Mr. Eakin, the second lieutenant, told the deponent that although they would take out for the present only one hundred men each, they

would have no difficulty in making up the full number, which would be three hundred, at Buenos Ayres, because sailors there would leave the privateers to enter these vessels. He said that if Mr. Aguirre, when he commenced the building of these vessels, had employed a merchant, instead of making the contract himself, he would have saved a great deal of money, at least fifteen per cent.; that Dacy and Didier, of Baltimore, had received money from Aguirre, and had offered to transact all the business of these vessels, and to bond them for five per cent., but that he was unwilling to allow them more than two and a half per cent.; they offered also to allow him bank interest for his money while it was in their hands; but they came to no agreement, owing to the smallness of the commission which Aguirre was willing to allow them; and that the vessels had cost him a very large sum of money, every thing having been fitted up in the most costly manner; that the cannon had been made by Mason, of Washington. The surgeon, Mr. Sullivan, speaking of the discipline of the two vessels, said that of the Horatio was superior to the Curiazo; that, on board of the Horatio, the medical returns were made daily, the same as on board a man of war.. When deponent went on board of the Horatio, the sides were manned, which was also done when he left it; this ceremony is a compliment or salute to the person who comes on board, and is customary on board vessels of war, and not in merchant vessels.

While on board the Horatio, the said Eakin said that he had always been treated well by the Spaniards, but said some other words, the import of which was that this was a speculation, and that he must do the best he could for himself; Mr. Currie, the first lieutenant, also said that he had always been well treated by the Spaniards, and that he would treat them so until he could not help doing otherwise—alluding to what he would do in time of battle.

Mr. Wynans, of the firm of Ten Eyck, Wynans, & Co., told deponent that they, together with two other block-makers, made the blocks for both of the said ships; they were employed by Captain Skinner and Mr. Aguirre jointly, both being together; but Mr. Aguirre gave the directions to Skinner, and appeared to be the owner; that he (Wynans) called frequently upon Aguirre for directions; and, when all the work was done, Aguirre paid him.

Mr. Bakewell, a sailmaker, told deponent that Mr. Aguirre made the agreement with him for the sails of one of the ships, and paid him the amount.

GEO. W. LYNCH.

Sworn this 25th day of July, 1818, before me,

CHARLES CHRISTIAN.

STATE OF NEW YORK, *City of New York*, ss:

John B. Sickles, being duly sworn, says: That on the 22d of July instant he called upon Joseph Skinner, whom he understood to be the captain or commander of the two vessels named the Curiazo and Horatio, which are fitting in this port for Buenos Ayres; he met him in the neighborhood of Washington Hall, at his residence, and found a large number of gentlemen collected; there were about twenty, among whom was Mr. Aaron H. Palmer, the notary; the conversation was exclusively relating to those vessels, their arms and equipment, some saying that a portion of the guns were larger than others. On the 23d of July he saw Captain Skinner again, and asked him to provide the deponent with an officer's birth on board of one of the said vessels; Captain Skinner referred him to Mr. Palmer, who said that all the officers' stations were full; deponent repeated his desire to be employed, and Skinner told him he might go as supernumerary in the capacity of acting midshipman. During this conversation Mr. Palmer told Captain Skinner that he was short of funds; to which Skinner replied, "You must go to Mr. Aguirre for them, you know I am not the owner." On the 24th of July deponent saw Captain Skinner again at Mr. Palmer's office; deponent asked when he should go on board. Skinner told him during the course of the day. Deponent accordingly went on board on the 24th, in company with William Nesbit, a young man who was also told by Captain Skinner that he might go as supernumerary; when deponent got on board of the ship Horatio, which was lying in the stream, he reported himself to Lieutenant Currie, who was the first lieutenant on board thereof. Currie told deponent and the said Nesbit that he could not receive them unless they brought a written order from the captain, because they had so many officers already; deponent remained on board about four hours, during which time he got into conversation with several of the officers; one of them, named Weed, told deponent that he is the captain of marines on board; that when the vessels arrived out at Buenos Ayres the officers expected to receive their warrants from the Buenos Ayrean Government; that Captain Skinner had promised them that he would get them from that Government for these officers; deponent was told by Mr. Weed that there were three lieutenants on board, that there were eight midshipmen on the list, and twelve supernumeraries besides deponent and Mr. Nesbit; that after the vessels got out to sea, if these persons were wanted, they would be turned forward; this deponent understood to allude to their being wanted in time of action. He said they had on board at present ninety-five men, and they intended to get more; he said he expected that it would be a troublesome job for him to exercise his marines, which he would have to do soon; the discipline on board this vessel is the same as that on board a vessel of war; the watch was changed while deponent was on board, and the lieutenants also changed their watch, the hands being piped by the boatswain; the arm-chest, containing guns, pistols, cutlasses, &c., was brought on board while deponent was there; he was told that the great guns were expected on the following day, (the 25th,) that the guns of the Curiazo were eighteen pounders, between carronades and gunnades, but that those of the Horatio were long eighteens, that being the commodore's ship; that they were brass guns, and had been selected for this vessel; that these guns were different from those of the other vessel, because these were intended for long fighting, or fighting at a distance, and the others for close engagement. After being on board for several hours, deponent came ashore with the said William Nesbit, and called upon Captain Skinner, told him what Lieutenant Currie had said, and asked him for an order, which Captain Skinner gave, and which is in the words following: "Mr. Currie: Sir, you will please to receive Mr. J. B. Sickles and William Nesbit on board the ship Horatio as supernumeraries, and you will oblige yours, Joseph Skinner. July 24, 1818." This note is directed "Mr. William Currie, ship Horatio." Deponent further says, that when he was on board the Horatio on the 24th, the officers were speaking about the cannon which was expected on board the Horatio, and that which was on board of the Curiazo, and said that they would mount it, because they did not expect that there would be any opposition from the Spanish consul; there was a large quantity of potatoes on board, which they were employed in assorting, and, while thus engaged, one of the officers said those were very bad potatoes for a cruise; the number of barrels deponent supposes nearly two hundred. And further the deponent saith not.

JOHN B. SICKLES.

Sworn this 25th day of July, 1818, before me,

CHARLES CHRISTIAN, *S. Justice.*

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

BRISTOL, *July* 28, 1818.

I had the honor yesterday to transmit to you the declarations of four individuals, affording the most positive proof of the violation which has taken place in the port of New York of the laws of this republic, to the signal injury of the interests of my sovereign. I now enclose three other declarations, corroborating the former, and establishing the fact to which I refer.

I assure myself that, in consideration of these circumstances, you will have no doubt of the justice of the demand I now make, in the name of the King, my master, or of the urgency with which I claim of the President to issue the necessary orders to the collector of the customs at New York to detain the two Buenos Ayres armed ships alluded to, and the requisite instructions to have the case immediately brought before the proper tribunal.

I trust, sir, that you will have the goodness to transmit to the aforesaid collector the seven declarations forwarded to you, for the purpose of preventing the escape of these two armed vessels, as they have already endeavored to do; it being confidently relied on that, if the suit be once instituted, nothing can save them from the impartial justice of the court.

I beg you to pardon this trespass on your time, to which circumstances have compelled me, and that you will accept the fresh assurances of my constant respect.

God preserve you many years.

LUIS DE ONIS.

STATE OF NEW YORK, *City of New York*, ss:

James Young, by profession a mariner, at present in the city of New York, being duly sworn, says: That about three weeks ago the deponent was requested by a former shipmate of deponent's, named David Rees, to enlist on board the ship Curiazo. Deponent went on board that vessel, and there saw Mr. Grinnelow, who was the second lieutenant thereof. This gentleman gave deponent a note to Mr. Brown, who was the shipping officer of the vessels, recommending him to take deponent as boatswain's mate for the said vessel. Deponent saw Mr. Brown, who told him there was no vacancy for boatswain's mate, because he had already shipped two, but that he might have the birth of quarter-gunner; this birth deponent accepted, and afterwards went to the office of the notary in Pine street, whose name deponent believes is Palmer. At this time deponent was told by Mr. Brown that the vessel was going to Buenos Ayres or to the Cape of Good Hope. Deponent did not read the articles when he signed them, which was about the same time before mentioned. Deponent went on board the said vessel, the Curiazo, which is commanded by Captain Paul Delano. This vessel is pierced for thirty-two guns, although there may be more, as deponent has never counted the number of ports. Since deponent has been on board, they have taken in a great quantity of extra spars and rigging, and a quantity of cordage, much more than is used in the merchant service. She has a long-boat, yawl, and sundry other boats, six or seven in number altogether. Deponent continued on board until last Friday, the 17th instant. There are on board, and in the service of the vessels, a captain, three persons whom deponent knows to be lieutenants, a sailingmaster, master's mate, and more than half a dozen midshipmen, but how many precisely deponent does not know. When he left the vessel there were about seventy hands or sailors on board; and deponent was informed on board, by the people generally, that the number was to be increased to one hundred and fifty more. The third lieutenant said, in deponent's presence, that when they had one hundred and fifty men more they would look quite smart. There are a boatswain and two boatswain's mates, four quartermasters, two captains of the fore-top, two of the main-top, and two of the mizen-top, two captains of the after-guard, two quarter-gunners, of which the deponent was one, a captain of the hold, and boatswain's yeoman. The crew are mustered every Sunday; the hands are piped to breakfast, dinner, and supper; and when an officer comes on board, the boatswain attends the side, and the whole service and duty is performed in every respect the same as is done on board a man-of-war, which deponent is conversant with, having served in the English navy nearly five years. A quartermaster is kept constantly on the look out, to prevent any persons coming on board without leave, and at night some watch forward, and some aft. It is the understanding of all the hands on board, that when they arrive at Buenos Ayres they will be employed in the service there; and the officers have said they will make their fortunes by it. The boatswain, Mr. Crisp, told deponent yesterday that, the night before, the cannon were taken on board. James Johnson, the quartermaster, told deponent the same thing, and that thirty-two eighteen pounders had been taken on board, besides a quantity of shot. The same was mentioned by the boatswain's mate. He further says that the above deposition has been this day read to him, and that he declares the same to be in every respect correct. The Curiazo is a new vessel, just built in the port of New York, and has never been to sea. Captain Joseph Skinner, deponent has heard and believes, is captain of another ship, also lately built in the port of New York, and which has not yet sailed, but which is intended to go on the same service with the Curiazo. The name of the first lieutenant is Mr. Van Beuren.

JAMES YOUNG.

Sworn this 25th day of July, before me,

GEO. W. MORTON,

Commissioner in the circuit court of the United States of America for the S. D. N. Y.

STATE OF NEW YORK, *City of New York*, ss:

David Rees, being duly sworn, says: That he has heard, read, and examined the preceding deposition of James Young; that all the facts therein stated, relating to the condition and armament of the said ship Curiazo, are correct and true in every respect; that deponent is employed at present on board the said ship Curiazo in the capacity of boatswain's yeoman; he was shipped by Mr. Brown, the shipping officer of the vessel; he signed articles at Mr. Palmer's; has been on board the Curiazo since the 11th of July instant. On the 22d and 23d of July, the great guns were taken on board; last evening, and until a late hour of night, these cannon were taken from on board again, as also the shot, and were put on board of a sloop which, it was mentioned, and generally understood on board, was going down towards Sandy Hook, to be put on board again there. Captain Paul Delano commands the Curiazo; that a few days ago deponent told said captain that he could wait no longer, and would not go with the vessel; Delano urged him to remain, said he was only waiting for his sweetmeats, (meaning his cannon,) and that, as soon as they were got on board, they would show the Spaniards play; that at present they cleared out for Buenos Ayres, and all hands shipped as seamen, because they did not dare to do otherwise; but that as soon as the vessels got out to sea, then the several stations would be assigned to the men, respectively. This vessel is completely a frigate, duty is done on board the same as in the State service, and she has forty-two different signals, many of which

deponent has seen. Captain Joseph Skinner commands the other ship, called the Horatio, which is to be used in the same service; he is the commodore of both vessels. Deponent was going to hoist a pennant one morning on board the Curiazo, when the lieutenant ordered him to stop and see whether the commodore (meaning the other ship, the Horatio) would hoist, and, finding that he did not, deponent stopped, and the pennant was not hoisted.

Both these vessels were lately built in New York; they have not yet been to sea.

DAVID REES.

Sworn this 25th day of July, 1818.

GEORGE W. MORTON,
Commissioner in the circuit court of the United States of America for the S. D. N. Y.

CITY OF NEW YORK, *ss:*

James Stoughton, being duly sworn, says: That the preceding are correct copies of original depositions now in the possession of deponent, and which he retains for greater safety in the matters therein mentioned.

JAMES STOUGHTON.

Sworn this 26th day of July, 1818, before me,

GEO. WILSON, *N. P., New York.*

STATE OF NEW YORK, *City of New York*, ss:

Thomas Stoughton, consul of Spain, being duly sworn, says: On the 1st day of September last, (1817,) he had a conversation with Mr. Noah Brown, of the city of New York, who told him that Don Manuel Hermenegildo de Aguirre, the agent or representative from the Buenos Ayres Government, had contracted with him (Brown) and with Mr. Cheeseman, of this city, to build two vessels, of twenty-eight guns each, for the use of the Government of Buenos Ayres; that their tonnage would be seven hundred tons each, for which he would pay forty dollars a ton for the hulls; that they would be launched about the 30th December, 1817; that they would cost, when armed, about eighty thousand dollars each.

THOMAS STOUGHTON.

Sworn this 26th July, 1818, before me,

GEORGE WILSON, *N. P., New York.*

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: BRISTOL, *August* 5, 1818.

I have received your note dated the 23d July, by which you are pleased to reply to mine of the 24th of June and the 8th of July last, on the subject of the invasion of West Florida by the American forces under the command of General Jackson, in the midst of peace, and the most solemn assurances of amity and good understanding repeatedly given to His Catholic Majesty by this republic.

It is very painful to me to observe, by your answer, that the President does not view in the same light I do the enormous outrages committed by that officer; and that, in citing the specious motives of which he has availed himself to gloss them over, you present them as fully justifying the conduct of the general, and exonerating the United States from all responsibility in the case. I shall take up these pretended motives in the same order you have arranged them, and demonstrate, in a simple manner, their total want of foundation, and their incompetency to palliate, in the slightest degree, the invasion of a province of a friendly Power reposing in the security of peace, under the safeguard of the public faith.

You begin by reproducing the old grievances complained of by the United States, and which have been brought forward by your Government, among the subjects of dispute now pending between the Governments. Conceiving it superfluous to resume the arguments which have been formerly advanced to refute them, I shall for the present merely refer to them.

You state, in the first place, "that it cannot be unknown to me that, a considerable time before the Government of the United States issued the orders for military operations in that quarter, the inhabitants of their frontier had been exposed to the depredations and massacres of a tribe of savages, the greater number of whom dwelt within the borders of Florida." It is true that in the newspapers I saw accounts of such depredations and massacres, but I never knew the certain motives which had occasioned them. In the correspondence of the Spanish Governors of the Floridas, I observe continual complaints of the Indians to those governors, stating the incessant injuries and vexations committed on them by the citizens of this republic inhabiting the frontiers of both the Floridas; the proofs of which, to a certain extent, have been already laid before you, in the copies of the original documents accompanying my former communications. The Spanish governors, being near observers of these transactions, were fully enabled to judge of the facts. It is from their correspondence alone that I can form an opinion on these points, while at the same time I feel every disposition to respect the decisions of your Government.

I admit, with you, sir, the imperious necessity which induced the two high contracting parties, in the treaty of 27th October, 1795, to stipulate the agreement contained in the seventh article, which imposes on them, reciprocally, the obligation of restraining, by force if necessary, the Indians inhabiting within the territories of Spain and of the United States from committing hostilities upon American citizens or Spanish subjects. But this stipulation could only be fulfilled upon the most satisfactory proofs of an existing necessity. It would have been an act of injustice and cruelty in Spain, had she drawn the sword to chastise the Indians living under her protection, without knowing what offences they had committed, and fully ascertaining their unquestionable certainty.

In the second place, "that, during the confusion of the late war between the United States and Great Britain, the Governor of Pensacola was called upon, by letter from General Jackson, to interpose by force, and break up a stronghold which the savages and a horde of fugitive slaves had possessed themselves of in the Territory of Florida; that the governor acknowledged the obligation, but pleaded an incompetency of force; that the orders and competent force which he had solicited from the Governor General of Cuba were never furnished; and that the United States were finally compelled to accomplish its destruction by its own force."

I am not thoroughly acquainted with all the circumstances of this affair; but what I perfectly well know is, that the application should have been made to his superior, or to the Spanish Government, through my channel, or through that of the minister of the United States at Madrid, if the importance of the case required it, or if the Governor of Pensacola declined dislodging this assemblage of savages and slaves. This affair, however, having then come to an issue, cannot now be considered as a ground to justify the recent outrages of General Jackson in

Florida, because the fort has long since been destroyed; and whatever may have been the individual omission or failure of the Governor of Florida, the proper recourse was to his Government, to punish him if he deserved it, or to obtain a suitable reparation for the injury complained of.

Thirdly. "That, at an early period of his operations, General Jackson had given full notice of their object to the Governor of Pensacola, warning him that every attempt on his part to succor the Indians, or prevent the passage of provisions for the American troops, would be viewed as acts of hostility; and that, in defiance of this admonition, the Governor of Pensacola did both give succor to the Indians, and delay the passage of the provisions to the American army." Strange, indeed, must it appear to the whole world that General Jackson should arrogate to himself the authority of issuing orders and imposing restrictions on the Governor of Pensacola, when he should have confined himself to the communication of positive facts and unquestionable proofs of the offences committed by the Indians, and to a request of the co-operation of the governor for the punishment and reparation of the injury. The Spanish governor, uninfluenced, however, by this dictatorial summons, proceeded, by every means in his power, to carry into effect the demands of the general. But the assertion of his having giving succor to the Indians, and delayed the passage of provisions for the American troops in the Escambia, is wholly without foundation; the very reverse is proved by the official correspondence transmitted to me; and, in fact, such an assertion, lightly made, and unsupported by proof, is an additional insult to the person and public character of the Governor of West Florida, and a striking evidence of the animosity of the American commander. The Nos. 1, 2, 3, of the enclosed correspondence, evince extraordinary deference for the United States, and condescension for the general.

Fourthly. "That the Governor of Pensacola has caused it to be directly reported to the American general that Fort St. Mark had been threatened by the Indians and negroes, and expressed serious apprehensions, from the weakness of the garrison and defenceless state of the work, for its safety; and that this information was confirmed to the American general from other sources upon which he could rely." The Governor of Pensacola is wholly silent in his correspondence on the state of the fort; and, besides, it is a well-known fact, that neither that Spanish fort, nor any other in Florida, was ever attacked by the Indians and negroes alluded to.

Fifthly. "That, upon his entering the fort, unequivocal evidence was evinced of the duplicity and unfriendly feeling of the commandant—evidence demonstrating, beyond the power of denial, that he had made himself, by every act in his power, a partner and accomplice of the hostile Indians, and of their foreign instigators." It is important that a charge of such a nature should be fully substantiated; and I therefore must request of you, sir, to have the goodness to transmit to me the documents in support of it. I repeat that, in such a case, the proper course was an application to the superior of that commandant that he might be tried according to law, and on the exhibition of the testimony and documents produced against him.

Sixthly. "That the same spirit of hostility to the United States was discovered by the Governor of Pensacola himself, by his refusal to permit, unless by the payment of exorbitant duties, the passage of provisions to the American army; by the reception and succors given to the Indians at various times; and, finally, by a letter which he sent to the American general, denouncing his entry into Florida as an aggression against Spain, and threatening, unless he should immediately withdraw from it, and should he continue what he thus styled aggressions, that he would repel force by force." I am wholly at a loss to comprehend how these expressions of the Governor of Pensacola can be deemed censurable. The passage of provisions or foreign troops through the territory and waters of the Floridas was strictly forbidden by the Spanish Government. The Governor of Pensacola had no authority to dispense with this regulation in any case whatever; and he therefore gave a proof of extreme condescension in favor of the American army, in permitting, on his own responsibility, the passage of the provisions, as appears by the documents above referred to, Nos. 1, 2, 3. The demand of payment of the duties fixed by the regulations and tariffs of the Spanish Government was an obligation impossible for him to evade without a criminal breach of duty. It is the first instance I have seen of a charge brought against an officer for the faithful discharge of his duty. In all events, the moment that the Governor of Pensacola signified to General Jackson his want of authority to grant his request, that general, or his Government, should have asked it of the Government of His Catholic Majesty.

Such are the grounds upon which General Jackson rests his justification, and which your Government appears to consider sufficient to exonerate him from any charge, and all responsibility to the United States, by reason of the invasion of West Florida; and these grounds, you add, are still further strengthened in favor of the general by the following facts: 1st. That "the charges alleged by General Jackson against the commandant of St. Mark's are not known even to have been denied." It would, indeed, have been difficult for him to have contradicted them without having first acquired a thorough knowledge of, and then minutely investigated, all the details connected with them. Nothing like this was allowed by the operations of General Jackson, who, in a moment, fell, like an impetuous conqueror, upon the chief place and military posts of Florida with his whole force, supported by a train of field and battering artillery—a train which can hardly have been thought necessary for battering the cabins of miserable Indians. 2d. That "the Governor of Pensacola assured General Jackson that the information received by him of the number of Indians who had been received and harbored at Pensacola was erroneous; and, notwithstanding this assertion, a large body of them were overtaken, surprised, and defeated by the forces of the United States, within one mile of Pensacola, within ten days after the time stated in his letter to the governor of this assemblage of Indians at that place; nor was it until after that event that the governor issued his proclamation for refusing them supplies, and gave them the advice under which eighty-seven of them surrendered themselves to the American officer; and that since their surrender there had been only two Indians in Pensacola, and those in jail, which was incorrect, as, besides the Alabama chief included in the capitulation, one wounded Indian was found in the fort of Barrancas; and further, that Holmes, a noted Red Stick chief, left Pensacola but the day before the American troops took possession, and a number of other Indians were seen, about the same time, within a few miles of Pensacola, and succeeded, with the aid of Spanish officers, in eluding the pursuit of the American troops." It seems to me that the bare recital of these trifling circumstances is sufficient to enable any one to judge of their utter insignificancy. Let us suppose there were two or three, four or five, or several more Indians in Pensacola, or in any other Spanish post; and what is there remarkable or improper in that? What law or principle is there prohibiting the Governor of Pensacola from communicating with the Indians, and allowing them to bring in the usual supplies? The duty of the Spanish governor was confined solely to withholding aid and assistance to the hostile Indians, and exhorting them all to preserve peace and abstain from any acts of injury or violence to the citizens of the United States. This duty he has religiously discharged; and nothing has yet been advanced that proves the contrary. Is it a crime to permit a wounded Indian, a wretched fugitive, disarmed and defenceless, to take refuge under the protection of Spain, and avoid the fate impending over his whole nation? Is it a crime to show humanity to such unfortunates, and not deliver them up to punishment? A different conduct ought surely to be considered a crime and an eternal disgrace.

And here I would not be understood as denying the cruelties exercised by the savages, or the horrors committed by them on the citizens of this republic. I view with horror every act of barbarity and blind fury. Be pleased, however, sir, to compare the evils complained of with those which have, and do daily flow from those suc-

cessive shoals of desperate adventurers, freebooters, assassins, and banditti, which have so long thronged from the American territory towards the adjoining provinces of the Spanish monarchy, and with the frightful swarms of corsairs and pirates, who, after arming and equipping in the ports of this republic, daily sally forth to infest the seas, destroy the Spanish commerce, and rifle every defenceless vessel they meet. To yourself and to the whole world it is notorious what deplorable atrocities have been committed by these barbarous and bloody wretches. I leave it to you to decide whether there can be any comparison between these excesses and those alluded to by General Jackson in his proclamation.

In fine, the very reasons assigned by General Jackson in justification of his conduct serve only to enhance its enormity. How can personal piques or disputes between subordinate officers possibly justify the invasion of a province, with all the apparatus and the fury of war, in the midst of peace? How can they justify the effusion of blood, the bombardment and capture of its fortresses and strongholds? How! is General Jackson an independent sovereign, or is the commandant of St. Mark's, or the Governor of Pensacola? Should not every altercation, disagreement, or complaint between these officers have been submitted to their respective Governments, by them to be decided? Most assuredly they should; and I cannot refrain from repeating that outrages of such a nature admit neither excuse nor palliation. I am fully persuaded that the President, as you assure me, gave General Jackson no orders or instructions to commit such acts of violence and injustice, nor to depart from the course which the President, in his message to Congress of 24th March last, announced it was his intention to pursue. It therefore follows, by a necessary inference, that General Jackson acted upon the impulse of his own mind, and took upon himself, as you say, the whole responsibility.

It is very satisfactory to me to be informed by you that the President agrees to restore Pensacola to the possession of any person duly authorized on the part of Spain to receive it; also, the fort of St. Mark, as soon as a Spanish force sufficiently strong to hold it against the attack of the hostile Indians shall make its appearance for the same purpose. I shall lose no time in transmitting the answer of the President to my Government, in order that, on taking it into consideration in relation to that point, it may give such orders as may be required by the case. But with a view to prevent any difficulty in the execution of this just measure adopted by your Government, I have to request you, and, through your ministry, the President, to give the necessary orders to the American commandant and officers now holding that province to deliver it up to the Spanish governor, officers, and troops who may be duly authorized to receive possession of it. At the same time, I persuade myself that the President, being disposed to take this first step in making satisfaction to Spain, will not refuse such others as will make that satisfaction complete and effective. I therefore renew, in the name of the King, my master, my instant requests and reclamations of due reparation for all the losses and injuries sustained by the crown and subjects of His Majesty in consequence of the proceedings of the American general and the troops under his command in Florida; and, moreover, of his lawful punishment, with that of any other officer who may appear to be responsible by his participation in the acts complained of.

On the other hand, I assure you, sir, that whatever complaint the Government of the United States may have against the Governor of Pensacola, the commandant of St. Mark's, or against any other Spanish military or civil officer, it will be promptly attended to by His Catholic Majesty's Government, and orders issued for any inquiry into their conduct; and should it satisfactorily appear to be reprehensible, they shall be punished with all the severity of the law.

In concluding this note, I forbear to repeat to you assurances of the sincere and strong desire of His Catholic Majesty to see all pending differences speedily brought to an amicable conclusion. You are aware that, in April last, I despatched a courier to my Government, with full information on the state of the negotiation, submitting, agreeably to what you stated to me, and with a view of expediting the proceedings, its final arrangement by the ministry of the King, my master, and the minister of the United States at Madrid. On the first official notice of the result of that proposition, although it has not yet had the desired effect, I have no doubt that we shall be able to come to an understanding by means of my new instructions, and agree on the basis of a treaty mutually satisfactory.

In the mean time, I confine myself to offering you the renewed assurance of my constant respect, and I pray God to preserve you many years.

LUIS DE ONIS.

No. 1.

[TRANSLATION.]

Copy of a note of the Governor of West Florida to His Excellency Andrew Jackson.

MOST EXCELLENT SIR: PENSACOLA, *April* 15, 1818.

Your excellency's letter of the 25th of last month has been delivered to me, also that of the 16th, in answer to mine of the 16th of February preceding. I now have the honor to acknowledge the receipt of both, and to reply to the former.

In the month of May last, yielding to a spirit of conciliation, I gave permission to the schooner Victory, from New Orleans, to pass up the Escambia to the American fort with a cargo of provisions; prompted by the same sentiment, I gave a similar permission in January last to Captain Call, of the schooner Italiana, to proceed to the same place; and subsequently, pursuing the same friendly and conciliatory feeling, I allowed Lieutenant Eddy, belonging to the garrison of the fort above alluded to, who had been commissioned for that purpose by Major Youngs, the commandant, to supply himself here with sixty barrels of provisions. The cargo of the schooner Italiana being still deposited here, I conceive that the introduction of the further supply requested by your excellency is not necessary at present. Notwithstanding this, as I infer from your excellency's letter that the said provisions are now on the way, and am disposed to grant the same indulgence as heretofore, while it is not less my duty to enforce the established regulations and restrictions, which require that the supplies should be consigned to a Spanish trading house, which will undertake to forward them and secure the payment of the royal import and export duties, I will give permission for them to pass in like manner as the first; it being, however, well understood that, neither now nor hereafter, the United States can pretend to or acquire any right in consequence of these indulgences, which are perfectly gratuitous, and granted solely in consequence of existing circumstances, which, as your excellency states to me, prevent the arrival of supplies to the said Fort Crawford through any other channel. In addition, you are pleased to remark that you are not disposed to enter into any discussion with me on the subject of the right which may be claimed by the United States to the free navigation of the Escambia.

To a discussion of this nature I am no less averse than your excellency; because it is one not within my province, and because it is my duty, as a subordinate officer, to conform to the orders of my superior; therefore, until I receive orders to the contrary, I am bound, in reference to this point, strictly to adhere to the existing treaties

between the United States and Spain. On referring to the last treaty of amity, limits, and navigation, I perceive nothing that stipulates the free navigation of the river alluded to; but, on the contrary, that the sovereignty of the King, my master, in and over all the territories, coasts, rivers, ports, and bays situate to the south of the thirty-first degree of north latitude, is solemnly and explicitly acknowledged by the United States; and if, in consideration of the present extraordinary circumstances, further momentary concessions are required, I request your excellency to have the goodness to apply for that purpose, in future, to the authority on whom they may depend, as I am wholly unauthorized in this matter.

God preserve you many years.

JOSE MAZOT.

To His Excellency General ANDREW JACKSON.

True copies of the documents deposited in this command, at Pensacola, May 2, 1818, in the absence of the secretary, (by indisposition.)

BUENAVENTURA DUBREUIL.

No. 2.

[TRANSLATION.]

The Commandant of West Florida to Major Youngs, encamped on the banks of the Escambia.

SIR: PENSACOLA, *April* 27, 1818.

Your letters of the 27th instant, dated Camp on the Escambia and Fort Crawford, enclosing a proclamation, were this day delivered to me, at three o'clock P. M., by an artificer, a man of color, whose immediate return does not allow me at present to reply particularly to them; and I shall only state that the few peaceful Indians, who were at this place and in its neighborhood, left it on the 26th, and at daybreak several of them were murdered by the troops of the United States, and among them some women and children. As I am unable to account for this act, and the violation resulting from it, I have to inform you that I shall transmit an account of the whole transaction to my superior, and I hope that, in the mean time, you will not permit any further hostilities to be committed on any pretence in this territory; and, in case the Indians give any reason for complaint, that you will inform me of it, that I may chastise them for it as far as it depends on my authority.

If there be Indians still remaining in this territory, I will have them sought for, and communicate your letter to them, and advise you of the result. I do assure you on my word that your statement of the aggressions committed by the Indians is the first intelligence I have had of it, and that, when I agreed to the passage of the escort of which you speak, those Indians of whom Lieutenant Eddy was apprehensive were the only ones pointed out to me.

I must repeat to you that all my wishes and efforts are directed to preserving the peace happily subsisting between our Governments, and, relying on your friendly sentiments towards me, I offer you in return the assurances of mine.

God preserve you many years.

JOSE MAZOT.

To Major WHITE YOUNGS, *Commanding the United States troops on the Escambia.*

[TRANSLATION.]

The same to the same.

SIR: PENSACOLA, *April* 30, 1818.

In consequence of the request contained in your letter of the 27th instant, I assembled the principal chiefs of the Upper Creek towns of Colome, Canaan, Corvale, and Forsytche, and communicated its contents to them; they all replied that they had long been very unhappy and miserable, without shelter or country; but that, at last, by the advice of a good friend, they had found one; that they all cheerfully adopted it, and were very grateful for the offers you had made them. These Indians amount to about eighty-seven, including women and children. I have settled that they should divide into two companies, and they will set out as soon as your answer is received, which they think it prudent to keep, as you will, when informed of their acceptance of your offer, be enabled to give proper orders for their safety on their journey, and their avoiding any unpleasant rencontre with the Choctaws, who, if not duly informed of it, might attack them; in which case, the measures taken for the peaceful arrangements that we both have so much at heart would be defeated.

Opahi-hola, an Alabamian chief, on account of his age and infirmities, will remain here for the present with his family. I have given orders for his relief, and pledge myself for his good behavior.

You will always find me ready to unite with you in such measures as may be beneficial to our respective countries, and are conformable to existing treaties. I renew the assurances of my respect, and pray God to preserve you many years.

JOSE MAZOT.

To Major WHITE YOUNGS.

No. 3.

[TRANSLATION.]

Copy of a letter from the Commandant of West Florida to His Excellency Andrew Jackson.

MOST EXCELLENT SIR: PENSACOLA, *May* 18, 1818.

On the 10th instant I received your letter of the 27th of April last, informing me that on board a small schooner despatched from this port for Appalache there were found several articles of clothing, such as are used by the United States troops, and which you suppose were taken in the boat in which Lieutenant Eddy was unfortunately cut off, together with his escort. You inquire of me how I became possessed of those articles of clothing; and you proceed to state that you regret the necessity which compels you to inform me that, from written and other

proofs obtained at St. John's, the quantity of American cattle found at St. Mark's, and the active communication kept up between the latter place and the hostile Indians, there appears sufficient ground to believe that they were encouraged and excited to this savage warfare against the United States by the Spanish officers. You add, that there exist positive proofs that the Indians were supplied with ammunition by the late commandant of St. Mark's; and you conclude by declaring that shelter and protection have been given at this place to the persons and property of the Indians who are in hostility with the United States, and have fled from the American territory; that these facts, and the refusal to allow the passage of provisions for the supply of your troops, fully evince the unjust conduct of the Spanish agent in the Floridas.

To these several charges I shall reply in their order, frankly, unreservedly, and unequivocally. The first relates to the articles of clothing found on board the schooner Maria, and detained on the presumption of their being the property of the United States. A part of these, as is proved by the copy No. 1, was purchased at New Orleans in May last, a part came from Havana, and part was bought here; all which being fully substantiated, the charge is consequently disproved, and your inquiry satisfactorily answered. The second is more serious, and refers to the conduct of the commandant of St. Mark's, at a recent period. I immediately demanded of him an account of his proceedings; his report of which is enclosed under the No. 2. But as I am desirous that you would bring forward unquestionable proof of the malconduct of that officer, I have to request you to furnish me with it, in order that, if his misconduct be established, he may receive condign punishment; hereby assuring your excellency, with that sincerity that belongs to me, that, in such event, he has acted entirely contrary to his instructions, and that, on receiving the evidence required, he shall be tried by a court-martial, and punished in an exemplary manner, according to the merits of the case. Your sense of equity will, however, satisfy you that the Spanish Government cannot be held responsible for the misconduct of its agents while it does not support them in it, nor tolerate their errors when proved. Your subsequent complaints are directed personally and pointedly against me, and relate to the shelter and protection alleged to have been afforded to the persons and property of fugitive Indians, and to the passage of provisions up the Escambia. The best mode of giving a satisfactory answer to these charges will be to offer you a brief and faithful statement of facts. With respect to the Indians, you have assuredly not been correctly informed; for, although some few remained permanently here, chiefly consisting of women and children, employed in supplying the inhabitants with fish, fuel, and other trifling articles, and had been living here long before the present war with the Seminoles, it is a fact that, when I sent round to assemble them for the purpose of communicating to them the proposal of Major Youngs, their whole number amounted but to eighty-seven; and surely the small proportion of men among them unarmed, miserable, and defenceless, could not be considered as objects of hostility to the United States; a proof of which was shown in the continual passage of American citizens to this place, travelling unarmed and alone, without a single instance of accident happening either to their persons or property. In regard to the passage of provisions up the Escambia, so far from suspending it, I facilitated it, as far as depended on me, even to committing myself; since, as a subordinate officer, I could not becomingly allow a proceeding which was not fully authorized: I therefore, in consideration of circumstances, took that responsibility upon myself, as I stated to your excellency in my letter of the 15th ultimo, by Major Perault, to which I beg your reference. But, with a view to the benefit of this place, by means of a free intercourse with the interior, I hereby declare that, in future, the merchants and traders belonging to it shall pass freely from hence to Fort Crawford, and other places on the frontier, and transport all necessary supplies, either by land or water; by which means it is to be expected they will be abundantly provided, and your excellency entirely satisfied.

In offering you these explanations and details, I flatter myself I have given so full and satisfactory an answer to your excellency's letter as to leave no doubt of the sincerity of my intentions, and at the same time to have presented a certain pledge that it is my earnest wish to contribute, by every means in my power, to the maintenance of the good understanding happily subsisting between our two Governments. God preserve you many years.

JOSE MAZOT.

To His Excellency ANDREW JACKSON.

Pensacola, 31st May, 1818. A true copy of the original deposited in the office of the secretary of the government of this province, under my charge.

CARLOS REGGIO.

The Secretary of State to Don Luis de Onis.

SIR: DEPARTMENT OF STATE, WASHINGTON, *August* 24, 1818.

I have received your letters of the 27th ultimo and of the 5th instant, with their respective enclosures, all of which have been laid before the President. With regard to the two vessels alleged to have been equipped at New York for the purpose of cruising under the flag of Buenos Ayres against Spanish subjects, the result of the examination which has taken place before a judge of the Supreme Court of the United States has doubtless convinced you that no prosecution commenced by the Government of the United States against the persons charged with a violation of their laws and their neutrality could have been necessary or useful to you, no transgression of the law having been proved against them.

It would be equally superfluous and unreasonable to pursue the discussion with you relative to the proceedings of the American commander-in-chief in entering Florida, and his conduct there, and to the misconduct of the Governor of Pensacola and of the commandant of St. Mark's in aiding and abetting the savage enemies of the United States, whom Spain had, by solemn treaty, bound herself to restrain by force from committing hostilities against them. But you will permit me to observe that the obligation of Spain was positive and unqualified, and that an attempt to evade its force by the allegation that Spain could not carry it into effect until she knew what hostilities they had committed, and the possible causes of or provocations to them, would be equally unwarranted by the express terms of the article, and by the intentions of the contracting parties to the treaty. The stipulation of Spain was, not to punish her Indians for murders committed upon the aged and the infirm, the women and children of the United States, but to restrain them by force from committing them; and the insinuation that the Indians themselves had been provoked to such atrocious acts would be as disingenuous on the part of Spain to escape from the sacred duties of her compact as it would be unfounded in point of fact.

The letter from General Jackson to the Governor of Pensacola, a copy of which was transmitted to you in mine of the 23d ultimo, and its answer, were written, not, as you allege, at the turbulent period of the late war between the United States and Great Britain, but, as their dates will show, more than a year after the conclusion of the peace. The fort had been built upon Spanish territory, under the sufferance of Spanish authorities, by British officers, during the war, for annoyance against the United States. After the peace it remained the stronghold of fugitive negro and Indian robbers and murderers, which the Governor of Pensacola, when summoned by General Jackson to destroy, alleged his inability to do it without reinforcement and further orders, which, as the event proved, were never received.

I have the honor to inform you that orders have already been forwarded to the commanding officers at Pensacola and St. Mark's to deliver up those places, conformably to the notice in my letter to you of the 23d ultimo, to the former Governor of Pensacola and commandant of St. Mark's, respectively, or to any person duly authorized from you or from the Governor General of the Havana to receive them.

I am further instructed by the President to assure you of the satisfaction with which he has seen, in the last paragraph of your letter, your expectation of being speedily enabled to make proposals containing the basis of a treaty which may adjust, to mutual satisfaction, all the existing differences between our two nations, and his earnest hope that this expectation, in the fulfilment of which this Government have confided, and adopted measures corresponding with it, may be realized at an early day.

I have the honor to be, with high consideration, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

BRISTOL, *September* 11, 1818.

SIR:

I have received your official note of the 24th of August last, in reply to mine of the 5th of that month and 27th of July preceding; and I coincide with you in opinion that it is superfluous to continue the discussion on the conduct of the American general in the invasion of Florida, since the simple knowledge of acts of this description and notoriety sufficiently indicates that justice which I am persuaded cannot be dissembled in the view of unprejudiced reason.

I shall, therefore, not dwell further on the well-founded arguments and documents I have produced in my notes on this subject; but, merely referring to them, I have to insist on, and demand of the Government of the United States, that most just satisfaction which I have already required of them, in the name of my sovereign, and is imperiously claimed by the integrity of his monarchy and the honor of his crown.

I immediately communicated to my Government the determination which you did me the honor to state to me, that orders had been given to the American commanding officers to deliver up the posts of Pensacola and St. Mark's to such Spanish authorities as might be duly appointed to receive them, that it may, on a knowledge of that fact, adopt the measures requisite to the case.

Anxiously desirous to see the basis of a treaty established to the satisfaction of both Governments, I await the result of the negotiation pending, as you know, at Madrid, (information of which must soon be received here,) that we may proceed in conformity to it; and, it being fully evinced that the King, my master, has the most earnest wish to do what may be agreeable to this republic, even to the diminution of his own interests, as far as is compatible with his honor and dignity, I doubt not that, in one shape or another, we may attain the most equitable mode of effecting a settlement on terms mutually satisfactory.

I reiterate the assurances of my distinguished consideration, and pray God to preserve you many years.

LUIS DE ONIS.

Extract of a letter from Mr. Erving, Minister Plenipotentiary from the United States in Spain, to Mr. Adams, dated

MADRID, *February* 10, 1818.

The King has lately made large grants of land in East Florida to several of his favorites, and I am credibly informed that, within these few days, he has, by a sweeping grant, given all the remainder to the Duke of Alagon, captain of his guards, and the Count of Punon Rostro, one of his chamberlains. This is, perhaps, his mode of preparing for a *cheap* cession of the territory to the United States.

Extract of a letter from Mr. Erving to Mr. Adams, Secretary of State, dated

MADRID, *February* 26, 1818.

The King has lately made large grants of land in the Floridas to several of his favorite servants. The enclosed papers (A and B) have been furnished to me as extracts from the deeds to the principal grantees—the Duke of Alagon, captain of the body guards, and the Count of Punon Rostro, one of the chamberlains. Mr. Vargas, treasurer of the household, has another grant. In fine, I am led to believe that His Majesty has given away the whole of the lands in that quarter which had not been previously granted.

A.

Al Duque de Alagon.

El terreno inculto que no se halla cedido en la Florida Oriental, situado entre las margenes de los rios Santa Luisa y San Juan, hasta sus embocaduras en el mar y la costa del Golfo de la Florida é islas adyacentes, con la embocadura del rio Hijuelos por el grado 26 de latitud, seguiendo su orilla izquierda hasta su nacimiento, tirando una linea á la laguna de Macao, bajando luego por el camino del rio de San Juan hasta la laguna Valdes, cortando por otra linea desde el extremo norte de este laguna hasta el nacimiento del rio *Amanima*, seguiendo la orilla derecha hasta su embocadura por los 28 y 25 de latitud, y continuando por la costa del mar, con todas sus islas adyacentes, hasta la embocadura del rio Hijuelos.

[TRANSLATION.]

To the Duke of Alagon.

All the uncultivated land not ceded in East Florida, which lies between the banks of the river St. Louisa and that of St. John, as far as the mouths by which they empty themselves into the sea, and the coast of the Gulf of Florida, and the adjacent islands, with the mouth of the river Hijuelos, in the twenty-sixth degree of latitude, following the left bank up to its source, drawing a line from lake Macao, and then descending along the road from the river St. John to the lake Valdes, crossing another line from the extreme north of said lake to the source of the river *Amurama*, following its right bank as far as its mouth, in the twenty-eighth and twenty-fifth degrees of latitude, and running along the seacoast, with all the adjacent islands, up to the mouth of the river Hijuelos.

B.

Al Conde de Punon Rostro.

Todas las tierras incultas que no se hallen cedidas en la Florida, comprendidas entre el rio Perdido al occidente del Golfo de Mexico y los rios Amaruja y el San Juan, desde Popa, hasta su desague en el mar por la parte del oriente; por el norte, la linea de demarcacion con los Estados Unidos; y al sur, por el Golfo de Mexico, incluyendo las islas desiertas en la costa.

[TRANSLATION.]

To the Count of Punon Rostro.

All the uncultivated land not ceded in Florida, comprehended between the river Perdido to the west of the Gulf of Mexico, and the rivers Amaruja and St. John, from Popa, until they empty themselves into the sea on the eastern side; by the north, the line of demarcation with the United States; and on the south by the Gulf of Mexico, including the desert islands on the coast.

Extract of a letter from Mr. Erving to Mr. Adams, dated

MADRID, *April* 5, 1818.

In my despatch No. 60, [of February 26,] I mentioned the grants of land in Florida lately made by the King of Spain to several of his courtiers, and enclosed extracts from those in favor of the Duke of Alagon and the Count of Punon Rostro. I have just now obtained a copy of that in favor of Don Pedro de Vargas, treasurer of the household, and it is herewith transmitted. I hope soon to be able to obtain full copies of the grants to Alagon and Punon Rostro.

EL REY:

Mi Governador y Capitan General de la isla de Cuba y su distrito, con fecha de veinte y cinco de Enero ultimo, me hizo presente Don Pedro de Vargas lo que sigue:

" Señor: Don Pedro de Vargas, cavallero de la real orden militar de Alcantara, tesorero general de la real casa y patrimonio de V. M., con el mas profondo respeto á vuestros reales pies, expone: Que ha una porcion de tierras vacantes y despobladas en el territorio de las Floridas, y deseando que si V. M. se digna premiar sus tales-quales servicios y las pruebas de lealtad que tiene dadas sea, sin el mas minimo gravamen del erario en perjuicio de tercero, como puede verificarse en el dia con algunas tierras de aquel pais, á V. M. suplica que por un efecto de su soberana piedad se digne concederle la propiedad del terreno que esta comprendido en la siguiente demarcacion, á saber: Desde la embocadura del rio Perdido, y su bahia en el Golfo de Mexico, seguiendo la costa del mar subir por la bahia del Buen Socorro y de la Mobila, continuar por el rio Mobila hasta tocar la linea norte de los Estados Unidos, y bajar por ella con una recta al origen del rio Perdido, y seguiendo por el rio de la Mobila abajo y la bahia de su nombre, volver por la costa del mar hacia al oeste, con todas las calas, entradas, y islas adyacentes que pertenecen á la España en la epoca presente, hasta llegar á la linea del oeste de los Estados Unidos; y volver por la del norte, comprendiendo todas las tierras valdias que corresponden ó pueden corresponder á la España, y estan en disputa ó reclamacion con los Estados Unidos, segun el tenor de los tratados, y asi mismo el terreno valdio y no cedido á otro particular que hay entre el rio Hijuelos en la Florida Oriental y el rio Santa Lucia, tirando una linea desde el nacimiento del uno al del otro, y seguiendo por la costa del Golfo de Mexico desde la embocadura del rio Hijuelos hasta la punta de Tancha, y doblando esta por la costa del Golfo de Florida hasta la embocadura del rio de Santa Lucia, con las islas y cayos adyacentes."

Enterado del contenido de esta exposicion, y atendiendo al merito de este sugeto y á su acreditado zelo por mi real servicio, como tambien á las ventajas que resultaran al estado de la poblacion de los citados paises, he tenido á bien acceder á la gracia que solicita en quanto no se oponga á las leyes de estos mis reynos, y comunicarlo al mio consejo de las Indias, para su cumplimiento, en real orden dada de Febrero proximo pasado. En su conseqüencia os mando y encargo, por esta mi real cedula, que con arreglo á las leyes que reglen en la materia, y sin perjuicio de tercero, auxilieis eficazmente la execucion de la expresada gracia, tomando todas las disposiciones que se dirijan á su debido efecto, como tambien al aumento de poblacion, agricultura, y comercio de las referidas posesiones, dando cuenta sucesivamente de su progreso; que asi es mi voluntad, y que de esta cedula se tome razon en la contaduría general de las Indias.

Fecha en Palacio á diez de Marzo de mil ochocientos diez y ocho.

YO, EL REY.

Esta rubricado por mandado del Rey nuestro Señor:

ESTEVAN VAREA.

Derechos: doscientos y quarenta reales de plata.

[Siguen quatro rubricas.]

Al GOVERNADOR Y CAPITAN GENERAL de la isla de Cuba y su distrito, para que disponga lo conveniente á que tenga efecto la gracia concedida á Don Pedro de Vargas de varios terrenos situados en las Floridas, con lo demas que se expresa.

Corr'da: [Sigue una rubrica.]

Tomase razon en la contaduría general de America Septentrional, Madrid, trece de Marzo de mil ochocientos diez y ocho.

JOSEF DE TEXADA.

Esta rubricado; derechos gratis.

[Hay una rubrica.]

[TRANSLATION.]

THE KING:

My Governor and Captain General of the island of Cuba and its district, Don Pedro de Vargas, under date of the 25th of January last, manifested to me as follows:

"Sire: Don Pedro de Vargas, knight of the royal military order of Alcantara, treasurer general of the royal house and patrimony of your Majesty, with the most profound respect, at your royal feet, exposes: That there is a quantity of vacant and unpeopled land in the territory of the Floridas, and desiring that if your Majesty shall deign to reward his passable services, and the proofs which he has given of his loyalty, it may be without the least burden on the public treasury, or in prejudice of any third person, as may be done at present by some lands of that country, he beseeches your Majesty that, by effect of your sovereign goodness, you would deign to grant to him the property of the land which lies comprised within the following limits: that is to say, from the mouth of the river Perdido, and its bay in the Gulf of Mexico, following the seacoast, and ascending by the bays of Buen Socorro and of Mobile, continuing along the Mobile till it touches the northern line of the United States, and descending by that in a right line to the source of the river Perdido, and following the river Mobile in its lower part, and the bay of that name, returning by the seacoast towards the west, comprehending all the creeks, entries, and islands adjacent, which actually belong to Spain, till it reaches the west line of the United States: then, returning by their northern line, comprehending all the waste lands which belong, or may belong to Spain, and which are in dispute or reclamation with the United States, according to the tenor of the treaties; and, also, all the waste land not ceded to any other individual, which is between the river Hijuelos, in East Florida, and the river St. Lucia, drawing a line from the source of one river to the source of the other, and following, by the coast of the Gulf of Mexico, from the mouth of the Hijuelos to the point of Tancha, and, doubling this, by the coast of the Gulf of Florida, to the mouth of the river St. Lucia, with the islands, &c., adjacent."

Considering the contents of this exposition, and attending to the merit of the individual, and his accredited zeal for my royal service, as also to the advantages to result to the state from peopling the said countries, I have thought proper to accede to the favor which he solicits, in as far as it be not opposed to the laws of these my dominions, and I communicated it to my Council of the Indies, for its fulfilment, in a royal order of 2d of February last. Consequently, I command and charge you, by this my royal scroll, (*cedula*,) that, conforming to the laws which regulate in these affairs, and without prejudice to third persons, you efficaciously aid the execution of the said grant or favor, taking all the measures which may conduce to its due effect, as also to the augmentation of the population, agriculture, and commerce of the aforesaid possessions, giving account, from time to time, of the progress made; for this is my will, and that due notice shall be taken of this *cedula* in the Accountant General's Department of the Indies.

Dated at the Palace, March 10, 1818.

I, THE KING.

It is rubricated by order of our lord the King:

ESTEVAN VAREA.

It is rubricated—fees two hundred and forty reals of plate.

[Here follow four signatures.]

To the GOVERNOR AND CAPTAIN GENERAL of the island of Cuba and its district, that he may do what is suitable, to the end that the favor granted to Don Pedro de Vargas of various lands situated in the Floridas, and other things therein mentioned, may have effect.

Registered:

[Here follows a signature.]

Taken notice of this in the Department of the Accountant General of the Indies, Madrid, March 13, 1818.

JOSEF DE TEXADA.

It is rubricated: fees gratis.

[Here is another signature.]

Extract of a letter from Mr. Erving to Mr. Adams, dated

MADRID, *April* 26, 1818.

I perceive that Mr. Pizarro would be very glad to terminate it [the negotiation] here. In the mean time, I shall continue to work with him, to the end that his communications to Mr. Onis may be made as favorable as possible to a prompt adjustment of it at Washington. In this view, I asked him yesterday what had been said respecting Florida. He answered vaguely; but I perceived that there was some question of passing it to the United States in compensation for the claims. I therefore begged him to prepare, in his instructions to Mr. Onis, for a difficulty which must certainly arise if any "transaction" of that kind should be proposed; that the claims in question would probably be liquidated by the United States, in such form, by commission or otherwise, as might be most convenient to themselves; but that, finally, they must be paid out of the sale of the lands. Now, the King had lately given all those lands away, (as I had duly informed my Government;) to complete the "transaction," it would, therefore, be absolutely necessary that the whole of those grants should be cancelled. Mr. Pizarro here held me a long discourse about sovereignty, territorial property, &c. &c. I told him that we had no difference of opinion about those distinctions, and the other matter connected with them, but that his error was in supposing that we meant to pay for the sovereignty only. We did not estimate that so highly as he imagined. I enlarged very much upon whatever relates to these points, and brought him to consent that these grants *might* be cancelled, and indemnity given to the grantees in New Spain, or elsewhere: I say "brought him to consent"—I mean that he said enough to convince me that there will be no difficulty on this head. I am not so certain that I have induced him to send, by this courier, such instructions on it to Mr. Onis as may render another reference to his Government unnecessary; but I propose to see him again to-morrow, and to re-urge the matter.

Extract of a letter from the same to the same, dated

MADRID, *May* 14, 1818.

In my last private letter (which was dated April 26) I related to you what passed between Mr. Pizarro and myself upon the subject of the grants of lands in the Floridas, lately made by the King, and I mentioned that I should see him the day following, and endeavor to press my opinion on that point in such way as, if possible, to obtain

that he might in advance instruct Mr. Onis in conformity to it. I saw him on the 27th, as I proposed, before the departure of his courier; whether I produced the desired effect, or not, I cannot positively say; but, immediately after, he wrote to the Council of the Indies, in consequence of which the council sent orders to the Duke of Alagon and the Count de Punon Rostro, directing them not to make sales of the lands granted to them: this fact, which I had received through a private channel, I ascertained yesterday in conversation with Mr. Pizarro. I cannot find that the council has written to the other grantee, Vargas, but Mr. Pizarro said that it should have done so. Be that as it may, all sales made by the grantees are, *ab initio*, void, by the laws of the Indies; there are obligations, also, of a very onerous kind, imposed by those laws on all grantees, calculated, in fine, to produce the objects which such grants have in view, viz. the population and cultivation of the territory—obligations which grantees of large tracts (under a prohibition to make sale) cannot possibly fulfil; least of all such grantees as these, who, besides not having a cent, are overwhelmed with debt.

Extract of a letter from the same to the same, dated

MADRID, *June* 12, 1818.

He [Mr. Pizarro] then entered into the principal matters in question, and, first, spoke of the limits on the side of Florida. He concluded this subject by saying that though the King, with a desire to accommodate himself to the views of the United States, had concluded to make the cession, and to make it as valuable as possible to the United States, as I had seen in the promptitude with which he had acted on my suggestion, and given orders to the Council of Indies relative to the late grants, (as particularly communicated to you in my private letters of May 14,) yet His Majesty was fully aware that the value of the public lands in the territory to be ceded would be infinitely beyond what the United States could demand under the head of indemnities; hence, it was reasonable to expect that the difference should be made up to him by concessions on the other side.

[TRANSLATION.]

Don José Pizarro to Mr. Erving.

PALACE, *July* 8, 1818.

The First Secretary of State has the honor of transmitting to the minister of the United States the copy of a paragraph of a note of the 7th of February, 1803, (and propositions which accompanied it,) to Don Pedro Cevallos; and he avails himself of this occasion to repeat the assurance of his consideration.

Copy of some paragraphs of a note directed to Don Pedro Cevallos, on the 7th February, 1803, by Mr. Charles Pinckney, minister of the United States.

To obtain this, they have authorized me to say that, should His Majesty be now inclined to sell to the United States his possessions on the east side of the Mississippi, or between that and the river Mobile, (agreeably to the propositions enclosed,) the United States will make to His Majesty, and I do now make, in their name, *the important offer of guarantying to him and his successors his dominions beyond the Mississippi.*

Propositions on the part of the United States.

1st. The United States will purchase the possessions of His Catholic Majesty on the east side of the river Mississippi, for which they will pay —— dollars.

2d. They will purchase these possessions, for which they will pay —— dollars; and, moreover, guaranty to His Majesty and his successors his possessions beyond the Mississippi.

3d. They will purchase the country between the rivers Mississippi and Mobile, belonging to His Catholic Majesty, and also places of deposite near the mouths of the other navigable rivers passing from their territory through either of the Floridas, for which they will pay —— dollars, or enter into other obligations which may be thought equivalent to the acquisition.

4th. If neither of these propositions can be acceded to, they will then purchase certain tracts of country on the banks of the Mississippi, and the other rivers passing from their territory into that of His Catholic Majesty, for which they will pay —— dollars, or enter into other obligations which may be thought equivalent to the acquisition.

Mr. Erving to Don José Pizarro.

SIR: MADRID, *July* 9, 1818.

I have had the honor to receive your excellency's note of yesterday's date, enclosing a paragraph from a note addressed to this Government *on the 7th of February*, 1803, by Mr. Pinckney, at that time minister of the United States at this court, together with certain proposals of the same minister, to which the paragraph cited refers.

Though I find that these proposals are as explicit in their form as your excellency in conversation stated them to be, yet I also find, as I presumed, that they were not made or renewed by the special mission which treated with Mr. Cevallos in the year 1805, and that they do not affect and cannot receive any application to the great questions now under consideration. They, in fact, offer the United States as guarantee of His Majesty's possessions on the right bank of the Mississippi, in part consideration for cessions which he was to make of the whole of his then possessions, or certain districts of them to the eastward of that river; but posterior to this offer, namely, on the 30th *April*, 1803, the greater part of the territory thus proposed to be purchased, and the whole thus proposed to be guarantied, passed into the possession of, and now make part of the United States. Thus the state of possession in that quarter having been changed, the motive to guaranty on one side, and the necessity to receive a guaranty on the other having ceased, all that passed upon the subject heretofore is as though it were obliterated from the records.

The only security which occurs to me as possible to be stipulated, under present circumstances, is that of the thirty leagues desert, which I mentioned in our two last conversations; and, in fact, this kind of material security in transactions between two great nations ought, according to my apprehension, always to have the preference over the other kind of stipulations: for, though such stipulations should be most religiously observed, even in the extreme cases wherein, by the universal practice of nations, they are deviated from or altogether dispensed

with, yet, in the still greater extremity of war, they cease to be binding, of course, and cannot be renewed but after the war, and then the inducement to renew them may have ceased; whereas the material security of which I speak always remains. War does not cultivate deserts, but it makes them. However, these and other important considerations belonging to the subject will be duly deliberated on by His Majesty's Government. I can only say that, if my suggestion should be adopted, I shall be ready to put it into form, and with that I consider that the only great difficulty to a happy termination of our differences is removed.

I renew to your excellency assurances of my very distinguished consideration.

GEORGE W. ERVING.

[TRANSLATION.]

Don José Pizarro to Mr. Erving.

SIR: PALACE, *July* 9, 1818.

In several late conferences with you I have had the honor to manifest to you the regrets of His Majesty that it had not been possible yet to terminate the discussions depending between the two Governments, as His Majesty flattered himself might be done in consequence of the instructions given to his minister plenipotentiary, especially since on the part of the King there had not been, nor is there, any objection to carry into effect the arrangement of the indemnities reciprocally claimed by Spaniards and Americans; nor to proceed to the settlement of limits upon grounds conforming to the treaties and to continual and uninterrupted possession; nor for Spain to cede to the United States the two Floridas for a reasonable equivalent exchange in territory to the west of the Mississippi; nor, finally, in case of not being able to come to accord on all the pending questions, and especially those of limits, to refer to the arbitration or mediation of one, two, or more Powers, friends of both parties, without preventing, after the limit which should appear to be just should be settled by such arbitration or mediation, that we should proceed to effect, by means of the same mediation, or without it, if it should accommodate the United States, an exchange of the two Floridas for equivalent territory to the west of the Mississippi.

The King thought of this arbitration as the most certain and prompt mean of terminating the discussion of limits, each party exposing before the arbitrating or mediating Powers the titles or grounds on which it rested its rights and pretensions; and he has not been able to change his opinion on seeing the answer given upon this point by the Secretary of State of the United States to Don Luis de Onis; for, in the proposal made by that minister plenipotentiary, by express order of His Majesty, respecting said mediation or arbitration, there has not been, nor is there, question, as Mr. Adams seems to suppose, of inviting the United States to take part in relations or ramifications belonging to any interests of the European Powers, nor in what he calls the labyrinth of their politics, but merely that one or more impartial Governments, friendly to both parties, should take cognizance of the data of fact and right on which they found respectively the demarcation of limits which each pretends to substantiate; which measure is, in effect, the same as that which the United States adopted in its last treaty with Great Britain for adjustments of a similar kind, there being no other difference between the two cases but in the greater or less importance of the territories in dispute.

In this state of things, and His Majesty animated with the most efficacious desire to employ whatever means are in his power to terminate satisfactorily all and every one of the points in question, I represented to His Majesty that you and I, in our late conferences, had been of opinion that it might contribute to facilitate the arrangement of those points on which, hitherto, both Governments have not been able to come to accord, to carry forthwith into effect that on which they are already agreed—that is, the settlement of the reciprocal indemnities of Americans and Spaniards which were the object of the convention of 1802, for which only was wanting the ratification on the part of Spain, suspended for reasons and by circumstances which are notorious. The King instantly applauded this suggestion of mine and yours, and, desirous of giving to the United States efficient proofs of his desire of an arrangement on all the points, commanded me immediately to draw out a ratification of the said convention of August 11, 1802, to be sent to Don Luis de Onis, to the end that he may present the same, and exchange it for that of the United States; and I have the honor to enclose the adjoined copy for your due information.

The termination of this point, already agreed on, in no respect can embarrass the ulterior progress of the negotiation upon the others; and if Don Luis de Onis, pursuant to his first instructions, or to the explanations which subsequently on two occasions have been given to him, or because the Government of the United States has reduced its demands to terms more compatible with the rights of Spain, shall, on the arrival of said ratification, have already settled this point conjointly with the others, there will not therefore result any kind of embarrassment or contradiction, since the recognition of the reciprocal indemnities between Spaniards and Americans, and the mode of liquidating them, (the only objects comprehended by the convention of 1802,) will always have to enter in the new arrangement which may have been effected, or may take place; and only in the manner of paying the debt which shall result from the liquidations made can there be or arise hereafter any altercation, in case the territorial arrangements should be combined with the other indemnifications.

His Majesty hopes that the United States will see in this measure a proof of his friendly dispositions, and, if he may flatter himself with others equal and reciprocal on the part of the Government of the United States, he does not doubt that shortly will disappear the difficulties which hitherto have opposed themselves to the desired arrangements. The political, commercial, and territorial interests of the United States and Spain are not opposed to each other; extraneous circumstances, and independent, perhaps, of the will of both Governments, have been able to complicate and embarrass their political relations: a sincere desire to understand each other, and to approximate cordially, each ceding something of that which he supposes that he has a right to exact of the other, may, perhaps, be the commencement of a new order of things, in which the Government of Spain and that of the United States, far from occupying themselves in disagreeable discussions, will mutually contribute to augment the prosperity and well-being of both nations.

No occupation will be to me more agreeable than that of employing my weak efforts in serving the King, my master, in so interesting an object; and I should not do the justice which I owe to your rights, and conciliatory and friendly dispositions, if I were not persuaded that you will lay the whole before your Government in the same temper.

As Don José Martinez, who came from the United States last month with despatches from Don Luis de Onis, is to return thither, I notify you thereof, that you may, if you please, profit of this opportunity to send yours to that country.

I renew to you, &c.

JOSE PIZARRO.

Copy of the ratification given by His Catholic Majesty to the convention settled on the 11th of August, 1802, between Don Pedro Cevallos, First Secretary of State and Despatch, as plenipotentiary of Don Carlos IV., and Mr. Charles Pinckney, as plenipotentiary of the United States of America.

Whereas, on the 11th day of August, 1802, there was concluded and signed in Madrid, between Don Pedro Cevallos, First Secretary of State of the King, my august father and lord, and Mr. Charles Pinckney, minister plenipotentiary of my great and good friends the United States of America, competently authorized thereto by their respective Governments, a convention, which had for its object the reciprocal indemnity for losses, damages, and injuries which had accrued during the war then concluded, in consequence of excesses committed by individuals of both nations against the law of nations or the existing treaty; and no determined time having been fixed for the correspondent ratification, the said convention was ratified by the President of the United States, with consent of the Senate of the same, a year and a half after its conclusion; and on the part of Spain the ratification was further deferred, on account of the desire manifested to regulate at one and the same time, not only the points determined on by the said convention, but also those which had remained undecided on in the same, and others of a different nature, though of not less importance, which could not take effect on account of posterior occurrences in Spain, which are quite notorious; and I, now considering that in the present circumstances to carry forthwith into pure and due effect the stipulations of the said convention of 11th August, 1802, far from impeding the course and desired termination of the other questions depending between the two Governments, may contribute to facilitate the most prompt and satisfactory arrangement of all of them, and having seen and examined the said convention, which contains seven articles, the form and tenor of which is as follows:

[*Here the convention is copied.*]

Therefore have concluded to approve and ratify whatever the said convention contains in its seven articles, as in virtue of these presents I do approve and ratify, in the best and most ample form that I can, promising, on the faith and word of a King, to fulfil it and observe it, and to cause it to be fulfilled and observed, wholly, as though I myself had made and signed it. In testimony whereof, I have ordered to be despatched the present, signed with my hand, sealed with my secret seal, and attested by my underwritten Councillor and First Secretary of State and Despatch. Given in Madrid this 9th of July, 1818.

YO, EL REY.

Subscribed: JOSE PIZARRO.

Mr. Erving to Don José Pizarro.

SIR: MADRID, *July* 16, 1818.

It was not till the evening of the 13th instant that I had the honor to receive your excellency's note of the 9th, communicating to me a copy of His Catholic Majesty's ratification of the convention made between the United States and Spain on the 11th August, 1802.

In the late conferences which I have had with you, I have received with great satisfaction the assurances which you have given to me of your sincere desire to terminate, by a general arrangement, all the questions in discussion between our two Governments. I do full justice to the conciliatory dispositions of your excellency, and am persuaded that the pressing importance of such an adjustment has not escaped your enlightened mind; but, however painful may be the disappointment of His Majesty at finding that a favorable conclusion to the negotiations has not resulted from the instructions heretofore sent to Don Luis de Onis, I cannot but remind you that I have not omitted to assure His Majesty's cabinet, through you, that those instructions would be found to be wholly inadequate to the object. The causes of their failure are so perfectly apparent in the correspondence between the minister and the Secretary of State of the United States, which by order of the President has been laid before Congress, that I may be excused from entering further into the matter.

I receive with pleasure whatever may contribute to the great object in view; and though the convention of 1802 embraces but a portion of the claims of the United States of the same nature, yet, considering it as a preliminary to a similar adjustment of the whole of such claims, as well as of those for French spoliations specially reserved by it, and trusting that it may, as your excellency hopes, lay a foundation for an amicable settlement of the territorial questions now in discussion, I have lost no time in transmitting a copy of your communication to my Government.

I understand, also, with your excellency, that this ratification can be no obstacle to any general transaction on the whole of the matters in dispute which may be hereafter made, and that it is not to interfere with, but to be made wholly subordinate and subservient to, whatever arrangement Mr. Onis may possibly have entered into with my Government, in pursuance of the instructions which you have lately sent to that minister.

I desire to avail myself of your obliging offer to transmit my despatches for the United States by Don José Martinez, and request that you will be pleased to inform me when that gentleman will leave Madrid.

I renew to your excellency assurances of my very distinguished consideration.

GEORGE W. ERVING.

[TRANSLATION.]

Don José Pizarro to Mr. Erving.

SIR: SACEDON, *July* 19, 1818.

In one of our late conferences I had the honor to state to you anew His Majesty's readiness to cede both of the Floridas to the United States, the acquisition of which appeared to be so essential to the growth and prosperity of the American Union, in consideration of a suitable equivalent to be made to His Majesty in a district of territory situated to the westward of the Mississippi. In adverting to the great importance of this cession, I was naturally led to recall to your recollection the contents of different notes addressed by the minister of the United States, Mr. Charles Pinckney, to His Majesty's Government upon this subject, and particularly of that of the 7th of February, 1803, in which, having earnestly solicited, as he had already done in several preceding notes, the decision of His Majesty to sell to the American Government both Floridas, or at least *that part of West Florida lying between the Mississippi and the Mobile*, he offered formally, in the name and on the behalf of the United States, not only to pay in money the value of the territory so ceded, but that the United States, in case the said cession should take effect, would further guaranty to the King and his successors his dominions situated beyond the Mississippi. The cession of the two Floridas being one of the objects contemplated in the proposed adjustment, I stated to you that the contingency appeared to have approached, in consideration of which the formal offer had been made to His

Majesty, on the part of the United States, of the guaranty of his dominions situated beyond the Mississippi, or otherwise beyond the western boundary line, to be agreed upon in the final adjustment; the guaranty of which, forming a part of the stipulations of that adjustment, would, in my opinion, be a more effectual means of facilitating the final conclusion of the points depending, not only from its essential importance, but as being the most conclusive evidence of a desire on the part of the United States to preserve and perpetuate a good intelligence with the Government of Spain; and the more agreeable to His Majesty, as being a spontaneous offer of the United States, on whose behalf the proposition was formally made without any previous transaction or request on the part of the Spanish Government.

Upon which you were pleased to state to me that you had no previous knowledge of the said offer of a guaranty being made by your predecessor on behalf of the United States, which you attributed to the dispersion and loss of a considerable part of the archives of the American legation at the time of the invasion of the French. I then offered to furnish you with a copy of the proposals made by Mr. Pinckney, and of that part of the note of 7th February, 1803, which enclosed them and specified their object; which copies were sent to you on the 8th instant.

In your answer of the 9th, you were pleased to acknowledge the receipt of those copies, and at the same time you had the goodness to enter into the subject-matter, not only on the particular point of the proffered guaranty, but you also offered other observations connected with the matters depending between the two Governments, the adjustment of which is so interesting to both countries.

In adverting to your observations, you will permit me to remark that I cannot agree with you so far as to persuade myself that the guaranty offered to His Majesty by the United States, on the 7th of February, 1803, in case of his disposition to sell to them the Floridas, or a part of West Florida, was confined to the guaranty of the left bank of the Mississippi, or of Western Louisiana, as you conceive; and that the United States having acquired the whole of Louisiana by the treaty of the 30th of April, 1803, and the territory offered to be guarantied having been severed from His Majesty's dominions, the said offer had been annulled, or become extinct of itself, or by the want of its particular object.

If you will take the trouble to examine attentively that offer and the proposals accompanying it, (for which purpose I think it proper to enclose a copy of the whole note of the 7th of February, 1803,) you will distinctly see that what the United States offered to guaranty to His Majesty was not the right bank of the Mississippi, but *his dominions situated beyond* the Mississippi—*his dominions beyond the Mississippi*, as expressed in the said note, or *his possessions beyond the Mississippi*, as expressed in the proposals. A proof that that offer embraced generally all the dominions of His Majesty in America, or at least on the continent of North America, is the great importance attached in the same note to the offer, which would have been not only unimportant, but delusive and of no value, if applied to the western bank of the Mississippi; which, independent of its being sufficiently guarantied by its local position, had been, as was well known in February, 1803, retroceded to France some three years before, and that Mr. Monroe was at Paris, or on his way thither, to acquire it from France, whose sovereignty was already acknowledged by the United States. It is, therefore, evident that the guaranty offered must have been of the territories on the North American continent belonging to His Majesty, to the westward of the Mississippi, and of Louisiana, which no longer belonged to Spain at the time the said offer was made; and nothing so clearly evinces the understanding of the United States and of Mr. Pinckney as the very expressions employed by him in his note to prove the magnitude of the offer. He says: "The immense importance of this offer to the Crown of Spain merits the serious consideration of His Majesty and his ministers, when we reflect that no other nation can make an offer so highly advantageous. It is one which the United States would never have decided on making, but from a conviction that the territories they now solicit of Spain are indispensably necessary to them." You can judge how far these expressions were applicable in February, 1803, to the guaranty of the right bank of the Mississippi, which no longer belonged to His Majesty since 1800, which was retroceded to France, and the acquisition of which by the United States was then negotiating at Paris, by Mr. Monroe; and whether their obvious and literal meaning and the magnitude of the object of the guaranty could be applicable to any thing other than that of all the possessions of His Majesty in America, or at least of the dominions of Spain on the continent of North America westward of the Mississippi, in exchange for the advantages which the United States contemplated on deriving by the purchase of the two Floridas, or at least that part of West Florida lying between the Mississippi and the Mobile. You cannot, therefore, be surprised that, as His Majesty is now deliberating on a general adjustment with the American Government, including an article by which it is proposed to cede the two Floridas to the United States for a suitable equivalent to the westward of the Mississippi, he should advert to the formal offer of a guaranty made by the United States, for this special purpose, of his dominions and possessions beyond the Mississippi, (that is, beyond the western line stipulated in the same general adjustment,) as the boundary between the American territories and those of His Majesty on the continent of North America.

In consequence of the above-mentioned note of Mr. Pinckney, and the communication made to His Majesty's Government by the Government of the United States on the 7th of February, 1803, I deem it necessary further to remark that, in 1803, nearly three years after His Majesty had ceded back Louisiana to France, and when Mr. Monroe was about concluding the purchase of Louisiana at Paris with the Government of Bonaparte, the American Government admitted, in the most formal manner, that the territory situated between the Mississippi and the Mobile belonged to His Catholic Majesty, and formed a part of West Florida, and not of Louisiana, as it has since been wished to be supposed, His Majesty having been violently deprived of the peaceful possession of the same, during his absence from the kingdoms. You will be pleased, sir, to recollect that while Mr. Monroe was negotiating the purchase of Louisiana at Paris, in 1803, Mr. Pinckney at Madrid solemnly offered the King of Spain the guaranty of his dominions beyond the Mississippi, in case His Majesty would agree to sell to the United States *at least the territory lying between the Mississippi and the Mobile belonging to His Catholic Majesty*—THEY WILL PURCHASE THE COUNTRY BETWEEN THE RIVERS MISSISSIPPI AND MOBILE BELONGING TO HIS CATHOLIC MAJESTY. It is impossible more explicitly to acknowledge the sovereignty of His Majesty over that territory, in addition to the acknowledgment implied by the very act of applying to the King for the purchase of it, since no one purchases but of the owner of the object wished to be purchased. If the territory in question had belonged to France as an integral part of Louisiana, would it not have been more natural that Mr. Monroe should have negotiated the purchase of it at Paris, where he then was, than that Mr. Pinckney should have solicited it at Madrid at the same time? His Majesty, therefore, taking into consideration the important fact that his right of sovereignty to the said territory remains unimpaired, notwithstanding his being dispossessed of the same under well-known circumstances, he cannot omit to declare, on all occasions, that it never has been nor will be his intention to relinquish his claim to his rights in that quarter, while he is at the same time willing, by means of a suitable arrangement in the proposed adjustment, or for a satisfactory equivalent, to cede the said territory, together with the rest of the Floridas, to the United States, as well from a desire to meet their wishes, as from a conviction of its importance to the American Government, as was formerly stated in the strongest terms by Mr. Pinckney in his note just referred to.

You are pleased to point out in your note, as a mode for settling the question of boundaries more certain than that of any guaranty, the establishment of a desert of thirty leagues between the frontier of Louisiana and that of

the Spanish possessions. Although His Majesty has a due respect for the good faith and strict punctuality of the American Government, yet he does not perceive any security preferable to the guaranty, nor that there would be any difficulty in connecting the one with the other; and, with a view to avoid disagreements on the frontiers, in stipulating the establishment of such a desert, provided both Governments could agree on the requisite measures for preventing this intermediary desert from being converted into a rallying point for adventurers and banditti, where they might exercise their pernicious activity in disturbing the peace of His Majesty's dominions as well as that of the United States. But the principal difficulty still subsists, namely: that although the establishment of this desert might be considered expedient, yet we may not agree on the exact line of division, keeping in view the rights of each party to the territory west of the Mississippi, and to that which ought to afford to His Majesty in that quarter an equivalent for the two Floridas, which are proposed to be ceded to the United States in consideration of such equivalent.

If I rightly comprehend your verbal communications relative to the establishment of this intermediary desert, I persuade myself that the understanding is, that the thirty leagues intended to be comprehended in it will be fixed to the eastward of the bay of St. Bernard; and, under the impression that in your note of the 9th instant you offer to enter into official explanations upon these subjects, I invite you, in the name of union and good understanding, to be pleased to present them to me; since, although I consider the communications which you had the goodness to make to me in your above-mentioned note as important, I hitherto conceive them to be only verbal communications resulting from the intimation you were pleased to give me. I therefore hope that you will be so good as to present its contents in a more formal shape, in the expectation that the employment of your talents and good wishes, combined with my earnest endeavors, may finally terminate these painful disputes on principles mutually honorable and satisfactory.

I avail myself of this occasion to renew to you the assurances of my very distinguished consideration, and I pray God to preserve you many years.

JOSÉ PIZARRO.

Extract of a letter from Mr. Erving to Don José Pizarro, dated

MADRID, *July* 22, 1818.

The convention had scarcely been ratified, when I was alarmed by information, which I received from a good source, that the King had rescinded the prohibition placed on the late grantees of land in Florida, as communicated to you by my private letter of May 14. On this occasion I wrote a confidential note to Mr. Pizarro, pointing out the evil to result from such a procedure. He replied to me in a way to tranquillize me, and to confirm my opinion of his good faith. Copies of that correspondence are herewith enclosed.

[TRANSLATION.]

Mr. Erving to Mr. Pizarro.—Private.

MADRID, *July* 18, 1818.

Your excellency will recollect that Messrs. Alagon, Punon Rostro, and Vargas were placed by an office from the Department of Indies under certain prohibitions relative to the lands given to them by the King. *Those prohibitions were considered by you and by me as annulling the grants;* on the importance of this measure we are already agreed. Now I am informed that Mr. Vargas has received another office from the same Department, (Indies,) by which office the difficulty with regard to him is removed; that is, he is actually free to sell the lands in question, or to profit of them, (always in conformity to the laws,) as may best suit him. I know not whether Messrs. Alagon and Punon Rostro have received similar offices: it is to be presumed. This news alarms me, because I foresee that this transaction will throw new difficulties in the way of the negotiation at Washington. It is in vain to expect that we shall arrive at a state of harmony without a transaction which shall embrace all the points in discussion. The cession of Florida must make necessarily an article in this transaction; and it is quite certain that the United States in such case cannot receive Florida as indemnity for its reclamations if all the cessions to individuals since the date of the convention (1802) are not annulled. According to a statement which I have just received through an indirect channel from Philadelphia, these reclamations may amount to the enormous sum of twenty-five millions of piastres.

The office written to Mr. Vargas is, I am persuaded, unknown to you, and cannot have resulted from our late accord relative to the convention; but your excellency will instantly perceive that it will take that character or appearance, and do infinite mischief. I have already informed my Government of what has passed between your excellency and me relative to the affair of Messrs. Alagon and others. Ought I at present to think that every thing is changed since the ratification? I cannot too much lament the results. I yet hope that I may have been badly informed relative to the fact in question, but I have my information from a person who is interested with Vargas, one to whom he had ceded a portion of his interest in the land, before he received the first office. Be it as it may, knowing your excellency is in good faith, and that the affair is worthy of your attention, I have thought it my duty to expose it to you.

Yours, with much respect and esteem,

GEORGE W. ERVING.

[TRANSLATION.]

Reply of Mr. Pizarro.

SIR: SACEDON, *July* 19, 1818.

I have just received your esteemed letter, which you addressed to me under yesterday's date, communicating to me your apprehensions respecting the alienation of the lands in Florida granted to several individuals. *I repeat to you all that I have said on this subject;* consequently, you may be tranquil, and I flatter myself that nothing will happen which can injure the negotiations with the Government of the United States, which ought to have been persuaded, long since, of the sincerity which directs the march and policy of the Spanish Government, and of its earnest desire of a happy termination of all the points in discussion, by means of a friendly arrangement.

I renew to you, &c.

JOSÉ PIZARRO.

Mr. Erving to Don José Pizarro.

MADRID, *July* 24, 1818.

SIR:

I had the honor to receive yesterday your excellency's note of the 19th instant, replying to mine of the 9th instant, which contains some remarks upon the proposals made to the Spanish Government by Mr. Pinckney, on the 7th February, 1803, and transmitted to me by your note of the 8th instant.

I declare to your excellency that, after the best consideration which I was able to give to those proposals, not having the archives of the legation to refer to, and correct my judgment whenever it might err, I was compelled to conclude that Mr. Pinckney was at that time uninformed of the retrocession of Louisiana to France, which had been previously made by Spain; on this hypothesis, I wrote to you on the 9th instant, and it will explain whatever may appear to you incongruous in that note. It was not possible for me otherwise to understand the offer made by Mr. Pinckney, because it was not possible to suppose that he had been authorized by the American Government, or that it had ever entered into his own imagination, to guaranty the possessions of His Majesty to the westward of Louisiana on both American continents, or even as far down as the isthmus of Panama; besides that, such a guaranty was beyond the power of the United States, and therefore not worth the acceptance of Spain. He meant, then, what was within the reach and competency of the United States—a guaranty of that part of Louisiana which is on the right bank of the Mississippi. This is made still more evident by the words he used—"beyond the Mississippi;" for in the other supposition, and had he been aware of the transfer of Louisiana to France, he would have said "beyond Louisiana." Again, is it to be supposed that he could be treating for the purchase of territory on the left bank of the Mississippi, within the limits of Louisiana, when he knew that the whole province had passed into the hands of France? for, whatever claims Spain may yet make to that territory, it could not but be known to Mr. Pinckney that in fact it was a part of Louisiana. The conclusion which I have made is still further and more particularly forced upon me by Mr. Pinckney's fourth proposal, which is thus:

4th. "If neither of these propositions can be acceded to, they will then purchase certain tracts of country on the *banks* of the Mississippi, and the *other rivers* passing from their territory into that of His Catholic Majesty, for which they will pay," &c.

What certain tracts on the *banks* of the Mississippi could be purchased of Spain after Louisiana had been transferred to France? What rivers, passing through the territory of the United States, went into those of His Majesty? This part of the argument is confirmed by what your excellency says in your last note, to prove to me that Mr. Pinckney meant to offer a guaranty of all His Majesty's possessions. You observe that he could have meant only those immediately on the west bank of the Mississippi, for that "such an offer had been not only unimportant, but vain and illusory, applied to the west bank; which, besides being sufficiently guarantied by its locality, *it was notorious in February*, 1803, *that it had been for three years then past retroceded to France.*" I say, then, that if this notoriety had reached Mr. Pinckney, he could not have mentioned the *banks* of the Mississippi as belonging to His Majesty, or have spoken of that and other rivers from the United States passing through his territory.

The opinion that Mr. Pinckney meant to guaranty all the possessions of Spain, you find to be confirmed by the great importance which he gives to that offer in the words which you quote from his note; but allow me to observe that, though he intended only a guaranty of that part of Louisiana which lies westward of the Mississippi, his proposal merits all the importance which he has given to it. Again: how could he pretend to offer to such a Power as Spain a guaranty of her possessions to the westward of Louisiana, knowing that the territory of such a Power as France interposed between the United States and the possessions to be guarantied? Such a proposal had been preposterous and offensive.

These observations render it unnecessary for me to reply specially to the inferences which your excellency is pleased to draw in favor of the Spanish pretensions to East Florida from the offers made by Mr. Pinckney; for those offers, even though they had not originated in an unacquaintance with, or a misapprehension of, the then state of affairs, cannot now impugn the right or affect the claims of the United States.

The context of Mr. Pinckney's note and proposals shows that he was then under an impression that His Catholic Majesty was yet master of Louisiana and the Floridas. He speaks of the banks of the Mississippi as he speaks of the Floridas, and equally acknowledges the sovereignty of His Majesty in both territories by proposing to purchase in both. But, whatever may have been his impressions, and whatever value might belong to such a kind of acknowledgment whilst Louisiana was in possession of France, these became of no importance after the province was transferred to the United States; for the claims of the United States do not rest upon the opinions of Mr. Pinckney, but on the transfer made by France.

I do but justice, then, to the good faith of the Spanish Government when I suppose that it declined Mr. Pinckney's offer because it had already disposed of the country proposed to be purchased, as well as of that proposed to be guarantied. I should not do justice to its political forecast if I could suppose that, being the sovereign of East Florida, it had declined to sell it for a reasonable equivalent in money, superadded to a guaranty ("immensely important," as Mr. Pinckney well says) of His Majesty's remaining possessions on that continent. With respect more particularly to the guaranty, whatever might have been the disposition of Mr. Pinckney, or even of the American Government, at the epoch referred to, your excellency must be sensible that the relative state of possessions is at this time so altogether different, that no motive sufficiently powerful can be found to induce the United States to enter into any similar obligation as to any portion of His Majesty's territories west of Louisiana.

Referring to a suggestion made in my last note, as well as in our two previous conferences, respecting a desert of thirty leagues, between the confines of Louisiana and the Spanish possessions, as a better security than a guaranty, your excellency is pleased to inform me that though His Majesty thinks that no security is better than a guaranty, yet he has no objection that the one kind should be added to the other; and, though the principal difficulty remains, that is to say, where this desert shall be established, your excellency invites me to put my suggestion in the shape of a formal proposal. I beg leave to remind your excellency that, in my note of the 9th, I have said that this plan of a desert is the only kind of security which occurs to me. It was not then my intention, nor can it be now, as you will observe by what is above said, to add this to any other kind of security; nor was it my intention to offer this, but upon the supposition that His Majesty's Government should consent to the Colorado as the western limit of Louisiana, not doubting but, that point agreed on, we should be able to arrange all the others with great facility. I have no hesitation in expressing myself to your excellency in writing explicitly and frankly, as I have always done in conversation; and nothing would make me so happy as to unite my most earnest efforts with yours, directed by your conciliatory temper and superior intelligence, to bring to an honorable and harmonious conclusion the differences which unhappily exist between our two countries.

My Government will never consent, upon any consideration whatever, to give any guaranty to His Majesty of any part of his possessions; but I will undertake, on its part, to stipulate that a desert shall be placed between his possessions and those of the United States, if by that means we can arrive at an accord with regard to the western boundary, as well as on all the other existing questions; and, whenever your excellency will inform me that the pretension to receive any other species of security is withdrawn, I will then state where I propose that this desert should be placed.

I renew, &c.

GEORGE W. ERVING.

[TRANSLATION.]

Don José Pizarro to Mr. Erving.

SIR: SACEDON, *July* 26, 1818.

It is some days since this Government has received intelligence, in an unofficial way, that the American troops, under the command of General Jackson, had entered His Majesty's territory in the Floridas, and stating that he had demanded the surrender of the Spanish fort of St. Mark at Appalache, the feeble garrison of which is said to have been surrendered to him as prisoners of war. Notwithstanding the circumstantial details of this intelligence, and the probability attached to them, from the recollection of what took place in 1810, in West Florida, to the westward of the Perdido, and more recently at Amelia island, His Majesty could not persuade himself, that at the very time when he was so zealously and faithfully promoting, as must be evident to you, the satisfactory termination of the negotiations pending between the two Governments, the generals and officers of the United States would conduct themselves in so hostile a manner, by violating and attacking, in a state of profound peace, the territories and establishments of a friendly Power.

But subsequent confidential advices which have been received of these occurrences, not only confirm the truth of former reports, but present circumstances of the most serious character respecting the violation of the Spanish territory, the capture of the fort of St. Mark, and the surrender of the garrison *as prisoners of war;* on which particular circumstance His Majesty finds himself under the necessity of demanding an immediate explanation of the Government of the United States. Information has also been received of an intimation of a most violent nature, made to the commandant of Pensacola by General Jackson, who seems to have taken an attitude indicating a determination to pursue the course of his unprovoked violences and aggressions.

The contrast presented by the moderate and friendly conduct of the Spanish Government with that of the American generals and officers in that quarter has excited feelings of the most painful kind in the mind of His Majesty; and as a final and solid arrangement can only be produced by the reciprocal combination of conciliatory dispositions on both sides, and as these dispositions do not appear, from a view of the facts and circumstances just alluded to, to be manifested by the United States, I have received His Majesty's commands to make this frank communication to you, in order that your answer may serve for his government upon the matter in question.

The King, nevertheless, entertains the hope that the American Government, actuated by those principles of justice which constitute the only real and solid support of all Governments, will not hesitate to disapprove proceedings which are not only repugnant to the laws of nations, and the principles which regulate the conduct of all civilized Powers, but, by the experience of all ages, not excepting our own, ultimately produce the most serious evils to those which commit them, or tolerate their commission. His Majesty, therefore, flatters himself that the Government of the United States, anxious to preserve its just reputation for good faith, will, in giving positive orders for the evacuation, by the American troops, of the fort of St. Mark and the whole Spanish territory, likewise take effectual measures to prevent the recurrence of similar proceedings, which, if authorized and countenanced, must inevitably produce a suspension of all negotiation.

Under this impression, I have to request that, if you are authorized to give any explanation upon these occurrences, you will communicate them to me for His Majesty's information; and, in case you are not, that you will have the goodness to transmit this communication to your Government, in order to obtain an answer which may fix His Majesty's ideas upon a subject of such high importance, and direct his views in relation to the definitive negotiation now carrying on, the prosecution of which must, in one way or other, be decisively influenced by the spirit in which these events are viewed by the American Government.

I reiterate to you, sir, the assurances of my distinguished respect, and pray God to preserve you many years.

JOSÉ PIZARRO.

Mr. Erving to Don José Pizarro.

SIR: MADRID, *July* 27, 1818.

I have had the honor to receive your excellency's note of the 22d instant, enclosing an entire copy of Mr. Pinckney's letter of February 7, 1803, adverted to, and intended to have been transmitted to me in your note of the 19th instant. On reading that letter, I remain confirmed in the opinion which I expressed to you in my reply of the 24th instant, that Mr. Pinckney could not have been aware, when he wrote it, of the retrocession to France which had been made by Spain. The manner in which he treats of the misconduct of the intendant at New Orleans, and of the necessity thence arising of the United States acquiring a permanent establishment on the Mississippi, leaves not a possibility of supposing that he was acquainted with the transfer to France. Evidently, according to his understanding, New Orleans belonged to Spain; he of course considered Louisiana as belonging to Spain: hence his proposal to purchase certain tracts of that colony on the east bank of the Mississippi; and if such a virtual recognition of the sovereignty of Spain at that time in East Florida, founded on an unacquaintance with facts, could be worth any thing, it were equally good as regards New Orleans, respecting which, indeed, it was more formal, for there he demanded the interposition of the sovereign's authority to remedy an evil arising out of the misconduct of the intendant.

I renew, &c.

GEORGE W. ERVING.

Mr. Erving to Don José Pizarro.

SIR: MADRID, *July* 28, 1818.

I have had the honor to receive your excellency's note of the 26th instant, stating the unofficial and confidential information which has been given to this Government respecting the conduct of General Jackson in Florida. Being now for a long time without advices from my Government, I am wholly unable to give the explanation which you require; but shall not fail, in pursuance of your desire, to transmit to the United States, without loss of time, a copy of your communication. In the mean while, if your excellency can see any prospect of terminating, by a friendly arrangement to be made, either here or at Washington, the negotiations pending between the two Governments, I trust that these reports can be no obstacle to its success. It ought to be presumed that my Government, whose just sentiments His Majesty is well persuaded of, has acted on sufficient motives; or that, if its officers have transgressed its orders, their conduct will be disapproved of. The outrages and violences practised on the persons and property of American citizens for many years past, by governors and other officers of His Majesty in his American colonies, in contempt of the rights of individuals, of the law of nations, and the existing treaty, have excited the

constant reclamations of the American Government, renewed by me in a note to you as late as the 12th instant. Does your excellency's reply to that note give the satisfaction required? Yet the moderation and conciliatory policy of my Government has never relinquished the hope of obtaining, by conciliatory means, a reparation of the wrongs which it has suffered; and these have never been taken as a ground for suspending negotiation. However, then, the facts now in question may prove to have been, I hope that they will not be made an impediment to such an amicable and prompt adjustment of all the points in discussion between the two countries as may remove all possibility of future collision, and lay the foundation of permanent friendship; and the less an impediment, as His Majesty having long since signified his disposition to cede Florida to the United States, the military operations which the United States may be forced to in the war made on them by the savages and others from that territory cannot be considered important as affecting the permanent interests of Spain.

I renew, &c.

GEORGE W. ERVING.

[TRANSLATION.]

Don José Pizarro to Mr. Erving.

SIR: PALACE, *August* 6, 1818.

I have received your esteemed note under date of the 28th of the last month, in reply to mine of the 26th of the same month, touching the positive, although as yet unofficial, information which this Government has respecting the entrance of the American army, under the command of General Jackson, into the Spanish territory, and the taking of the fort of St. Mark and its garrison as prisoners of war, with other circumstances as disagreeable as they are contrary to the laws of nations.

You are pleased to make known to me that you want information and instructions from your Government on this affair, and, consequently, that you are not in a situation to give me the explanations which His Majesty might desire; but I promise myself, from your good faith, that you will not fail, without loss of time, to communicate the contents of my note to your Government, that this new and unexpected obstacle which presents itself to the course of the pending negotiation may be removed. Led, no doubt, by the same desire which animates me, to arrive at the wished-for arrangement, you have believed that there could be no difficulty in the continuation of the pending negotiations, whatever may have been the nature of the occurrences in the Floridas; and, in support of this opinion, you are pleased to add, that inasmuch as the negotiation was not interrupted in consequence of any of the acts committed in former times by the Spanish authorities against the property and persons of American citizens, so neither ought it to be suspended in this case on account of the aforesaid events, of whatever nature they may have been. But I ask you to consider what an immense difference there is between the two cases. Partial violence or injustice, if it did take place against one or more individuals and their property, although it may indirectly fall upon and touch the Government to which they belong, and authorize it to set up claims, and even to ask indemnity, is not in any manner equal to the direct offence which is offered to the majesty of a sovereign, and that of the nation he governs, when his territory is invaded by an armed force, his fortified towns besieged and taken, and their garrisons made prisoners of war. These acts, essentially hostile, do not admit of any other explanation than the disapprobation of the conduct of the military chief who has committed them, and the evacuation of the invaded territory; and unless this is first done, it is incompatible with decorum and the dignity of the offended nation to continue other negotiations; for these are acts of political friendship, which must necessarily, at least, be very much cooled by the aforesaid excesses, until the Governments come to an understanding upon a point which is preliminary to friendship.

If the United States have continued the negotiations, notwithstanding any particular acts of violence which may have occurred, and for which the King has never refused to make satisfaction by legitimate means, Spain has given no less proofs of moderation on her part, by continuing the negotiations notwithstanding the invasion of West Florida in 1810, of the island of Amelia more recently, and the immense damages which the commerce and the subjects of Spain have sustained in consequence of the armaments made in the ports of the United States, in contravention of the laws of nations and the existing treaty. Without renouncing (for His Majesty never can renounce) the just claims and rights which he holds to be manifest on these points, he has continued the negotiation, although prompt justice has not been done to him on them; because the circumstances under which some of them took place may, without committing, in any great degree, the dignity of his august character, give room to hope for the arrangement of the whole of them, in the final decision of pending affairs. It is not so with the recent aggression which took place in the midst of peace and of negotiations; it was unprovoked, and was committed upon a territory to which the United States have never set up the least pretension, well or ill founded; and was the act of a considerable corps of the army, which, with all the apparatus of war, proceeded to besiege the forts, and to make prisoners of their small garrisons, who, in the confidence of peace, could only have been suspicious of an attack from some party of savage Indians.

The circumstance of His Majesty's having offered to the United States to exchange the Floridas for a reasonable equivalent, far from exculpating the irregular conduct of General Jackson, as you suppose, contributes to aggravate it beyond measure; because it is the height of violence and of insult to seize by force the very thing which, by legal and honorable means, through an exchange mutually beneficial, might have been promptly and easily obtained. His Majesty hopes, then, that the Government of the United States, on seeing the representation made to you by me, and that which will have been likewise made by his minister in Washington, will disapprove the conduct of General Jackson, and give orders for the evacuation of the Spanish territory; not only because the dignity of the King and the laws of nations require it, but on account of the interest which the American Government must feel in sustaining before the world the opinion of its good faith, by preserving without a stain that reputation which is as essential to Governments as to individuals.

Whilst this hope lasts, I shall have no objection to continue discussions with you upon all or any one of the points of the pending negotiation, as I have indicated in my other note of this date; but if the American Government, on being informed as to the conduct of General Jackson in Florida, should not disapprove it, by causing the territory of His Majesty to be evacuated, I do not see by what mode the prior and preliminary nature of this new occurrence can be conciliated with further discussions and negotiations, until that incident is terminated in a manner proper and corresponding with the character and dignity of both Governments.

I renew to you the assurances of my distinguished consideration, &c.

JOSE PIZARRO.

[TRANSLATION.]

Don José Pizarro to Mr. Erving.

SIR: PALACE, *August* 6, 1818.

In your two esteemed notes of the 24th and 27th ultimo, you were pleased to reply to mine of the 19th, relative to the guaranty of His Majesty's possessions, formally offered by Mr. Pinckney, minister plenipotentiary of the United States, and on their behalf, in the event of His Majesty's agreeing to sell or cede in any other manner to the United States the two Floridas, or that part of West Florida lying between the Mississippi and the Mobile.

The said cession being one of the objects of the pending negotiation which His Majesty contemplated making to the United States in consideration of a just equivalent, it was very natural that he should recur to the offer made to him by the American Government in this contingency, the accomplishment of which would tend to remove many difficulties, as affording an unequivocal proof that the United States still preferred those conciliatory dispositions which had produced that spontaneous offer on the part of the United States, and wholly unsolicited by His Majesty.

In replying to your note, it is not my intention to trouble you by engaging in a discussion of the opinion you have advanced, that the guaranty offered applied only to West Louisiana; and I shall merely recall to your attention that, in the year 1803, when more than three years had elapsed since the retrocession of Louisiana to France, this fact was so universally known that no one, either in Europe or America, could be ignorant of it. In addition to the treaty of 1800, a public and solemn act had been issued, under the sign-manual of His Majesty, in 1802, for the delivery of the colony to France; all the acts and publications of the Congress of the United States of the same year, (1802,) and the commencement of 1803, were full of the same subject; and the arrival of Mr. Monroe in Europe, for the purpose of purchasing the colony of the French Government, was matter of notoriety. How, then, could a public character, in the situation of Mr. Pinckney, be ignorant of a fact constantly referred to in the correspondence of his Government, and familiar to every one, even moderately conversant with politics, who would read the gazettes of the day?

It is therefore beyond a doubt that Mr. Pinckney knew that Louisiana belonged to France, and that the guaranty offered by him to His Majesty was that of his possessions on the continent of North America beyond the Mississippi, or to the westward of Louisiana—a guaranty the more interesting at that period, as the establishment on that continent of a great Power, like that of France, was the motive which appeared to give greater importance to the acquisition of the Floridas by the United States, and to the guaranty offered to Spain, as part of their purchase of them.

The contradiction which you conceive exists between this explanation and the terms employed in Mr. Pinckney's offer, is, in my judgment, entirely without foundation. All your difficulty consists in the inquiry, what were the places on the Mississippi that Mr. Pinckney might demand of Spain, which did not form part of Louisiana? or what was pointed out by him in the phrase "certain tracts of country on the banks of the Mississippi?" &c. To which I reply that they were Manchac, Baton Rouge, and the whole left bank of the river from Manchac to the river Iberville, which communicates with the lakes Maurepas, Pontchartrain, and Borgne. You likewise inquire what were the rivers which rise in the United States, and run through the Spanish territory? I reply that Mr. Pinckney pointed out, or, to speak more properly, expressly named, all those between the Mississippi and the Mobile, which rise beyond the thirty-first degree, and empty into the Gulf of Mexico, namely, the Amite, the Pearl, the Pascagoula, and the Mobile itself, together with other smaller intermediary streams. The territory watered by them was that which Mr. Pinckney wished to purchase of Spain at the time that Mr. Monroe was negotiating the purchase of Louisiana at Paris. This was, and is, the territory forming part of West Florida, as admitted by Mr. Pinckney; it is that which is expressly declared by the American geographer, Mr. Ellicott, to belong *to His Catholic Majesty after the acquisition of Louisiana by the United States;* and it is that which Spain continued in possession of, even after the delivery of Louisiana to France and to the United States, until she was violently dispossessed of it in 1810, during His Majesty's absence.

What is stated in Mr. Pinckney's letter, in relation to the proceedings of the intendant at New Orleans, by no means proves that that minister understood that Louisiana was still to continue in the possession of Spain, as it merely referred to a fact connected with the actual possession and exercise of jurisdiction, which Spain still preserved so long as the delivery of the colony to France was not actually carried into execution.

These points being established in relation to the afore-mentioned guaranty, its objects, and circumstances, His Majesty's attention has necessarily been called to the positive certainty which you appear to lay down in your answer, that the United States will not agree to any kind of guaranty, notwithstanding the offer above referred to; and to the demand you seem to advance, as a preliminary condition of your stating your ideas on the establishment of the intermediary desert or neutral territory between the possessions of the two countries, that His Majesty shall renounce all further pretensions in relation to the said guaranty.

The offer of it, as I have had the honor repeatedly to state, having been voluntarily made on the part of the United States, in contemplation of an event now under consideration, and it being one of the means best calculated to promote a final adjustment, His Majesty has also charged his minister in the United States to negotiate with their Government upon that point. It therefore appears to be unseasonable to give up this pretension, which you seem to require to enable you to explain yourself upon other points wholly unconnected with it; and, as I have not expressed to you that the said guaranty is to be a condition *sine qua non* of the definitive arrangement, although your Government objects to it, I do not at present see any inconvenience in your explaining yourself at once upon other points, as I have already invited you to do in my note of the 19th ultimo, without prejudice to what may be agreed upon between Don Luis de Onis and the American Government, as well in respect to the said guaranty as to the other objects of the negotiation.

I persuade myself that, in the present communication, as well as in those which have preceded it, you will discover fresh proofs of His Majesty's desire to conclude an arrangement upon terms mutually satisfactory; and I seize this opportunity of renewing to you the assurances of my distinguished respect.

I pray God to preserve you many years.

JOSE PIZARRO.

Mr. Erving to Don José Pizarro.

SIR: MADRID, *August* 9, 1818.

On the evening of the 7th, I had the honor to receive your excellency's two notes of the 6th instant.

It is not my intention to call in question the importance of those circumstances which you enumerate as of a nature to have rendered universally notorious, in 1803, the cession of Louisiana to France in 1800; but not having in my hands the correspondence of Mr. Pinckney with the Government of the United States, from which I might

be able to ascertain what knowledge he may have had on the subject; to what an extent and at what period he was instructed relative to the proposals which he made to Cevallos, I have been forced to conclude that such notoriety had not reached him, or that he was not aware of the true boundaries of Louisiana: It may have been, also, that notwithstanding the treaty of 1800, and notwithstanding the royal cedula of 1802, that minister may have doubted in 1803 of the *bona fide* transfer to France, seeing that the colony then still remained under the government of Spain. It is only by such suppositions that I can account for his proposing to purchase of Spain territories which had been ceded to France, and to guaranty territories of His Catholic Majesty on the west of the Mississippi, which could be no other than Louisiana; it not being possible for me to imagine that he intended any country beyond Louisiana, much less all the vast colonies of Spain.

I beg your excellency to observe, that it nowhere appears in Mr. Pinckney's communication that the acquisition made by France had given, as you conjecture, importance in the mind of that minister to the acquisition sought for by the United States: on the contrary, he is very explicit in the motives which he assigns for his offer; these arose out of the misconduct of the intendant at New Orleans, which had confirmed an opinion previously entertained in the United States, that it was absolutely necessary for them to acquire some permanent establishment on the east side of the Mississippi, or on the Mobile. To that end Mr. Pinckney asks for the whole of His Majesty's possessions to the eastward of the Mississippi, or for what is "*between that river and the Mobile.*" This proposal includes New Orleans, of course. And again, he speaks of the "*indispensable necessity of their* (the United States) *possessing a suitable establishment on that river*," meaning the Mississippi. Here also he alludes to New Orleans, or, if not, to other points within the territory of Louisiana. Now, though it should be allowed that Mr. Pinckney, as well as Mr. Ellicott, had fallen into the error of supposing that, after the cession of Louisiana to France, the whole of West Florida yet belonged to Spain, neither he nor Mr. Ellicott could have supposed that, after such cession, New Orleans belonged to Spain, or, indeed, any other such point on the Mississippi as Mr. Pinckney sought to obtain.

The replies of your excellency to these questions of mine, which you consider as constituting the principal force of my argument, but which offer to you no difficulty, only prove that our opinions, as to what districts are comprised within the limits of Louisiana, are at variance; and since they prove nothing more, I may be excused from now entering into the various reasonings by which either Government has supported its pretensions.

Your excellency supposes that Mr. Pinckney's negotiation was concurrent with that contemplated, and then on the point of being made, with the French Government, for the purchase of Louisiana; that it was therefore he sought to procure "places of deposite on the mouths of navigable rivers" passing through the Floridas. But, Louisiana purchased of France, Mr. Pinckney's great purpose to "secure to the citizens of one-half of the United States the certain means of exporting their products" was obtained. He wanted a "permanent establishment" on the Mississippi; he could not have desired a better than New Orleans. It was not by the acquisition of points of entrepot on such streams as the Amite, the Pearl, and the Pascagoula, and those intermediate, which are too diminutive to find a place on the chart, or a name, that Mr. Pinckney could have thought of effecting his object, "to secure to the citizens of one-half of the United States the certain means of exporting their products;" these were not the "*navigable rivers*" which he spoke of; he could not be desirous of obtaining these little spots, whilst Mr. Monroe was purchasing at Paris real entrepots, rich territories on both the banks of the Mississippi, rivers which come some hundred leagues from the interior, which may carry on their capacious surfaces the products, not of America only, but of the whole world; whilst the United States were acquiring, in fine, (according to their construction,) the very territory in which the above-mentioned rivulets as well as the more important Mobile run.

But whatever may have been Mr. Pinckney's knowledge of the then state of affairs, whatever were his views or offers, his plan of a guaranty was not reproduced in the negotiation which soon afterwards took place at Aranjuez, by the special mission of which he was a member; the actual negotiations are but a renewal of that which then failed. If the United States then abstained from offering, or refused to give a guaranty, *à fortiori*, they will do so now. Under no circumstances whatever could the offer made by Mr. Pinckney, not accepted at the time, have been binding upon the United States, or have formed a rule for its conduct in subsequent negotiations; much less can that offer be admitted to consideration at this day, under a total change of circumstances and of relative possession in the territories which were then the subject of negotiation.

Your excellency seems surprised at the confidence with which I assure you that the United States will not give any guaranty of any part of His Majesty's possessions. I beg your excellency to be persuaded that I have not spoken at hazard. I am perfectly certain that no such guaranty will be given, upon any consideration whatever; and, therefore, nothing was more reasonable than that, in treating with you, I should pretend to have it altogether excluded from our view. In the present state of the negotiation, after it has been repeatedly transferred and retransferred from Madrid to Washington, it were, on my part, worse than a waste of time to encourage a discussion on an article which I know to be in any form inadmissible. It would be a procrastination almost criminal in this most pressing and difficult crisis of our affairs; nor would it comport with the sincerity which has marked all my communications with your excellency, since, as no reason for taking the guaranty into consideration in the year 1818 can be derived from what the minister of the United States proposed in the year 1803, even "voluntarily," in "the most plain terms," or by the express orders of his Government, such a course, far from facilitating a general arrangement, as you have supposed, could not but retard it, and might possibly so retard it as to be fatal to it. Your excellency ought, then, to conclude that the answer which will be given to His Majesty's minister on this point will, in substance, conform to that which I have given; and since, as you inform me, the guaranty is not made a *sine qua non* by His Majesty's Government, I trust that it will be altogether put aside.

Your excellency's other note, respecting the conduct of General Jackson, I shall hasten to transmit to my Government, together with your note of 26th July on the same subject. Though I should allow all force to the distinction which your excellency makes between this case and those acts of His Majesty's viceroys, and other officers in America, of which the Government of the United States and its citizens have had such frequent reason to complain, and though it should not be allowed that an accumulation of such wrongs makes a case as strong as can be stated, yet it would suffice to show that, amongst the acts referred to, could be found at any time pretexts for breaking off negotiation; and this would not be difficult. The moderation and conciliatory policy of the American Government has been put to the severest trials; but, far from desiring to make out such acts a plea for discontinuing negotiation, they seem to me to press upon us the necessity of hastening to its conclusion.

If, then, your excellency is now prepared to make any such proposals for a general arrangement of the points in discussion specified in Mr. Adams's letter to Mr. Onis of January 16th as I am authorized to accept, I shall adopt them without hesitation; but if, from whatever cause, your excellency should not be disposed to offer such proposals, then I entreat you, considering the great importance of the matter, and the delicacy of my situation in regard to it, as explained to you on a similar occasion last year, that you would be pleased to make to me such an explicit communication as will enable me to show to my Government, with as little delay as possible, that it is out of my power to conclude a treaty here.

To give to your excellency the most convincing proof of my earnestness to contribute as far as possible to the desired object, I will accede to your instances by stating, in precise terms, my proposal of the desert which I first suggested to you in our conferences of the 3d and 5th July, after your excellency had assured me of His Majesty's intention to ratify the convention of 1802. That important point being settled, and, at the same time, His Majesty's dispositions to cede his possessions to the east of the Mississippi for a reasonable equivalent being announced, it appeared to me that the remaining reclamations of the United States might easily be adjusted in the "transaction;" and, therefore, that the only real existing difficulty was to establish the boundary on the west, between the possessions of His Majesty and those of the United States; or, in other words, to determine the extent of territory east of the Rio del Norte to be ceded to His Majesty. The line of the Colorado appeared to be objectionable to His Majesty's Government, without a guaranty, such as it is impossible for the United States to give. I proposed to substitute for it what I considered as better for Spain—a barrier between its possessions and those of the United States. I now propose, then, that the desert, which is to form this barrier, be of thirty leagues breadth; that is, fifteen leagues on the right bank, and fifteen leagues on the left bank of the Colorado, and extending in length from the mouth of that river as high up towards its source as the thirty-second degree of latitude. If Spain should not consider it necessary that the desert should be as broad as thirty leagues, she may diminish it on her own side of the river as much as she may judge fit. Within the desert no persons shall be admitted to settle or establish themselves; and each party may establish military posts on its own portion of the desert for the purpose of keeping off intruders or settlers of any kind.

This proposal, which originates in a sincere desire on my part to meet as nearly as possible the views of your excellency, I hope may prove acceptable to His Majesty's Government; but, in making it, I must at the same time beg leave to state, explicitly, that in case it should not be accepted, and become the means, as I trust it will, of enabling us to settle by treaty, to be now made here, all the other points in discussion, then it cannot be recurred to or have any force in future negotiations, either here or at Washington, or be considered at any time hereafter as in anywise binding my Government, either in what relates to the Colorado instead of the Rio del Norte as the boundary of the United States, or in what relates to a desert on that boundary.

I renew to your excellency assurances of my very distinguished consideration.

GEORGE W. ERVING.

[TRANSLATION.]

Don José Pizarro to Mr. Erving.

PALACE, *August* 11, 1818.

The letters of Don Luis de Onis, under date of 20th June last, assure us that it was publicly known in the United States, and inserted in the gazettes of that country, that General Jackson, continuing his hostile incursions within the territory of His Majesty in the Floridas, had taken by assault the fortified town *(plaza)* of Pensacola, whose small garrison, it is said, did its duty and preserved the honor of the King's arms, by forcibly resisting, as far as it was possible for it to do, the unjust and unexpected aggressor.

Although, as yet, no direct information has been received from the Floridas respecting these disagreeable events, no doubt now remains that General Jackson, trampling under foot all laws, has committed in the territory of His Majesty outrages and excesses of which there are few examples in the civilized world. It will one day or other be stated with surprise, that the theatre of such devastation and unprovoked offence, in the midst of peace, was the very same on which Spain, not many years since, shed her blood and poured out her treasures for the United States, in the days of their calamity.

After what I have had the honor of stating to you in my notes of the 26th of last, and 6th of the present month, in consequence of the first hostilities and excesses of General Jackson in the Floridas, I will only now add, that, in consequence of the occurrence at Pensacola, the King has commanded me to communicate to his minister in Washington the most express orders that, at the same time he presents to the Government there the most solemn protest, in the name of His Majesty, against the invasion of the Floridas, and against the taking of the forts of St. Mark and Pensacola by the American troops, he should solicit that the things be placed in the same state and situation in which they were before the invasion; and that the artillery, munitions, and effects which were found in St. Mark's and Pensacola at the time of their surrender, should be delivered to the Spanish governors of that territory; that reparation be made by the American Government for what may have been destroyed in them, and that it be accountable for the damages and injuries occasioned by the said aggressions; and I have likewise, by royal order, apprized the said Don Luis de Onis that he should give advice of the result of these proceedings without delay, that it may be made known to His Majesty.

The King persuades himself that the Government of the United States will not refuse an act of justice so becoming its good faith; and I send to you this exposition, to the end that you may transmit it to your Government in connexion with those which preceded it, and with the same object.

I renew to you the assurances of my most distinguished consideration, &c.

JOSE PIZARRO.

Mr. Erving to Don José Pizarro.

SIR: MADRID, *August* 14, 1818.

I have had the honor to receive your excellency's note of the 11th instant, containing the information which you have received from His Majesty's minister in the United States, respecting an assault made on the place of Pensacola by General Jackson, and communicating to me the orders which His Majesty has consequently given to that minister. I shall not lose a moment in transmitting to my Government a copy of your excellency's note, having already despatched your two former communications relative to the anterior proceedings of General Jackson.

I renew to your excellency assurances of my distinguished consideration.

GEORGE W. ERVING.

[TRANSLATION.]

Don José Pizarro to Mr. Erving.

SIR: PALACE, *August* 29, 1818.

A continuation of disagreeable intelligence on the nature and circumstances of the late events in the Floridas, and on the hostile proceedings of the American general, Jackson, and the troops under his command, within the limits of those provinces belonging to His Majesty, has been received at this office. In addition to the facts to

which I called your attention in my notes of 26th July and 6th and 11th instant, I have now before me a copy of the capitulation which appears to have resulted from the hostilities committed by the said general before the place of Pensacola, in consequence of which the Spanish garrison has been sent to Havana.

In my former notes I had the honor to state to you that, notwithstanding the particular character of violence which appears to have marked the operations of General Jackson from his first movements in Florida, His Majesty, willing to attribute those acts to the arbitrary conduct of that officer, was persuaded that the Government of the United States would not hesitate to disapprove, as soon as they should be informed of them, and that, in consequence, suitable orders would be given, not only for the evacuation of the invaded territory, but also for the indemnity of all injuries sustained, and the restoration of the property belonging as well to the Spanish Government as to its subjects, and likewise that of foreigners then under the protection of His Majesty's Government. It was not to be presumed, without offering an insult to the good faith of the American Government, that they would delay to give this satisfaction to a friendly Power, and this testimony to all civilized nations of their respect for the principles of social order.

It is with great regret that His Majesty perceives, by subsequent advices from his minister at Washington, that the first excesses of General Jackson having received no marks of disapprobation, he had not hesitated to pursue his violences by forcibly taking possession of every thing within the Spanish territory, when he met with resistance from the few feeble garrisons, attacked in a state of profound peace by a large force, which their honor rendered an indispensable duty. In fine, His Majesty's territory has been shamefully invaded; his forts and places have been violently seized on; their garrisons made prisoners, and conveyed out of the province in which they were employed in His Majesty's service; and on the Spanish soil sanguinary executions have taken place of the subjects of Powers in amity with the King—an act of barbarity glossed over with the forms of justice, and thereby rendered, on considering the nature of the place and other circumstances, a refinement of cruelty.

It cannot be doubted that these excesses have come to the knowledge of the Government at Washington; but as yet it does not appear that any measures have been taken to restrain them, or give the Spanish Government the only satisfaction admissible. In this state of things, His Majesty has thought it becoming his honor, and that of the nation, to direct me to renew to you, as I now do, the most solemn protest against the whole proceedings of General Jackson from the moment of his entry into the Floridas; and, moreover, to the end that you may in like manner lay the same before your Government, that, in consideration of the nature of the said injuries and acts essentially hostile, the course of the pending negotiations between the two Governments shall be, and accordingly is, suspended and interrupted, until the Government of the United States shall mark the conduct of General Jackson in a manner correspondent with its good faith, which appears to be no other than by disapproving the afore-mentioned excesses, giving orders to reinstate every thing as it was previous to the invasion, and inflicting a suitable punishment on the author of such flagrant disorders.

It is a matter of great concern to His Majesty to be under the necessity of making this declaration, which is more the necessary effect of the nature of things than an act of his royal will; it having been his constant wish and endeavor to combine a suitable arrangement of the point in discussion between the two Governments with an activity which is evident; but the partial world cannot fail to admit the impropriety, in the present posture of things, of continuing negotiations which suppose a state of perfect political friendship at the very moment when enormous injuries are committed, equally unprovoked and unprecedented.

The occupation of the greater and the best part of West Florida by the United States in 1810, by which His Majesty was dispossessed, during his captivity, of the peaceful occupation of that territory, under the pretence of claims which, even if well founded, ought never to have been enforced by acts of violence, and the more recent invasion of Amelia island, were acts of the same nature and tendency with those alluded to; equally unjust in their principles, and in like manner remonstrated and protested against by Spain; but as, from the mode and circumstances attending them, they were less offensive, His Majesty, actuated by sentiments of moderation, thought that he might await the period of the definitive arrangement of the pending differences, which was speedily looked for.

But nothing of the same nature has occurred in the present case. No claim to the territory invaded by General Jackson, whether founded or unfounded, has been advanced by the American Government. No revolution of the inhabitants, real or supposed, offered a pretext; no previous aggressions by banditti, as was urged on the occasion of the unjust occupation of Amelia island. The Spanish flag waved on the fortresses of St. Mark and Pensacola at the time they were attacked; and, to complete the offence, that territory was seized on by violence which His Majesty had offered to cede to the United States, in the pending negotiation, by means of an honorable arrangement: from which it appears that a forcible occupation was preferred to a peaceful acquisition, resulting from the generous friendship of the King.

It is these extraordinary circumstances which have convinced His Majesty that it is incompatible with the honor of his august character to pursue further negotiation, until a suitable termination be put to an incident which, from its nature, is of primary importance, and claims a preference to all other matters now treated of between the two Governments—an incident which, from its transcendent moment, is capable of producing an essential and thorough change in the political relations of the two countries.

At the same time, to evince the moderate and conciliating disposition which characterizes the conduct of the Spanish Government, I have to add that His Majesty, in directing me to communicate to his minister at Washington this suspension of the negotiation, has likewise charged me to inform him that, in case the Government of the United States should have given, or will give, the only satisfaction which is admissible in the present case, and which His Majesty has a right to expect from the justice and good faith of that Government, he will be at liberty to proceed in the negotiation which has been carried on, without being under the necessity of consulting His Majesty, or of awaiting fresh instructions authorizing him to continue it.

In making this communication to you, sir, I cannot refrain from expressing the deep regret I have felt at the unfortunate occurrence which has thus produced an unexpected interruption, at the moment I flattered myself with the hope of seeing the political relations of the two Governments established on the solid basis of the most perfect harmony and good understanding.

I renew the assurances of my distinguished consideration, and pray God to preserve you many years.

JOSE PIZARRO.

Mr. Erving to Don José Pizarro.

SIR: MADRID, *August* 31, 1818.

I had the honor to receive yesterday your excellency's note of the 30th [29th] instant, and shall not lose a moment in submitting a copy of it to my Government.

I cannot but express to your excellency my sincere regret on seeing the determination taken by His Majesty to suspend the negotiations, in consequence of the military operations of General Jackson in Florida; which regret is

augmented by considering that, on the 6th of August, when your excellency, after insisting at large on what you considered to be the violent character and unjustifiable nature of those proceedings, nevertheless, at the same time, invited me to continue the negotiation here, by acquiescing in the desire expressed in your note of July 19th, and stating, in precise terms, my proposal of a barrier on the western frontier of Louisiana—an invitation which, relying on the good faith in which it was made, and having entire confidence in the conciliatory dispositions of your excellency, I had no hesitation to accept. My proposal was formally stated in my note of August 9th, to which your excellency has not seen fit to reply. It only remains, then, for me, in this place, to renew the reserve expressed at the end of that note, and to declare that the said proposal cannot be considered as in any sort binding on my Government in any future negotiation.

I renew to your excellency assurances of my distinguished consideration.

GEORGE W. ERVING.

Extract of a letter from Mr. Erving to Mr. Adams, dated

MADRID, *September* 20, 1818.

The paper herewith enclosed is a copy of the King of Spain's grant of lands to the Count of Punon Rostro.

EL REY:

Mi Governador de las Floridas, el brigadier Conde de Punon Rostro, me hizo presente en exposicion de tres de Noviembre del año ultimo lo que sigue:

" Señor: El brigadier Conde de Punon Rostro, grande de España de primera clase, y nuestro gentilhombre de camara con exercicio, &c. &c., P. A. L. R. P. de V. M. con el mas profundo respeto, expone: Que movido del anhelo de procurar, por todos los medios posibles, el hacer productible parte de los numerosos terrenos despoblados é incultos que V. M. tiene en las Americas, y que, por su feracidad, prometen las mayores ventajas, tanto al que expone como al estado, si llega á verificarse, como lo espera, el noble proyecto que anima al exponente de convertir una pequeña parte de aquellos desiertos en morada de habitantes pacificos christianos é industriosos, que aumentando la poblacion de vuestros reynos, fomenten la agricultura y el comercio, y por consiguiente hagan inmensos los ingresos de vuestro real erario. Esta empresa dirigida por persona que al conocimiento del pais reune las circunstancias de poder comparar los progresos que han hecho por este medio otras naciones, como la de los Estados Unidos, que en una epoca muy limitada ha elevado su poder á un grado extraordinario, distinguiendose la Mobila, adyacente á la Florida, que en los seis años ultimos, aprovechandose de la emigracion, se ha convertido de un pais inculto y desierto en una provincia rica y comerciante, cultivada y poblada con mas de trescientos mil habitantes. Esto mismo debe suceder á la Florida en el corto tiempo de 18 ó 20 años, si se adoptan las medidas conducentes á ello, y si al exemplo del exponente abandonan otros la apatia, y se dedican á labrar su fortuna individual, y por consiguiente la del estado. Confiado pues en lo recomendable de esta empresa, en los vivos deseos que animan á V. M. por la prosperidad de la nacion, y en los servicios y sacrificios del exponente, se atreve á suplicar á V. M. que en remuneracion de ellos se digne concederle, en plena propiedad, y con arreglo á las leyes que reglen en la materia, todas las tierras incultas que no se hallan cedidas en la Florida, comprendidas entre el rio Perdido, al occidente del Golfo de Mexico, y los rios Amuraja y el San Juan, desde Popa hasta su desague en el mar, por la parte de oriente; por el norte, la linea de demarcacion con los Estados Unidos; y al sur, por el Golfo de Mexico, incluyendo las islas desiertas en la costa. Por tanto á V. M. rendidamente suplica, que en atencion á lo expuesto, y á las indubitables ventajas que resultan á la nacion, se sirva acceder á esta solicitud, y mandar al mismo tiempo se comuniquen las correspondientes ordenes á las autoridades del pais, preveniendoles presten al exponente todos los auxilios y proteccion necesaria, asi para la designacion de los terrenos como para llevar á efecto la empresa en todas sus partes: gracia que espera de la munificencia de V. M."

Enterado del contenido de esta exposicion, y atendiendo al distinguido merito de este sugeto, y á su acreditado zelo por mi real servicio, como tambien á las ventajas que resultaran al estado del aumento de poblacion en los citados paises que pretende, he tenido á bien acceder á la gracia que solicita en quanto no se oponga á las leyes de estos mis reynos, y communicarlo á mio Consejo de las Indias, para su execucion, en real orden de 17 Diciembre del referido año. En su conseqüencia os mando y encargo, por esta mi real cedula, que con arreglo á las leyes que reglen en la materia, auxilieis eficazmente la execucion de la expresada gracia, tomando todas las disposiciones que se dirijan á su debido efecto, sin perjuicio de tercero, y para que el expresado Conde de Punon Rostro pueda desde luego poner en execucion su designio, conforme en todo con mis beneficos deseos en obsequio de la agricultura y comercio de dichas posesiones, que claman por una poblacion proporcionada á la feracidad de su suelo y á la defensa y seguridad de las costas, dando cuenta sucesivamente de su progreso: que asi es mi voluntad, y que de esta cedula se tome razon en la contaduría general de Indias.

Fecha en Palacio, á seis de Febrero de mil ochocientos diez y ocho.

YO, EL REY.

Por mandado de Rey nuestro Señor:

ESTEVAN VAREA.

AL GOVERNADOR DE LAS FLORIDAS, para que disponga lo conveniente y que tenga efecto la gracia concedida al brigadier Conde de Punon Rostro de varios terrenos situados en la Florida Occidental, con lo demas que expresa.

Corr'da:

[Segue una rubrica.]

Tomase razon en la contaduría general de la America Septentrional; Madrid, trece de Marzo de mil ochocientos diez y ocho.

JOSEF DE TEXADA.

[TRANSLATION.]

THE KING:

My Governor of the Floridas, brigadier the Count de Punon Rostro, submitted to me, on the 3d of November last, what follows:

" Sir: The brigadier Count de Punon Rostro, grandee of Spain of the first class, and your gentleman of the bedchamber in actual attendance, &c. &c., with the most profound respect, submits to your Majesty: That,

prompted by the desire of promoting, by all possible means, the improvement of the extensive waste and unsettled lands possessed by your Majesty in the Americas, which, by their fertility, offer the greatest advantages, not only to your memorialist, but to the state, provided due effect, as is hoped, be given to the noble project formed by your Majesty's memorialist of converting a small portion of those deserts into the abode of peaceable Christian inhabitants, whose industry will increase the population of your kingdoms, promote agriculture and commerce, and thereby add immensely to your royal revenues. This enterprise should be conducted by a person who, with a knowledge of the country, would combine the intelligence necessary for comparing the progress made by other nations in similar situations, and particularly by the United States, which, within a very recent period, have advanced their power to an extraordinary height, and especially in the instance of the Mobile country, adjoining Florida, which, in the last six years, has received such an influx of emigrants, as to be converted from a desert waste into a rich commercial province, highly improved, and peopled with more than three hundred thousand souls. A similar change would be effected in Florida, within eighteen or twenty years, by the adoption of judicious arrangements, and by those exertions which your Majesty's memorialist proposes to employ for the promotion of his personal interest, and, consequently, that of the state. Relying, then, on the merits of the case, in the lively interest felt by your Majesty in the national prosperity, and on the services and sacrifices of your Majesty's memorialist, he humbly requests your Majesty, that, taking them into consideration, you would be graciously pleased to grant and cede to him, in full right and property, and the mode and manner required by law, all the waste lands not heretofore ceded in Florida, lying between the river Perdido, westward of the Gulf of Mexico, and the rivers Amuraja and St. John, from Popa to the point where it empties into the ocean, for the eastern limit; and for the northern, the boundary line of the United States; and to the south, by the Gulf of Mexico, including the desert islands on the coast. He therefore humbly prays, in consideration of the premises, and the unquestionable advantages to be derived by the nation, that your Majesty will be pleased to grant this his petition, and thereupon direct the necessary orders to be given to the local authorities to afford him all due aid and protection, as well in designating the territory referred to, as in giving full effect to the whole enterprise: all which he hopes from the munificence of your Majesty."

Having taken the premises into consideration, and bearing in mind the distinguished merits of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the state from an increase of population in the countries the cession whereof he has solicited, I have judged fit to grant to him the same, in so far as is conformable to the laws of these my kingdoms, and to make it known to my Council of the Indies, for its due execution, by a royal order of the 17th December, in the year afore-mentioned; wherefore, I charge and command you, by this my royal cedula, with due observance of the laws to such cases pertaining, to give full and effectual aid to the execution of the said cession, taking all requisite measures for its accomplishment, without injury to any third party, and to the end that the said Count of Punon Rostro may forthwith carry his plans into execution, in conformity with my beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defence and security of the coasts, he giving regular accounts of his proceedings: for such is my will, and that due note be taken of the present cedula in the office of the Accountant General of the Indies.

Done at the Palace, the 6th of February, 1818.

I, THE KING.

By command of our lord the King:

ESTEVAN VAREA.

To the GOVERNOR OF THE FLORIDAS, that he may take the necessary measures to give due effect to the grant in favor of the Count of Punon Rostro of a tract of country situate in West Florida, as above specified.

Duly noted in the office of the Accountant General of North America, Madrid, March 13, 1818.

JOSEF DE TEXADA.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *October* 18, 1818.

Whilst I make known to you that I have received new orders and instructions from my court to resume the negotiation pending between the Government of the United States and that of Spain, and to agree with you as to every thing that may be convenient and proper to give effect, in as short a time as possible, to the desired general and definitive arrangement of all the differences which exist between the two Governments, I ought also to inform you that His Catholic Majesty ratified, on the 9th of July last, the convention signed on the 11th August, 1802, and ratified a year and a half afterwards by the President and Senate of the United States. I have received the ratification by His Majesty, and am ready to proceed with you to the corresponding exchange, if the President deems it proper; but I think I ought, before it is done, to make to you some observations on this point.

The King, my master, agreed to ratify, at the time he did, the convention of 1802, as well in compliance with the verbal intimations given to his Secretary of State by Mr. Erving, minister plenipotentiary of this republic, as from a desire not to omit on his part any thing which might be agreeable to your Government. It also occurred to His Majesty that there might be some obstacle or delay in the desired arrangement and definitive agreement respecting the pending differences between the two Governments; and the aforesaid ratification of that convention being represented to him as a conciliatory measure, and very agreeable to the United States, he did not delay an instant in acceding to it. But you know very well that all the points comprehended in that convention form part of the pending negotiation, and that the general and definitive arrangement which I hope soon to conclude with you being intended to embrace all the claims to which either Power has a right against the other, and all the differences which exist or have heretofore existed between them, that convention will necessarily be abrogated, the points to which it is limited being included in the said arrangement and definitive treaty. For these reasons, which are obvious and entirely convincing, I leave it to your consideration whether we should proceed to the exchange of the ratifications of the said convention, or wait until, the first basis being settled and agreed upon by means of propositions I will instantly make to you, we may be able to judge whether the general and definitive treaty, which must put an end in a solid and permanent manner to all these discussions, will be concluded as quickly as we desire.

I await your answer, and in the mean time I renew to you the assurances of my constant desire to serve you.

God preserve you many years.

LUIS DE ONIS.

The Secretary of State to Don Luis de Onis.

SIR: DEPARTMENT OF STATE, WASHINGTON, *October* 23, 1818.

I have had the honor of receiving your letter of the 18th instant, and am directed by the President to assure you of the great satisfaction with which he has learned that you are prepared to exchange the ratifications of the convention of 1802.

Anxiously desirous as he is of seeing brought to a termination mutually satisfactory *all* the subjects which have been so long in discussion between the two Governments, the President receives this ratification as an earnest on the part of His Catholic Majesty of that conciliatory disposition which he flatters himself cannot fail to extend to a more general and satisfactory adjustment of all the other objects in controversy between us. He directs me, therefore, to accede to your proposal of postponing the exchange of the ratifications, and to assure you that I shall be ready to receive, whenever it may be agreeable to you, the propositions which you inform me you are prepared to make, and which will be considered with the most earnest desire of establishing, by a prompt and honorable agreement, the most perfect good understanding and harmony between our countries.

I tender to you, sir, the renewed assurance of my very distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *October* 24, 1818.

Notwithstanding the unfortunate events which have occurred since April last, I have received from my court solemn assurances of the sincere desire of His Catholic Majesty to see every ground of complaint and disagreement between the United States and Spain completely removed, and of his earnest wish to strengthen and cement a good understanding and the most cordial friendship between the two nations. Having transmitted to His Majesty's Government the whole correspondence which lately passed between us here, it has been examined with the most profound attention to all the points embraced in it. A multitude of authentic papers and original documents, of the most unexceptionable authority, on each of the several points involved in the controversy between the Government of the United States and that of His Majesty, were examined, offering incontestable evidence of all the rights hitherto sustained by the Crown of Spain, and refuting, with the clearness of truths universally admitted, and by facts and vouchers equally notorious and unquestionable, the reasoning and arguments upon which your Government found their claims.

It was the earnest wish of His Catholic Majesty that the whole dispute should be adjusted by his Secretary of State, Mr. Pizarro, and Mr. Erving, the minister plenipotentiary of this republic, and that they should proceed to a final arrangement of all existing differences by means of a definitive treaty, which should combine, to the satisfaction of both Governments, the inviolable principles of general justice with the equitable views of reciprocal convenience and utility. His Majesty offered, on his part, to do every thing that might be possible, or compatible with the rights and dignity of his royal crown, liberally to satisfy the desires expressed by the United States. But Mr. Erving has declined acceding to this adjustment, although the correspondence between him and the Secretary of State was still carried on with a view to that result at the departure of the messenger who was despatched to me from Madrid on the 21st of July last. His Majesty, being apprehensive, notwithstanding his wishes, that the amicable termination of these important affairs might suffer delay, has been pleased to give me such instructions and orders as may enable me to adjust with you all pending differences between the two Governments, and effect the desired arrangement by means of a definitive treaty. For this purpose, His Majesty gave orders that the documents and proofs should be transmitted to me, which were necessary to convince the United States of the unquestionable rights of the Crown of Spain to the territories and waters claimed by your Government as forming an integral part of Louisiana. I have received a considerable number of the said documents and proofs, and an examination of many others was taking place in Spain, which are to be sent to me. The result of this inquiry established what I stated to you in my notes during my late abode at Washington, and especially in that which I addressed to you on the 23d March at the same period, in answer to that which I received from you of the 12th of the same month, upon all the points in dispute. It exhibited an incontrovertible series of facts from the earliest periods of discoveries, conquest, or occupation, and the successive establishments of the Crown of Spain, in that part of America, to the present day. It proved that Spain, long prior to any other nation, discovered Florida, that is, all the vast and beautiful country extending from what is now termed East Florida to the Rio Bravo, or Rio Grande del Norte, which was then the boundary of the kingdom of Mexico, of which she was already in peaceable possession. From the period of the discovery of this extensive region by Ponce de Leon, in 1512, and the establishment of the first act of possession in the name of the Crown of Spain, repeated and regular expeditions were formed, composed of troops, artillery, and every thing necessary for penetrating through the whole country, examining all its positions from the coast to the interior, and all its rivers, creeks, and bays, reducing the natives, or establishing trade and friendship with them; and for occupying all such places as might appear best calculated to bring and preserve under the dominion of Spain the said country throughout its whole extent. I stated to you in my said notes (and am enabled to prove it by the most ample documents) that this was the object of the expeditions of Vasquez de Ayllon, in 1520, and of Panfilo de Narvaez, in 1528. The latter obtained from Charles I. of Spain and Emperor of Germany a solemn authority to reduce the whole country from the bay of Espiritu Santo, in East Florida, to the river Palmas. He arrived in the said region with a respectable force, and examined it from east to west. In this he had been preceded by Francisco de Garay, who passed through it by land from the bay of Espiritu Santo to Panuco. Hernando de Soto was soon afterwards appointed governor general of Florida, the name then given to the whole of this vast country. He entered it with a powerful force, and repeated the solemn acts of taking possession of it in behalf of Spain. He afterwards examined its extensive limits, and founded several settlements. He was succeeded in his Government by Moscoso, who continued to explore the country and extend the settlements. These two first governors general of Florida traversed and examined it, as I have said, from east to west; from the point, or cape of that Florida now called East Florida, to the Rio Bravo, crossing the Mississippi, which was then called the Palisada, and all the others which empty into it, or into the Gulf of Mexico. From that period Spain has uniformly continued in the dominion and possession of all that country, in which she successively founded the province of Cohaguila, the kingdom of New Leon, that of New Mexico, &c.; also the province of Texas, which she has retained until the present time. It is an unquestionable fact, and of universal notoriety, that the whole country I am now speaking of was known from the beginning by the general denomination of Florida, and included all the coast from the point of Florida now called East Florida to the Rio Bravo, and all the country and the waters of the interior; of this a full and uniform proof is afforded by the history and most respectable documents of those times. During the lapse of two centuries the whole of this vast country was known to the nations

of Europe under no other name. Not only the Spaniards, but all foreigners, laid it down in their maps and charts under this name, and with the same limits. I might here cite the English traveller, Dampier, and several others, who thus denominate and lay down this beautiful region in their maps and descriptions; but why should I now dwell on what never admitted of a doubt or change until the Frenchman De Lisle, through ignorance, erroneous information, or partial motives, extended in his idea and map the boundaries of French Louisiana to the Rio Bravo? This error or extravagance has ever since been adopted by all those who have had an interest in supporting the illusion, or have carelessly or unguardedly copied the gratuitous suppositions of that geographer. But as this is in direct contradiction to the history of those early times, and the most unquestionable documents which established the contrary, these chimerical and absurd suppositions are entitled to no credit whatever, although they have been advanced with great gravity and ostentation.

It is, moreover, a fact beyond all dispute, that the Crown of Spain was established as the lawful owner and possessor of all the aforesaid region, and that it has uniformly been preserved under her dominion to this day, with the exception of such parts of it as, by treaties, conventions, and other solemn acts, she has transferred to foreign Powers.

As the introduction of the French into part of that region has formed the ground of the claims of your Government, I shall confine my remarks to them. In the course of our late correspondence, I stated to you in my notes the manner in which the French got a footing in that part of the Spanish dominions, and how they proceeded to form the colony to which they gave the name of Louisiana.

But to form a just idea of the establishment of that colony, and of its precise extent and boundaries, it is necessary to take a view of it at three different periods: 1st, under the direction of the Government of France; 2dly, under that of Crozat and the French Western Company; and 3dly, under the government of the Crown of France.

I do not deem it necessary now to detail minutely the first attempt of the French on the old Florida, in 1562. It is well known that John Ribaut, to whom the conduct of the expedition was committed, through the influence of Admiral Coligny, was completely routed by the Spaniards under General Melendez de Abyles. This general having attacked the French in their fort of Carolina, all those who escaped the assault were made prisoners of war; and, having pursued their vessels, he and stormy weather put an end to the wretched remains of this French expedition. Abyles founded the castle and forts of St. Augustine, which then became the capital of all Florida; established various other posts; and enforced a respect for the dominion of Spain over all the coast and territories of that vast region. The French never again returned there, until the last attempt of the celebrated La Salle, who, towards the close of 1684, sailed from France with an expedition to discover the mouths of the Mississippi. At this period, the French had already established themselves in the lower part of Canada. Fearful of meeting a fate like that of Ribaut, they avoided an interference with the countries belonging to the Crown of Spain, and confined their establishments to the coasts of the Atlantic. The savages, or aborigines of Canada, had a knowledge of other Indian nations inhabiting beyond the lakes, and of a very remote country watered by a great river, which, as they said, ran neither to the east, to the west, nor to the north, but which might probably run to the south, and empty into the Gulf of Mexico. It was they who, in 1660, gave the French of Canada an idea of this country and river, although very limited, vague, and obscure; and excited in the minds of Joliet, an inhabitant of Quebec, and of the missionary Marquette, the project of crossing the lakes, and penetrating into the said country to explore it and the river. They realized their project, embarked on lake Michigan, ascended the river Zoras to its source, afterwards travelled by land, and, returning to the entrance of the same river, navigated to the westward, and on the 2d June, 1673, they struck the Mississippi. They then descended this river as low as the Arkansas, in thirty-three degrees north latitude; but, fearful of falling into the hands of the Spaniards, they afterwards retreated to Canada, and on their return passed through the country inhabited by the Illinois, whom they found disposed to trade with the French of that colony.

This excursion produced no result whatever, and would have been wholly forgotten at the death of Marquette, but the famous La Salle, an enterprising and resolute man, who had come to Canada with the design of exploring a passage from thence to Japan, or China, having heard of Joliet's narrative, conceived the project of repeating the same journey. He embarked for France, and on his arrival at Paris proposed his plan to the Prince of Condé. Patronized by him and the Government, he returned to Quebec with a company of thirty associates, and the Chevalier Tonti, a brave and experienced officer. At Quebec he was joined by Father Hennepin, and, at the head of this party, set out on the journey formerly made by Joliet and Marquette. Having encountered extraordinary difficulties, he employed several years in accomplishing it. On the 4th of March, 1681, he arrived at the Arkansas. In April of the following year, he proceeded as low down as the mouth of the Mississippi; and in the spring of 1683, he returned to France to give an account of his discoveries. With all due ceremony he took possession of the Arkansas and the Mississippi, in the name of the Crown of France, although it was well known that all those countries were under the dominion of Spain. In performing this journey, La Salle did no more than explore distant countries, and that in a clandestine and secret manner, being under the necessity of defending himself both against the Spaniards and the English, who repeatedly fell in with and attacked him.

La Salle, having given an exaggerated account of his discoveries in this part of America, was authorized by his court to search for the mouths of the Mississippi, and occupy some position on its banks. This was the object of the maritime expedition with which he sailed from France under the command of Beaujeau, for the Gulf of Mexico, which he entered on the 12th of December, 1684. In the notes I lately addressed you at Washington, I stated the result of this expedition, and of the labors of La Salle. Driven on the coast of the province of Texas, it was with difficulty this distinguished adventurer found safety in the bay of St. Bernard. He crossed by the Trinity river, and constructed a redoubt to defend himself against the Indians; but, not being able to defend it, he determined on abandoning the country, and was assassinated by his own party. The Indians attacked the fort or redoubt, in which he had left some of his people, demolished it, and massacred them. Of this unfortunate expedition, seven men only escaped; five of whom succeeded in reaching the Arkansas on the 20th of July, 1687, and returned to Montreal in May following. The others found their way among the Cenis or Asinais Indians.

I presume that I have fully proved to you in my former notes that this shipwreck of La Salle on the coast of Texas, and his entry into the bay of St. Bernard and adjacent country, can give no right to France to that bay and country, they being already under the dominion of the Crown of Spain. In fact, what right could France have to extend herself from her remote colony of Canada to those territories? But France only authorized La Salle to search for the mouths of the Mississippi, doubtless in the belief that this river was not within the Spanish possessions. I also stated to you that the most effectual measures were instantly taken by the Viceroy of Mexico and the Spanish Government to drive the French from any position they might have occupied on the Gulf of Mexico, or in the interior. This was one of the special objects of the successive expeditions of Alonzo de Leon, Domingo Teran, and Gregorio Salinas. I say that this was *one* of the objects of these expeditions, because they were likewise charged with forming different establishments in the province of Texas, or of the Asinais, and securing the whole coast from any incursion of foreigners. They executed the object of their mission; so that the French made

no further attempts from that time to the expedition of Iberville, in 1698, the period when the French first established themselves on the Gulf of Mexico. Iberville, an experienced seaman, who had distinguished himself by his fortunate expedition to Hudson's Bay, in 1697, appeared off Pensacola with his squadron, but, discovering that the Spaniards were occupied in fortifying that place, he shaped his course for the river of Mobile. He entered it on the 2d of February of the same year, and took possession of Massacre island, which he called Dauphin island. On the 2d of March, 1699, he entered the Mississippi, and ascended as high as the Bluffs; he there received a letter from the Chevalier Tonti, by which he ascertained that this was really the Mississippi, and that the Indian nations which he had communicated with showed a very favorable disposition to trade with the French. He then returned to Mobile, and, leaving that place in the charge of Sauvole and Bienville, proceeded to France to give an account of his expedition. The court of Spain, having been already informed of these enterprises, determined to expel the French forever from those positions, and from all the Gulf of Mexico; but this being about to be executed, the death of Charles II. occurred, and the Duke of Anjou succeeded to the crown under the name of Philip V. Spain being then embarrassed with the war of succession, and united by a close friendship with France, overlooked the establishment at Mobile. In January, 1700, Iberville returned there, but made no progress in his projects, from the want of means and the badness of the climate. This feeble colony continued to languish without any prospect of realizing the extravagant expectations at first formed by the French. Louis XIV., setting little value on it, conferred the entire property of it on Crozat, in 1712. It is unnecessary to point out the errors and absurdities contained in the grant of Louis XIV. to Crozat, as I have already stated them to you in detail; I shall, therefore, only have to speak of the second period, that of the establishment of this colony, and show its progress. La Motte Condillac being appointed governor, and Duclois intendant of this famous establishment, they formed with Crozat a supreme tribunal for all civil and criminal cases. It was at that time that the excursion of the Frenchman St. Dennis into the interior of New Spain took place, in which he passed through various Indian nations from the Mississippi to the Rio Grande. In my former communications I stated what appeared to be necessary on the character and movements of this celebrated adventurer. I shall only add here, that although his apparent object was the establishment of a traffic with the people of New Spain, yet it merely served to cover the design of exploring the Spanish territories, and of extending the settlements of his countrymen therein. As soon as his views were discovered, measures were taken in Mexico to counteract them, and rigorous orders issued by the court for the same purpose. It was this incident which produced the vigorous measures of the Viceroy of Mexico, the Duke of Linares, and the despatch of the troops and missionaries to the province of Texas, forming the fifth expedition of the Spaniards to that province—a fact which serves as a complete refutation of all that has been advanced by Du Pratz and other French writers. Alonzo de Leon informed the Spanish Governor Alarconne, from Texas, on the 21st May, 1717, that he had just founded two establishments there, one of them within ten leagues of the Natchitoos; and that he was about to proceed to the Caudachos in consequence of having received information that the French were endeavoring to make a settlement there, and that there were already ten men of his nation among the Natchitoos. The chief object in forming this Spanish settlement was to observe and check the French; and it was soon after increased by the construction of a fort called San Miguel de los Adaes, which was garrisoned by a competent force.

St. Dennis promoted the settlement of several Frenchmen among the Natchitoos, for the purpose of serving as an intermediary point in his journeys to the Rio Grande. He called this settlement San Miguel, and this gave rise to the error of Champigny, who has confounded this paltry establishment with that of the Adaes. That which was formed by the French cannot be considered of any importance until May, 1717, when the Governor of Mobile first sent a commandant with a party of ten men as a garrison, at which time the Spanish fort of the Adaes was already built. Such was the origin of the French settlement and fort at Natchitoches—the only acquisition made by the colony of Biloxi, or Mobile, in the neighborhood of the Rio Roxo, (Red river,) under Crozat or the Western Company. In 1718, the company laid the foundation of New Orleans, to which the general government of the colony was transferred in 1722, and the settlement at Biloxi abandoned. In June, 1723, Bienville endeavored to take possession of the bay of St. Joseph; but, being opposed by Salinas, the Spanish Governor of Pensacola, he desisted from his attempt. Thus the colony went on without making any progress, until the French company, tired out with the disasters and losses it had suffered in the wars with the neighboring Indians, and convinced of the inutility of that establishment, surrendered their privilege to the Crown in 1730 or 1734, which forms the last period of that colony.

I have made no mention of the French settlements in the Arkansas and the Illinois, as they were formed by people from Canada, and tolerated by Spain merely as places occupied for the purpose of trading with the Indians, because, from the reasons I have touched on, it is evident that France could have no right to occupy them but through the permission or toleration of Spain. Louis XIV. had declared to His Catholic Majesty's Government that he occupied Mobile and other places in that region solely with a view to aid Spain in case of a war with the English; and having requested permission of His Catholic Majesty to keep a force at Mobile for that purpose, it was refused, by the advice of the Council of the Indies. The situation of the French colony did not improve under the immediate administration of the Government; part of it was ceded by His Catholic Majesty to England, in 1763; and the other part, that is, the city and island of New Orleans, was, as you know, ceded and delivered to Spain in 1769. That colony was considerably improved in the hands of Spain, by the establishment of several new settlements. It was retroceded, together with them, to France in 1800, by virtue of a treaty, in which it was stipulated that Spain retroceded it with the same extent it had when in the possession of France, and which it had at the conclusion of that treaty in the hands of His Catholic Majesty. I consider all I have already stated to you on this point as repeated here; and I shall only add, that although the secret convention for the cession of Louisiana to Spain was concluded in 1763, the two high contracting parties reserved to themselves the right of afterwards agreeing on the suitable time for its delivery to Spain; in consequence of which, France continued in possession of it until 1769. As this act is undisputed, and completed and realized the cession, it is clear that it could not comprehend the territories ceded six years before to Great Britain. As a further proof, we have to adduce the royal cedula of His Catholic Majesty, issued at Barcelona, and communicated to the French Government, in which His Catholic Majesty declares that he retroceded Louisiana with the same extent it had when he received it from France; which declaration serves as an addition to the treaty of St. Ildefonso, and was conformed to by the French Government, who made use of the said royal cedula of His Catholic Majesty in taking possession of the province thus retroceded, without any other claim or demand on their part.

In the simple epitome which I have presented of the principle and progress of the French settlements in this part of the American continent, I have only touched on the capital points, such as are sufficient to remove all grounds of the present dispute. I am ready to prove in the most ample manner all that I have advanced, by a multitude of indisputable documents, which I will produce, if necessary, the moment that it may be agreeable to you, and you will inform me of your wish to confront them with what I have stated. All the errors which have been disseminated in the narratives and maps of the French authors, and other foreigners who have committed such

enormous deviations through ignorance, interest, or the influence of national prejudice, will then be corrected, and the fact established beyond all doubt that France never possessed any thing to the left of the Mississippi; and that to the right, she held the posts of Natchitoches, Natchez, Arkansas, and the Illinois, solely by the permission or toleration of Spain, as I have before stated. The settlements at Opelousas, Avoyelles, and Attakapas, were not yet formed in 1762, as is admitted and affirmed by M. Bossu, of the French navy, who did not leave Louisiana until that year, and who afterwards published his voyages to the West Indies; nor were there any commandants of those settlements appointed by that Government, except under the dominion of Spain. La Fourche, which is situated much nearer to New Orleans, was only begun to be occupied by the French in 1763. Villemond, a Frenchman, established himself on the river Ouachita, or the Black river, (Rio Negro,) during the second period of Louisiana, by occupying a small valley; but this private settlement was not kept up, but afterwards abandoned. What took place at the Arkansas, Illinois, and the Missouri, could give France no right whatever to the posts which she happened to establish and retain, and which were not claimed by Spain. All the rest could not be considered as an integral part of French Louisiana, until the period of the cession to England, and of the restitution and delivery to Spain. It is, therefore, easy to ascertain and determine what was the extent of Louisiana in the possession of the French, and what were its exact boundaries. Moreover, although the hypothesis be admitted that she had or might have some right to other parts of this vast country, she transferred it to England by the cession she made of it in 1763; and when Spain acquired from England the territory ceded to the latter, she included therein this right, such as it might be. Having retroceded to France in 1800 only what she had received from her, it is evident that she could not restore to her this pretended right. Under whatever aspect, therefore, we view the question, the rights hitherto sustained by the Government of His Catholic Majesty in the present dispute remain unquestionable. I allude to them merely to give you the most satisfactory proofs of this truth, and to establish, in respect to the *uti possidetis*, or state of possession in 1763 and 1769, the basis which it is indispensable to lay down for the general and definitive settlement of all pending differences between the two Governments. In that basis will likewise be comprehended all the augmentation with which Spain delivered Louisiana to France, and all that by treaties or other lawful acts has been ceded to the United States.

His Majesty, carrying his particular consideration for the United States, and his sincere desire to meet the wishes of your Government, as far as is compatible with the rights and dignity of his crown, has authorized me to remove the principal difficulties, and to offer the Government of this republic the liberal proposals which I have the honor to enclose in a separate paper.

If these proposals should, as I hope, appear admissible and satisfactory to your Government, all the rest which it will be requisite to change, or add, to perfect the definitive adjustment between the two Powers, cannot fail to follow of course, and be easy to arrange. Finally, if there should arise any difficulty or doubt in the mind of the President upon any one of them, which I can remove or clear up, I shall be happy to be made acquainted with it, and most cheerfully do for that purpose whatever may be within the limits of my powers and instructions. I conceive that what I now propose is best calculated to conciliate all the different views and claims, and to adjust all pending differences upon just and liberal principles; it being evident, moreover, that the advantages are wholly in favor of the United States.

In concluding this note, I beg leave to repeat that if, before we agree on what is requisite to effect the desired arrangement, and with a view to proceed to it with a more perfect conviction of the unquestionable rights of each one of the two Powers, you should think it advisable that we should modify and correct any points stated in the present note, by the production and examination of the documentary proofs which I have offered, I am ready to submit them the moment I receive such intimation from you.

In the mean time, I repeat the assurances of my respect, and pray God to preserve you many years.

LUIS DE ONIS.

Translation of propositions received in Mr. Onis's letter of October 24, 1818.

1. The United States declare that they deeply regret the violation of the Spanish territory by the troops under the command of General Jackson, and that, it being done without their orders, and, as the general states, with a view of terminating more promptly the war against the Indians, the United States will restore the town of Pensacola, and the forts of Barrancas and St. Mark, and the other territory occupied by their troops in the Floridas, to the Spanish officers duly authorized by His Catholic Majesty to take possession of them: the United States being answerable, as is just, for the injuries caused by the incursions of the troops of the Union, as well to the Crown of Spain as to its subjects; upon which point the proper stipulations shall be inserted in the treaty.

2. His Catholic Majesty, to give an eminent proof of his generosity, and of the desire which animates him to strengthen the ties of friendship and of good understanding with the United States, and to put an end to the differences which now exist between the two Governments, cedes to them, in full property and sovereignty, the provinces of East and West Florida, with all their towns and forts, such as they were ceded by Great Britain in 1783, and with the limits which designated them in the treaty of limits and navigation concluded between Spain and the United States on the 27th October, 1795. The donations or sales of lands made by the Government of His Majesty, or by legal authorities, until this time, are, nevertheless, to be recognised as valid.

3. To avoid all cause of dispute in future, the limits of the respective possessions of both Governments to the west of the Mississippi shall be designated by a line, beginning on the Gulf of Mexico, between the rivers Mermento and Calcasia, following the Arroyo Hondo, between the Adaes and Natchitoches, crossing the Rio or Red river at the thirty-second degree of latitude, and ninety-third of longitude from London, according to Melish's map, and thence running directly north, crossing the Arkansas, the White, and the Osage rivers, till it strikes the Missouri, and then following the middle of that river to its source, so that the territory on the right bank of the said river will belong to Spain, and that on the left bank to the United States. The navigation, as well of the Missouri as of the Mississippi and Mermento, shall remain free to the subjects of both parties.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line in conformity to what is above agreed upon and stipulated: they shall make out plans, and keep journals of their proceedings; and the result, agreed upon by them, shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to these persons, and also as to their respective escorts, should such be deemed necessary.

4. The two contracting parties, animated by the most sincere desire of conciliation, and with the view of eradicating all the discussions which exist between them, and to hasten the conclusion of a definitive and prompt arrange-

ment, by which the good understanding they desire perpetually to maintain with each other may be strengthened, reciprocally renounce all claims for damages or injuries which they themselves, or their respective subjects or citizens, may have suffered, of whatsoever nature they may be, whether they have or have not been presented or made until this date, so that they are to be considered as entirely cancelled and adjusted, excepting those which are specified in first article.

5. The treaty of limits and of navigation of 1795 remains in force, in all and each one of its articles; but to avoid questions in future as to the meaning of the fifteenth article, in which it is stipulated *that the flag shall cover the property*, the two high contracting parties agree that this may be so understood with respect to those Powers who recognise this principle; but, if one of the belligerants should not recognise it, the above-cited clause of the said fifteenth article shall not remain obligatory on either of the two contracting parties, who may act as they think proper on this point, without giving room for complaints or claims, or being considered as infringing the before-mentioned fifteenth article.

6. Although the two high contracting parties oblige themselves to cause the stipulations contained in this treaty, and in that of limits and navigation of 1795, to be complied with in all their parts, nevertheless, desirous of avoiding all doubt or misinterpretation of their respective clauses, they oblige themselves to make the declarations or laws requisite for the most exact observance of all that is above stipulated, as good faith and the honor of both Governments require, adopting the most efficacious measures to remedy and cut up by the roots the abuses which, contrary to the laws of nations, and contrary to what is expressly stipulated in the treaty of 1795, above cited, daily occur in some ports in this Union, in consequence of the vague and arbitrary interpretation which, it seems, the measures until now adopted are susceptible of, and by which means the law is eluded.

7. In consideration of the sacrifices which His Catholic Majesty makes by depriving himself, in favor of the United States, of the important provinces of the two Floridas, to satisfy and to cancel forever all their claims, the United States will certify, in due form, that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain; and they will present an authentic statement of the prizes made, and of their true value, that Spain may claim from France the return of this amount.

The Secretary of State to Don Luis de Onis.

SIR: DEPARTMENT OF STATE, WASHINGTON, *October* 31, 1818.

Your letter of the 24th instant, and the proposals contained in it, offered as the basis of a treaty for the adjustment of all the subjects in discussion between the United States and Spain, have been received, and laid before the President of the United States.

I am directed by him to forbear entering into any examination of the historical disquisition concerning the original pretensions of Spain to all the territories bordering on the Gulf of Mexico, and the whole country included in the French colony of Louisiana, which you have thought proper to introduce into your note. The right of the United States to the river Mississippi, and all the waters flowing into it, and to all the territories watered by them, remains as entire and unshaken by any thing now adduced by you as by any thing which had ever preceded it in the discussions between the two Governments. It is established beyond the power of further controversy; nor could it answer any useful purpose to reproduce proofs which have already more than once been shown, and which, remaining unimpaired, must henceforth be considered by the United States as not susceptible of refutation.

In confining my attention to the propositions which you offer as the basis of a treaty, I have to observe that any further proceedings upon the first of them have been rendered unnecessary by the determination promptly taken by this Government, and communicated to you, to restore the forts of Barrancas and St. Mark, together with Pensacola, to any person duly authorized by you, or otherwise by your Government, to receive them. You have been informed of the evidence inculpating the governors of those places, not only as having utterly neglected to carry into effect the stipulation in the treaty of 1795, by which Spain was bound to restrain, *by force*, the Indians within her territories from committing hostilities against the United States or their citizens, but as having deeply participated in the hostilities of those same Indians. You have been informed that these were the real and only causes of the occupation of those places by the commander of the American forces. Under these circumstances, however the United States may regret the necessity of that occupation, it is for the Spanish officers themselves to answer to their own sovereign for the consequences of their own conduct; and the forbearance of the United States, as well as their respect for the rights and the honor of Spain, are sufficiently manifested by their readiness to restore the possession, and to consign to oblivion the hostile conduct of those officers of His Catholic Majesty.

The uselessness of any stipulation on the subject of this first proposition is further demonstrated by the nature of the second, in which you announce your authority to cede all the property and sovereignty possessed by Spain in and over the Floridas. The effect of this measure being necessarily to remove all cause of contention between the contracting parties with regard to the possession of these territories, and to every thing incidental to them, it would be worse than superfluous to stipulate for restoring them to Spain in the very treaty by which they are to be ceded in full sovereignty and possession to the United States. Neither can the United States recognise as valid all the grants of land until this time, and at the same time renounce all their claims, and those of their citizens, for damages and injuries sustained by them, and for the reparation of which Spain is answerable to them. It is well known to you, sir, that notice has been given by the minister of the United States in Spain to your Government that all the grants of land lately alleged to have been made by your Government within those territories must be cancelled, unless your Government should provide some other adequate fund, from which the claims above referred to of the United States and their citizens may be satisfied.

From the answers of Don José Pizarro to this notice, we have reason to expect that you will be sensible of that necessity, and that some time must be agreed upon subsequent to which no grant of the lands within the territories in question shall be considered as valid.

The boundary line proposed by you, west of the Mississippi, can as little be assented to by the United States. Instead of it, I am authorized to propose to you the following, and to assure you that it is to be considered as the final offer on the part of the United States:

Beginning at the mouth of the river Sabine, on the Gulf of Mexico; following the course of said river to the thirty-second degree of latitude; the eastern bank and all the islands in said river to belong to the United States, and the western bank to Spain; thence, due north, to the northernmost part of the thirty-third degree of north latitude, and until it strikes the Rio Roxo, or Red river; thence, following the course of the said river, to its source, touching the chain of the Snow mountains, in latitude thirty-seven degrees twenty-five minutes north, longitude one hundred and six degrees fifteen minutes west, or thereabouts, as marked on Melish's map; thence to the summit of the said mountains, and following the chain of the same to the forty-first parallel of latitude; thence, following the

said parallel of latitude forty-one degrees, to the South sea. The northern bank of the said Red river, and all the islands therein, to belong to the United States, and the southern bank of the same to Spain.

It is believed that this line will render the appointment of commissioners for fixing it more precisely unnecessary, unless it be for the purpose of ascertaining the spot where the river Sabine falls upon latitude thirty-two degrees north, and the line thence due north to the Red river, and the point of latitude forty-one degrees north on the ridge of the Snow mountains: to which appointment of commissioners this Government will readily agree.

The United States will agree to the proposal that the contracting parties shall mutually renounce all claims for damages or injuries which they, their citizens or subjects, have received from each other, until the date of the treaty; it being always understood that all grants of lands in any part of the territories to be ceded by Spain to the United States subsequent to the year 1802 are to be held null and void.

This renunciation on the part of the United States will be understood to extend—

1st. To all the cases of claims provided for by the convention of 1802.

2d. To all cases of claims on account of captures by French privateers, and condemnations by French consuls, within the territorial jurisdiction of Spain.

3d. To all claims of indemnities, on account of the suspension of the right of deposite at New Orleans, in 1802.

4th. And to all claims of citizens of the United States upon the Government of Spain, statements of which, soliciting the interposition of the Government of the United States, shall have been, before the date of this treaty, and since the date of the convention of 1802, presented either to the Department of State of the United States, or to the minister of the United States in Spain; but not to claims which the individuals of the United States may have against those of Spain, or against the Spanish Government, on any other account.

The United States will exonerate Spain from all demands in future on account of the above-mentioned claims, and undertake to make satisfaction for the same to an amount not exceeding five millions of dollars.

To ascertain the full amount and validity of those claims, a commission, to consist of three commissioners, shall be appointed by the President of the United States, by and with the advice and consent of the Senate; which commission shall meet at Washington, and within the space of three years shall receive, examine, and decide upon the amount and validity of all claims coming within the descriptions above mentioned. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice; the said documents to be specified when demanded at the instance of the said commissioners.

Your fifth proposition is, that the treaty of limits and navigation of 1795 shall remain in force in all and each of its articles, with the exception of that part of the fifteenth article which stipulates *that the flag shall cover the property.*

The 2d, 3d, 4th, 21st, and the second clause of the 22d articles of the treaty of 1795 have either received their entire execution, and can no longer be considered as remaining in force, or have been rendered inoperative by subsequent events. Whatever relates in them to limits or to the navigation of the Mississippi, has been extinguished by the cession of Louisiana to France, and by her to the United States; with the exception of the line between the United States and Florida, which will also be annulled by the cession of Florida, which you now propose. I am authorized to agree to the confirmation and recognition of all the remaining articles of that treaty as still in force; and to assent to the exception proposed by you of part of the fifteenth article, to this extent: that if, hereafter, either of the contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments recognise the same principle, and not of others.

Your sixth proposition is inadmissible. The United States do not know that any additional laws or declarations are necessary to secure the fulfilment, on the part of Spain, of her engagements in the treaty of 1795. Numerous and just as their complaints have been of the violations of that treaty, under the authority of Spain, they consider the Spanish Government fully competent to make reparation for them, and to secure the faithful observance of their engagements, in future, without new laws or declarations. Nor are they aware of any vague or arbitrary interpretation in any of the ports of this Union, by which, contrary to the laws of nations, or to the stipulations of the treaty of 1795, the law is eluded. The interpretation or construction given to the stipulations of the treaty of 1795 within the United States is subject to the decisions of the judicial tribunals of the United States, who are bound to consider all treaties as the supreme law of the land. Their proceedings are all public, and their decisions upon all questions of interpretation are recorded and published. In this there is surely nothing vague or arbitrary; nothing requiring new laws or declarations. Of the many complaints which you have addressed to this Government in relation to alleged transactions in our ports, the deficiency has been, not in the meaning or interpretation of the treaty, but in the proofs of the facts which you have stated, or which have been reported to you, to bring the cases of complaint within the scope of the stipulations of the treaty.

In consideration of the cession of the Floridas by Spain, to redress and cancel the claims of the United States and their citizens upon Spain, and always understood that the late grants of the lands for which the indemnity for those claims is to be sought shall be held null and void, the Government of the United States will certify that they have not received any compensation from France for the injuries suffered from French privateers, consuls, and tribunals on the coasts and in the ports of Spain, and will present an authentic statement of the prizes made, and of their value, that Spain may avail herself of it in such manner as she may deem just and proper. Upon the basis offered by your propositions, modified conformably to the observations now submitted to you, I am authorized to conclude a treaty with you; but, as the session of Congress is at hand, I am directed to request your immediate and frank reply to this communication. The President is deeply penetrated with the conviction that further protracted discussion of the points at issue between our Governments cannot terminate in a manner satisfactory to them. From your answer to this letter, he must conclude whether a final adjustment of all our differences is now to be accomplished, or whether all hope of such a desirable result is, on the part of the United States, to be abandoned.

I pray you to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *November* 16, 1818.

I have attentively perused the note of the 31st of October last, which you addressed to me by order of your Government, in answer to mine of the 24th of the same month, by which I perceive that you have received the President's orders not to take into consideration the legal titles and grounds on which Spain rests her rights and

claims to the sovereignty of the territories and waters claimed by your Government as forming an integral part of Louisiana, as it was retroceded by His Catholic Majesty to France in 1800, and sold or ceded by the Government of that nation to the United States in 1803. As these rights and claims repose on a basis as solid and as venerable as that which can be presented by the most equitable Government on earth to demonstrate its legitimate property to the country it possesses, I should be wanting in my duty were I not to maintain the same principles which I advanced in my former notes to you on this head. Being self-evident, they are as incontrovertible and invariable as the fundamental principles of universal justice. It is impossible to reject or impugn them without attacking those original and primitive titles which do, and ever have sanctioned, throughout the whole world, the rights of property and complete sovereignty enjoyed by all independent states and kingdoms in their respective acquisitions. You assert the indisputable right of the United States to the river Mississippi. I say, and the fact is obvious, that even admitting your assertion in its fullest latitude, notwithstanding no argument has ever been advanced by the United States to establish it, and that it is contradicted by the most unquestionable documents and proof, the pretension to extend your claims beyond the Missouri would always be inconsistent and exorbitant. Even the absurd and extravagant grant of Louis XIV. to Crozat does not point out a greater extent, and respects the frontiers of New Mexico and other Spanish settlements and possessions, which existed long before the time that grant was made, and before the famous expedition of M. de la Salle. Keeping, therefore, in view the truth of facts and the immutable principles of things, and endeavoring to reconcile them with the sincere and uniform desire of His Catholic Majesty to remove, on his part, the obstacles that have opposed the amicable adjustment of all existing differences between the two Powers, as far as is consistent with the rights and dignity of his royal crown, I will approximate my proposals, as nearly as is possible for me, to those you have made me on the part of your Government.

The first refers to the satisfaction due by the United States to His Catholic Majesty and to his subjects, in consequence of the invasion and capture of Pensacola and other forts and territories in the Floridas. You must be sensible that it is impossible for me to desist from the demand of a just and adequate reparation or indemnity to His Majesty and the inhabitants of both provinces, and particularly those of Pensacola, for all losses and injuries by them sustained from the officers and troops of the United States. No principle can be adduced to support or justify the hostile proceedings of General Jackson in Florida, marked as they are by a series of outrages unprecedented and unknown in history. The American commander, on that occasion, as your Government itself admits, acted contrary to the orders and instructions given to him. Public opinion in the United States has uniformly reprobated these excesses, as well as all the specious pretexts with which he has endeavored to gloss them over. The charges artfully produced against the Spanish commandants and officers are entirely frivolous, and are contradicted by the well-known truth of facts, and the formal declarations and statements of those same Spanish officers; so that, in every view of the case, the United States are in justice bound by the most solemn obligations to make satisfaction to the Crown and subjects of Spain for the said losses and injuries. The Spanish Government are in like manner entitled to the full amount of all revenue collected and received by the United States in the places and territories occupied by them in the said provinces; since, as the sovereignty of Spain is indisputable, she could in nowise be dispossessed of her right to receive her revenues; and this point was from that time reserved as an object of future discussion. I shall be happy to contribute as far as is in my power to this arrangement, and to the stipulation of a fair sum to be paid by the United States for all such damages, that all discussion may thus be speedily and amicably terminated.

My second proposal has been admitted by your Government, with this modification—that all grants and sales of lands made by His Catholic Majesty, or by lawful Spanish authorities in the Floridas, from the year 1802 to the present, shall be null and void. To this modification, in its absolute sense, I cannot assent, inasmuch as it is offensive to the dignity and imprescriptible rights of the Crown of Spain, which, as the legitimate owner of both the Floridas, had a right to dispose of those lands as it pleased; and, further, as the said modification would be productive of incalculable injury to the *bona fide* possessors, who have acquired, settled, and improved these tracts of land.

The extent of what I can agree to is, that the late grants made by His Majesty in the Floridas since the 24th of January last, the date of my first note announcing His Majesty's willingness to cede them to the United States, (the said grants having been made with a view to promote population, cultivation, and industry, and not with that of alienating them,) shall be declared null and void, in consideration of the grantees not having complied with the essential conditions of the cession, as has been the fact.

My third proposal refers to the boundary line to be established between the possessions of the Crown of Spain and those of the United States. Acceding, as far as is possible for me to do, to the modifications proposed by you, and with a view of offering to the United States an additional proof of my wish to remove existing difficulties, I will undertake to admit the river Sabine instead of the Mermento as the boundary between the two Powers, from the Gulf of Mexico, on condition that the same line proposed by you shall run due north from the point where it crosses the Rio Roxo (Red river) till it strikes the Mississippi, and extend thence along the middle of the latter to its source, leaving to Spain the territory lying to the right, and to the United States the territory lying to the left of the same.

What you add respecting the extension of the same line beyond the Missouri along the Spanish possessions to the Pacific ocean exceeds, by its magnitude and its transcendency, all former demands and pretensions started by the United States. Confining myself, therefore, to the powers granted to me by my sovereign, I am unable to stipulate any thing on this point which may remain open for further negotiation, as I have no doubt of His Majesty's disposition to agree to the appointment of a joint commission to determine and establish the future boundaries from the source of the Mississippi to the north and west in a manner conformably to the titles and documents of property and possession respectively exhibited. Leaving, therefore, this point unsettled, as I have just observed, I conceive that my proposal for the adjustment of boundaries will not be attended with any difficulty whatever.

My fourth proposal to your Government has for its object the renunciation by both Governments and nations of all claims for spoliations respectively suffered by either of the two Powers or their subjects until the signing of the treaty. This proposal has been admitted by your Government, with the exception of such claims as American citizens may have on the subjects of His Catholic Majesty or on the Spanish Government, and which have not been laid before the Department of State of the United States, or their minister at the court of Spain. I have no hesitation in assenting to this exception, but it should be made reciprocal for the subjects of the Crown of Spain, who may be entitled to claims on American citizens, or on the Government of the United States, and which have not yet been presented in due form to His Majesty's Secretary of State, or his minister near the United Staes. My proposal will thus be free from difficulty, and conform to the modifications you have suggested.

Nor do I find any difficulty in agreeing to the modifications you offer to my fifth proposal, and proceeding to the sixth, the object of which is to remedy the abuses and violations, repeated pernicious examples of which have occurred in different ports of this republic, through the toleration and countenance given therein to piratical and privateering armaments, against the commerce and navigation of Spain. I observe you state that what I propose is inadmissible; but I have received orders from my sovereign to insist on this point, and to claim of your Govern-

ment such measures as are imperiously called for by the very nature of these abuses and violations, as they not only contravene the existing treaty, but are in direct opposition to the most respectable compacts founded on international and public law.

Whatever may be the forecast, wisdom, and justice conspicuous in the laws of the United States, it is universally notorious that a system of pillage and aggression has been organized in several ports of the Union against the vessels and property of the Spanish nation; and it is equally so that all the legal suits hitherto instituted by His Catholic Majesty's consuls in the courts of their respective districts, for its prevention, or the recovery of the property when brought into this country, have been, and still are, completely unavailing. The artifices and evasions, by means of which the letter of the law has on these occasions been constantly eluded, are sufficiently known, and even the combination of interest in persons who are well known, among whom are some holding public offices. With a view to afford you and the President more complete demonstration of the abuses, aggressions, and piracies alluded to, I enclose you correct lists, extracted from authentic documents deposited in the archives of this legation, exhibiting the number of privateers or pirates fitted out in the United States against Spain, and of the prizes brought by them into the ports of the Union, as well as of those sent to other ports, together with the result of the claims made by Spanish consuls in the courts of this country. Among them you will find the case of two armed ships, the Horatio and Curiazo, built at New York, and detained by His Majesty's consul there, on the ground of their having on board thirty pieces of cannon concealed, with their carriages, and a crew of one hundred and sixty men; on which occasion it was pretended that it could not be proved that these guns were not an article of commerce, and they finally put to sea without them, the extraordinary number of officers and crew passing for passengers. The number of privateers or pirates fitted out and protected in the ports of this republic, as well as of the Spanish prizes made by them, far exceeds that contained in the within lists; but I only lay before your Government those of which I have certain and satisfactory proofs. The right of Spain to an adequate undemnity for all the spoliations committed by these privateers or pirates on the crown and subjects of His Catholic Majesty is indeniable; but I now submit it to your Government only to point out the extreme necessity of putting an end to these continued acts of hostility and depredation, and of cutting short these enormous and flagrant abuses and evils, by the adoption of such effectual precautions and remedies as will put it out of the power of cupidity or iniquity to defeat or elude them. In vain should we endeavor amicably to settle and accommodate all existing differences, and thus establish peace and good understanding between the two nations, if the practice of these abuses, and the course of these hostilities and piracies on the commerce and navigation of Spain should, as heretofore, continue uninterrupted in the United States. From the tenor of the documents now enclosed, and of the reflections suggested by the very nature and state of things, the President cannot hesitate to assent to my proposal on this subject; and as the Congress is now in session, I feel assured that the proper opportunity is afforded for the adoption of the necessary measures I have alluded to, and which I solicit as an essential basis of securing and maintaining a mutual friendship and good understanding between the two nations.

My seventh proposal having likewise been accepted by your Government, I agree to what you propose in answer thereto.

If my proposals, thus modified, should be agreed to by your Government, I am ready to sign them, after they are corrected and reduced to proper form, and augmented by such others, although inferior and of minor importance, as are consequent upon them, and essential in giving due solidity to the inestimable blessings of peace and good understanding between the two Governments, and in avoiding every difficulty and disagreement in future between the individuals and authorities of either nation.

I flatter myself that, by what I have just submitted, I give you and every impartial person a convincing proof of the generosity, frankness, and good faith of His Catholic Majesty's Government in the present negotiation, and of my sincere and uniform desire to terminate it to the satisfaction of both Powers. I shall add that, relying on His Catholic Majesty's wish to see a final arrangement speedily and amicably effected, if it should be proposed only to draw the line from the point mentioned on the Red river (Rio Roxo) somewhat obliquely *(con alguna oblicuidad)* to the westward of the right line due north, which I offer as the boundary of the two countries, I shall not hesitate to take upon myself the arrangement of this point; it being always understood that the proposed line shall strike the Missouri.

Having thus approximated my proposals to the modifications offered by you, as closely as my duty and power permit me, I have to hope that they will be accepted by your Government, as they offer great sacrifices on the part of Spain in favor of the United States. But if, unfortunately, they should not, and the President should still insist on those which you communicated to me, as well as on the peremptory declaration that neither they nor the documents which I have offered to produce in support of the sovereignty of the Crown of Spain to all the territory claimed by the United States, can be further discussed, the only discretionary power left me is to request of the President, in the name of my sovereign, that the negotiation, in its actual state, may be submitted to the decision of the great monarchs now assembled in congress at Aix la Chapelle; in either of which cases, I will immediately despatch a courier to my court with all necessary information for His Catholic Majesty, that His Majesty, may decide on the measures most proper to be adopted on the occasion.

I trust that you will communicate to me the decision of the President. In the mean time, I offer you the renewed assurances of my respect and distinguished consideration.

God preserve you many years.

LUIS DE ONIS.

No. 1.

[TRANSLATION.]

List of Spanish vessels captured by pirates and brought into the United States, stating the result or actual state of the claims made for their restitution to the lawful owners, with the cargoes brought in by some of them.

Names of vessels.	Cargoes.	By whom captured.	Where arrived.	Issue or present state of claims.
Ship Alerta,	153 slaves,	L'Epine privateer,	New Orleans,	Restored to the owners.
Polacre San Francisco de Paula,	Wine, brandy, &c.	Felix privateer,	New Orleans,	Restored to the owners.
Schooner Amable Maria,	Nothing,	Barrataria privateers,	New Orleans,	Restored to the owners.
Schooner Cometa,	Nothing,	Barrataria privateers,	New Orleans,	Restored to the owners.
Schooner Dorada,	Nothing,	Barrataria privateers,	New Orleans,	Restored to the owners.
Schooner Caridad,	Nothing,	Barrataria privateers,	New Orleans,	These two vessels sold by orders of the admiralty court; proceeds ordered to be paid to the owners.
Schooner Bolivar,	Nothing,	Barrataria privateers,	New Orleans,	
Schooner Santa Rita,	Colonial produce,	Barrataria privateers,	New Orleans,	Restored to the owners.
Ship Junta Central, *alias* Bruch,	Nothing,	Carthagena privateer,	New Orleans,	The court declared its incompetency to take cognizance; property retained by the pirates.
H. C. M.'s corvette Indagadora, *alias* Cary Mary,	Nothing,	Decoyed on the Costa Firme,	New Orleans,	Do. do. do. do. do.
Polacre Regla,	Quicksilver, public and private property,	Schooner Alerta,	New Orleans,	Amount of vessel and cargo ordered to be restored to the owners.
Ship Cleopatra,	Wine, brandy, &c.	Carthagena privateer,	New Orleans,	The court declared its incompetency to take cognizance; property retained by the pirates.
Schooner Alerta,	Wine and specie,	Barrataria privateer,	New Orleans,	Ordered to be restored to the owners.
Schooner Estrella,	Unknown,	Barrataria privateer,	New Orleans,	Ordered to be restored, but still pending.
Polacre Virgen del Mar,	Unknown,	Caraccas privateer,	New Orleans,	Ordered to be restored, but still pending.
Schooner San Felipe,	Unknown,	Venezuela privateer,	New Orleans,	Ordered to be restored, but still pending.
Schooner San Antonio,	32 slaves,	Venezuela privateer,	New Orleans,	Ordered to be restored, but still pending.
Schooner Politana,	109 slaves,	Amelia privateer,	Savannah,	Depending.
Brig Monserrat,	Unknown,	Amelia privateer,	Savannah,	Depending.
Brig Maria Francisca,	Sugar,	Amelia privateer,	Savannah,	Depending.
Brig Conception,	Wine, &c.	Commodore Champlin,	Savannah,	Depending.
Schooner Sirena,	Unknown,	Commodore Champlin,	Savannah,	Depending.
San José Animas,	Unknown,	Galvezton privateer,	Charleston,	Ordered to be restored to the owners.
Schooner Camila,	Unknown,	Galvezton privateer,	Charleston,	Depending.
Schooner Isabelita,	Nothing,	Amelia privateer,	Charleston,	Ordered to be delivered to the owners.
Schooner Pilotina,	Slaves,	Amelia privateer,	Charleston,	Depending.
Polacre brig La Cruz de Mayo,	Salt, from Canaries,	Brig Patriot, Taylor,	Norfolk,	Depending.
Ship Providencia,	Home commodities,	Mongore, Barnes,	Norfolk,	Sold by order of the court; proceeds ordered to be paid to the owners.
Brig Sereno,	Sugar,	Congreso, Almeyda,	Baltimore,	Depending.
Schooner Intrepida, *alias* La Leona,	Nothing,	Congreso, Almeyda,	New York,	Depending.
Schooner San Roman,	Unknown,	Congreso, Almeyda,	Providence, R. I.	Depending.
Polacre Divina Pastora,	Unknown,	Mongore,	Boston,	Depending.
Ship Industria, *alias* La Rafaela,	Unknown,	Congreso, Almeyda,	Portland,	Depending.

WASHINGTON, *November* 16, 1818.

No. 2.

[TRANSLATION.]

List of vessels armed or equipped in the ports of the United States, or within their jurisdiction, agreeably to documents deposited in the archives of His Catholic Majesty's minister, under my charge, to wit:

Names of vessels.	Captains' names.	Ports of armament or equipment.	Destination.
Schooner L'Epine,	Belligne,	New Orleans,	Gulf of Mexico.
Schooner Felix,	Debray,	New Orleans,	Gulf of Mexico.
Schooner Petit Milan,	Amigory,	New Orleans,	Nautla.
Schooner Presidente,	La Maison,	New Orleans,	Nautla.
Schooner La Guerriere, *alias* La Creole,	Rartigne,	New Orleans.	
Pilot-boat La Couleuvre,	Drouet,	New Orleans.	
Pilot-boat Josephine,	Domingue,	New Orleans.	
Schooner Alerta, *alias* General Morelos,	Semet,	Barrataria,	Gulf of Mexico.
Schooner Jupiter,	- - -	Charleston,	Amelia island.
Schooner Rebecca,	- - -	Charleston,	Amelia island.
Schooner Lovely Lydia,	Hodson,	Philadelphia,	West Indies.
Schooner Hornet, *alias* Gernudis,	John Smith,	Philadelphia,	Atlantic.
Schooner Orb, *alias* Congreso de Buenos Ayres,	Joseph Almeyda,	Baltimore,	Coast of Spain.
Brig Calypso, *alias* Calipsou,	Thomas Boyle,	Baltimore,	Gulf of Mexico.
Brig Fourth of July, *alias* El Patriota,	Thomas Taylor,	Baltimore,	Coast of Cuba.
Brig Paz, *alias* El Patriota,	Joseph Stafford,	Baltimore,	Coast of Spain.
Brig Mammoth of Baltimore, *alias* La Independencia del Sud,	James Chaytor,	Baltimore,	Coast of Spain.
Brig Clifton,	Davy,	Baltimore,	Buenos Ayres.
Schooner Swift, *alias* Mongore,	James Barnes,	Baltimore,	Coast of Spain.
Schooner Spartan, *alias* Potosi,	John Chase,	Baltimore,	Coast of Spain.
Brig Regent, *alias* Tupacamaro,	Francis Mason,	Baltimore,	Coast of Spain.
Schooner Romp, *alias* Santafecino,	Fisk,	Baltimore,	Norfolk.
Schooner Felix Cubana, *alias* Aret,	Revilla,	Baltimore,	Port-au-Prince.
Schooner Young Spartan,	Moore,	Baltimore,	Straits of Bahama.
Brig True-blooded Yankee,	David Tewet,	New York,	Savannah.
Schooner Capelin, *alias* Artegas, *alias* Minerva,	Champlin,	New York,	Unknown.
Corvette Horatio,	Skinner,	New York,	Buenos Ayres.
Corvette Curiazo,	Delano,	New York,	Buenos Ayres.

WASHINGTON, *November* 16, 1818.

No. 3.

[TRANSLATION.]

A summary statement of money and property taken out of Spanish vessels, known to have been brought into the United States in American vessels, and the privateers by which they were plundered; exhibiting the result or present state of the claims to obtain restitution thereof, to wit:

At New Orleans. Restoration of seventy slaves of the cargo of the bark Volador, clandestinely conveyed there by the piratical captors, claimed and obtained by Don Vincente Ordozgoiti, of Pensacola.

At the same place. Certain property found on board a vessel abandoned by the American troops to the Barrataria pirates, claimed by Don Diego Morphy, vice consul, ordered to be delivered to him.

At the same place. Restoration of certain Spanish property, brought there in the Petit Milan privateer, claimed and obtained by the same consul.

At the same place. Restoration of certain property, brought there by the Presidente privateer, claimed and obtained by the same consul, for account of the lawful owners.

At the same place. Restoration of thirteen casks of clothing, brought there by the American brig Alonzo from Galvezton, and two hundred and eighty-five pieces of Madras handkerchiefs, claimed by His Majesty's consul, Don Felipe Fatio, both still pending.

Claim by the same consul of thirty boxes of sugar, brought to New Orleans from Galvezton; result yet unknown.

Claim by the same of sundry merchandise, brought to New Orleans on board the Mount Vernon; not decided on.

At Charleston. Claim of property saved from the Spanish prize brig Jupiter, lost after capture by pirates at the entrance of that river; order for its restoration yet unknown.

In the year 1812, the Anglo-American privateer Revenge, Captain Butler, after having committed numerous acts of piracy, boarded, under English colors, the Spanish ship Iris, bound from Havana, or Carthagena, in South America, to Spain, with a cargo of fifty-five thousand dollars in specie, of provincial money, silver in bars, and other valuable articles. There exists almost positive proof that the captain of the Revenge, not satisfied with robbing the Spaniards of their property, endeavored to choke the pumps, and sink the ship, with all the crew. The captain and some of the crew were arrested, and confined in jail at Charleston; but, notwithstanding the satisfactory evidence produced by His Majesty's consul on the trial, he was liberated, and only a thousand and some odd dollars, found on board the privateer, recovered. Don Felipe Aldaytarriaga, agent for the Iris, had recourse afterwards to the courts at Philadelphia, which confirmed the sentence of the court at Charleston, for the liberation of Captain Butler and his crew, freed the owners of the Revenge from all responsibility to the owners of the Iris, and even ordered the money found on board the Revenge to be restored to the crew. An official representation of this transaction was made to the President, but without effect.

Don Antonio Argote Villalobos, consul at Charleston, and vested with full powers, claimed and obtained an attachment on one hundred and twenty boxes of sugar, fifty-five barrels of coffee, and four packages of white wax, brought there by the Amelia island pirates, through St. Mary's, in Georgia; which claim is still pending.

Towards the close of the last year, the same consul, through the medium of an agent despatched to St. Mary's, had an attachment laid on certain Spanish property brought there from Amelia island, amounting to one hundred

thousand dollars, among which was a quantity of snuff and segars, public property, shipped on board the Spanish ship Union Carmelita, Captain Fs. Roura, captured by the insurgents; this case still pending.

At Norfolk. Claim by Don Pablo Chacou, consul there, of money and property brought there by the privateer Potosi, *alias* the Spartan, of Baltimore, Captain John Chase, supposed to belong to the Spanish ship "Ciencia," captured by that privateer, on her passage from Havana to Cadiz; failed for want of evidence.

At the same place. Claim by Don Antonio Argote Villalobos, when consul there, of a large sum of money, and eighty-seven ceroons of cochineal, mostly belonging to the Spanish vessels the Santander and the Santisima Trinidad, *alias* the Manso, captured by the privateers Independencia del Sud and the Altavela, *alias* the Romp, Captains Chaytor and Grennolds, on their passage from Vera Cruz to Havana; still pending.

At the same place. Claim by Don Pablo Chacou of the restitution of one hundred and ninety-three ceroons of barks, twenty-eight cases of extract of Brazil, and thirteen bags of cotton, on board the Venezuela privateer the America Libre, *alias* the Neptuno, Captain Bernard, arrived from Margarita; restitution not obtained, as well from want of proof to identify the property, as the refusal of the authorities at Norfolk to attach it, agreeably to the demand of the consul.

Don Pablo Chacou claimed and obtained an attachment on forty-seven boxes of white Havana sugar, arrived at Norfolk on board the American schooner Atlantic, Captain Butler, from Port-au-Prince, the said sugar having been taken from on board the Spanish brig San Antonio by the pirate called the Invincible; this suit still pending.

At Baltimore. Claim by Don Pablo Chacou, when consul there, of the restitution of two cases of thread, two boxes of oil, and two cases of silks, declared to have been taken on the high seas, and two boxes of lace, brought in by the piratical schooner Mongore, Captain Barnes; failed for want of proof.

The American schooner Remittance, Captain Rogers, arrived at Baltimore from Port-au-Prince, with the following property, taken by the pirate Potosi, Captain John Chase, from on board the Spanish ship "Ciencia," captured on her voyage from Havana to Cadiz, namely: three cases of wrought plate, one of jewelry, thirty-three bundles of cochineal, three of jalap, and various other valuable articles. Claim by Mr. Chacou of the restitution of this property to the lawful owners still pending.

At the same port of Baltimore arrived the brig Hibernia, with several bags of cotton and some coffee on board, taken by the pirate the Patriota, Captain Thomas Taylor, from a Spanish boat going to St. Jago de Cuba. Powers sent by the owners to a merchant at Baltimore, who lodged a claim without delay, but has yet obtained no decision in the case.

Into the same port of Baltimore the following property was brought on board the American schooner the Evening Post, Captain Williams, from Galvezton, having been transhipped on board that vessel from the Spanish polacre Santa Maria, Captain José Fort y Blanch, captured by the pirate Patriota, Captain Stafford, to wit: one hundred and thirty-eight boxes of lump sugar, eighty-three ditto white, five half boxes of ditto, nine packages of cotton, and one hundred and twenty pieces of Campeachy wood. This property was immediately secreted by the consignee, Mr. John Laborde, and escaped the search of the consul, Don Joaquim Zamoramo, who took the necessary steps to have an attachment laid on it.

At the same port there arrived another schooner, the Amatea, Captain Forbes, from Galvezton, with fifty-four boxes of white sugar, seventy-three ditto lump, and three hundred and fifty-nine hides, taken from on board the polacre Santa Maria by the pirate Stafford, and consigned to the said John Laborde, who, in consequence of the dilatory proceeding of the marshal of the district, found time to secrete them, and evade the attachment granted at the request of Mr. Consul Zamoramo.

The pirate Patriota, Captain Taylor, arrived in the Chesapeake, and privately landed above $22,000 in gold, together with five slaves, taken from on board the Spanish schooner San Miguel, Captain Juan Vetasquez, bound from Maracaibo to St. Jago de Cuba; and, notwithstanding every exertion used by Don J. Zamoramo to discover the place of deposite of the money and slaves, his search proved fruitless.

The same pirate, the Patriota, commanded by Captain Stafford, attempted, on another occasion of his arriving in the Chesapeake, privately to land five hundred boxes of sugar, taken from on board the polacre Santa Maria, but was able to land only forty-five, which were seized and condemned by the custom-house at Baltimore. The efforts of the consul to stop the privateer Patriota were rendered abortive by the misconduct of the marshal of the district.

The American schooner Harriet, Captain Southcomb, arrived at Baltimore from Galvezton with the following property shipped on board her there, belonging to the aforesaid polacre Santa Maria, to wit: twenty-two boxes of white sugar, ten half boxes ditto, one hundred and nineteen boxes of powdered sugar, thirteen half boxes ditto, thirteen cases of wine, one ton of Campeachy wood, and twenty-five logs of mahogany. The whole claimed by Don Joaquim Zamoramo, and still pending.

The privateer St. Martin, Captain John Dieter, brought into Baltimore to the amount of $11,000 in gold and silver, belonging, as has since appeared, to Don Cristoval Cruzat, merchant at Malaga, and taken from on board a polacre, also belonging to him, captured by the said privateer June 12, 1817. The Consul Zamoramo having been unable to trace this property, no recovery has been made.

The American schooner Hornet, Captain Ring, arrived at Baltimore from St. Mary's, in Georgia, with the following property, shipped at Amelia island: one hundred and seventeen boxes of sugar, twenty-four ceroons of indigo, and a parcel of Campeachy wood, consigned to the said John Laborde; attachment on which could not be laid, the marshal's place then being vacant; and, before the aid of the sheriff could be brought in, Laborde found means to remove the whole.

The privateer Rio de la Plata, Captain Davy, landed at the same port the sum of $8,000, the property of which could not be ascertained by Don Joaquim Zamoramo.

A vessel found deserted at the entrance of the Delaware, apparently a Spaniard, from her build and some remains of cargo. Claimed by Don Bdne. Renguenet, consul at Philadelphia, on behalf of her lawful owners; affair still pending.

At Boston, Don Juan Stoughton attached a part of the cargo of the Spanish brig San José, captured by the pirate Romp, of Baltimore; and, although he obtained an order for her restitution to her owners, it has not yet been effected, owing to the absence of the district attorney.

The same consul entered a claim at Boston for a part of the cargo of the brig Nuestra Señora del Buen Suceso, Captain José Roldam, captured by the pirate Rio de la Plata, Captain Davy, and carried into Marblehead by a fishing schooner. Claim still pending.

WASHINGTON, *November* 16, 1818.

[TRANSLATION.]

EXTRACTS FROM THE BUENOS AYRES GAZETTE.

[No. 43. Buenos Ayres Gazette, Saturday, November 1, 1817.]

Account of the vessels sent in by privateers of this country for adjudication by the prize court charged therewith, to wit:

No. 1. Ship Monserrat, captured August 13, 1815, by the privateer corvette the Zephir, Don Tomas Feles, commander; declared a good prize the 13th October following, and the cargo thereupon delivered to Don Guillermo G. Miller, agent.

No. 2. Schooner Divina Pastora, captured 14th September, 1815, by the same corvette and commander, informally declared bad prize on the 16th October, and, after regular proceedings, a good one on the 8th November following; cargo delivered to the order of the commander, Don T. Feles.

No. 3. June 18, 1816, arrived here ship Conseqüencia, captured by the privateer corvette the Alcon, commanded by sergeant-major Don Hipolito Buchard, in company with the ship Hercules and brig Trinidad, under the command of Colonel Guillermo Brown, and manned off Callao; declared good prize, together with the schooner Andaluz, arrived in October following; which sentences are in the possession of Don Leonardo Agrelo, notary, appointed in consequence of the circumstance which occurred after declaration.

[Gazette extraordinary, Buenos Ayres, Thursday, November 6, 1817.]

Minute of the cargo of the Spanish prize ship Perla, from Cadiz, mounting 16 *guns, brought into Valparaiso.*

412 rough boxes of ironmongery, steel, nails, and tin plates; 654 rough boxes of different articles; 385 cakes of sprits; 80 small casks, contents unknown; 80 cakes of wax; 90 cases of stamped paper; 82 bales of linen; 32 boxes of tow linen; 6 bales of tow linen; 24 cases, (*medianas;*) 100 empty liquor cases.

VALPARAISO, *October* 8, 1817.

FRANCIS DE LA LASTRA.

A true copy: GUIDO.

[No. 44. Buenos Ayres Gazette, Saturday, November 8, 1817.]

Account of vessels sent in by privateers of this country for adjudication by the prize court, charged therewith, to wit:

*No. 4. Schooner Leona, captured 25th June, 1816, by the schooner privateer Congreso, Captain José Almeyda; declared good prize 31st August following; cargo ordered to be delivered to Don David Cortes De Forest, owner of said privateer.

*No. 5. Brig San Andero, captured June 21, 1816, by the above privateer; declared good prize 30th September following; ordered to be delivered to De Forest.

*No. 6. Ship Nuestra Señora de Gracia, *alias* La Atrevida, captured by the above privateer on the 24th June; declared good prize 29th October following; cargo ordered to be delivered to De Forest.

No. 7. Zebec San José y Animas, *alias* El Valiente, and brig Nuestra Señora del Rosario, captured by the schooner privateer Independencia, Captain Miguel Ferreres; the former on the 27th June, and the latter on the 12th August, 1816; declared good prizes on the 29th October; cargoes delivered to Don Juan Pedro Aguirre.

No. 8. October 29, 1816, goods and merchandise, brought in by the privateer schooner Congreso, Captain Almeyda, declared good prize; eight registers exhibited by him of vessels fallen in with on his cruise, to establish his claim to them as prizes. The said goods ordered to be delivered to De Forest.

*No. 9. Ship Carlota, captured 24th July, 1816, by the same privateer, (Congreso;) declared good prize 14th November; cargo delivered to De Forest.

*No. 10. Brig San Buenaventura, *alias* Leonidas, captured 22d August, 1816, by the privateer Independencia del Sud, Captain Don Diego Chaytor; declared good prize 24th November; cargo ordered to be delivered to Don Adam Guy, agent for said privateer.

*No. 11. Brig Concepcion, captured 25th August, 1816, by the same privateer, (Independencia del Sud;) declared good prize 24th November; cargo ordered to be delivered to the agent, Guy.

*No. 12. Brig Sereno, captured by the schooner privateer Congreso, Captain José Almeyda; declared good prize 1st February, 1818, at the instance of Don David Cortes De Forest; said vessel ordered to this port, but proceeded to North America, where ship and cargo are deposited.

*No. 13. Brig Los Tres Amigos, captured by the same privateer; declared good prize 1st February, 1818, at the instance of the aforesaid De Forest. Not arrived within these waters, and presumed to have borne away for a port in North America.

No. 14. Schooner Nuestra Señora del Carmer, *alias* La Antonia, captured 14th November by the privateer brig Montezuma, Captain Jorge Ross; declared good prize 27th February; cargo ordered to be delivered to the owner of the privateer Don Jorge Macfarlane.

No. 15. Brig Carmer y Animas, captured off Cadiz by the same privateer; declared good prize 21st May last; cargo delivered to Macfarlane.

*No. 16. Ship Triton, captured 25th January by the privateer brig Tupac-Amaru, Captain Marcena Monron; declared good prize 17th April following; cargo ordered to be delivered to Don David Cortes De Forest.

*No. 17. Brig Antrevido, captured by the privateer brig Independencia del Sud, Captain Diego Chaytor, 27th July last; declared good prize at the instance of Don David C. De Forest, agent for said privateer; ordered here, but carried into a port of England by the prize master.

No. 18. May 21st, goods proceeding from three prizes captured by the privateer brig Montezuma, Captain George Ross; declared good prize; registers deposited by him; goods ordered to be delivered to the owner of the privateer, Don Jorge Macfarlane.

*No. 19. Ship Ciencia, captured 5th October by the privateer schooner Potosi, Captain John Chace; declared good prize 21st May; vessel and cargo sold at Port-au-Prince; proceeds deposited till further advice from that Government.

*No. 20. Ship Santander, *alias* Los Santos Martires, captured 6th May by the privateer brig Invincible, David Jewett, commander and owner; declared good prize 29th August; cargo ordered to be delivered to Don David C. De Forest, agent.

*No. 21. Polacre Jita, captured 1st March by the aforesaid privateer, Captain David Jewett; declared good prize 15th September following.

No. 22. Ship Ferera, *alias* La Roig, captured 1st July by the privateers Independencia and San Martin; declared good prize 15th September; cargo ordered to be delivered to Adam Guy and John Higinbotham, agents.

[No. 46. Buenos Ayres Gazette, Saturday, November 2, 1817.]

Letter of the commander of the privateer Tucuman to the Minister at War.

SIR: ARMED SCHOONER TUCUMAN, AT ANCHOR OFF TENERIFFE, *September* 10, 1817.

I have the pleasure to inform you that I sailed on the 3d of June from New Orleans, with a Government commission, on a cruise, first off Havana, and thence off Cadiz, in which I captured twenty-four Spanish vessels, four of which were ordered to Buenos Ayres, one burnt, and the rest, being of little value, given up to the prisoners. On my cruise, I boarded 26 English, 24 American, 10 French, 2 Venezuela, 2 Portuguese, 1 Austrian, 2 Swedish, 1 Danish, 1 Genoese, and 24 Spanish vessels.

I have the honor to be, &c.

GEORGE WILSON.

Account of vessels sent in by privateers of this country for adjudication by the prize court charged therewith, continued, to wit:

No. 23. Schooner Nuestra Señora de Mercedes, *alias* La Corsa, captured 29th June, by the two privateers above mentioned; declared good prize 20th September; cargo ordered to be delivered to the same agents.

No. 24. Ship Iris, captured 3d July by the privateer schooner Tucuman, Captain Don Franco. Tourner; declared good prize 25th September; cargo ordered to be delivered to Don Juan Pedro Aguirre, owner.

* No. 25. Brig Sto. Cristo de la Salud, captured 17th June by the privateer schooner San Martin, Captain Isaac W. Martin; declared good prize 1st October; cargo ordered to be delivered to Don Juan Higinbotham, owner.

* No. 26. Brig Teneriffe, captured 3d July by the privateer schooner Congreso, Captain José Almeyda; declared good prize 9th October; cargo ordered to be delivered to Don Juan Pedro Aguirre, owner.

N. B. In like manner were adjudicated and condemned as good prizes the following vessels, viz:

Ship Nuestra Señora de los Dolores, *alias* Primera, from Havana to Cadiz, captured by the privateer Independencia; case pending on a claim put in by Don José Maria de la Carrera, for amount of the vessel and freight.

Ship Nuestra Señora del Buen Suceso, *alias* La Esperanza, from Cadiz to Manilla, captured by the Independencia and Mongore privateers; cases now before your excellency, by appeal from the agents of both privateers, as to the portion they are to receive of the whole proceeds.

Signed by order of the Minister of State for the Department of War and the Marine.

JUAN JOSE DE ECHEVARRIA.

BUENOS AYRES, *October* 14, 1817.

Account of vessels arrived here from sea, from the 13th instant to this date.

18th. Prize polacre San Franco. de Asis, *alias* Los Dos Hermanos, from Havana to Cadiz, captured at Terceira by the national privateer schooner Congreso, Captain Ezra Drew, with a cargo of sugar and Campeachy wood, consigned to Don Juan Pedro Aguirre.

BUENOS AYRES, *November* 20, 1817.—*Anesategui.*

[No. 47. Buenos Ayres Gazette, Saturday, November 29, 1817.]

Account of vessels arrived here from sea, from Thursday, the 20th, to this date.

*22d. Spanish prize ship Jesus, from Havana to Cadiz, captured 24th July last, off Terceira, by the national cruiser San Martin, Captain Sprague, with a cargo of 628 pipes of brandy, and 34 boxes of sugar; consigned to Don Juan Higinbotham.

24th. Spanish prize brig Gerona, captured 10th August last, off the Western islands, on her voyage from Havana to Malaga, by the national cruiser brig Rio de la Plata, Captain Clemente B. Durell, with 1,157 boxes sugar, 20 bags coffee, 1,140 hides, 280 quintals of Campeachy wood, and 6 logs of mahogany; consigned to Don Juan Higinbotham.

Same date. National cruiser schooner Congreso, Captain José Joaquin Almeyda, from a cruise off the Canary islands, which she left on the 18th ultimo, with 3 boxes, containing correspondence captured from the enemy; consigned to Don Juan Pedro Aguirre.

[No. 48. Buenos Ayres Gazette, Saturday, December 6, 1817.]

Accounts of vessels arrived from sea, from Thursday, 27th ultimo, to this date.

* November 29. Spanish prize brig Sto. Cristo, from Lima to Cadiz, captured 1st September off Santa Maria, Terceiras, by the national cruiser brig Tupac-Amaru, Captain Juan Magfudole, with a cargo of cotton, copper, Jesuit's bark, and cocoa; consigned to Don David C. De Forest & Co.

* December 3. Prize ship Diana, Captain Jacobo Bartten, from Havana to Cadiz, captured off the Balearic islands by the schooner privateer Congreso, with a cargo of sugar, coffee, cochineal, tortoise-shell, tarza, hides, and Campeachy wood; consigned to Don Juan Pedro Aguirre.

*——. Prize brig Hermosa Maria, Captain Thomas Traske, from Laguayra to Cadiz, captured 4th October last, off Cape Santa Maria, by the schooner privateer Congreso; cargo, cotton, and cocoa; consigned to Don Juan Pedro Aguirre.

*——. Prize brig Beloz, from Barcelona to Cadiz, thence to Havana, captured off Cape Spartel by the schooner privateer Tucuman, Captain Williams; cargo, wine; consigned to Don David C. De Forest & Co.

——. Privateer schooner Tucuman, Captain Jorge Williams, from a cruise off Cadiz; left 12th October last; cargo, wine and sundries; consigned to Don David C. De Forest & Co.

[No. 49. Buenos Ayres Gazette, Saturday, December 13, 1817.]

Account of vessels arrived here from sea, from Thursday, the 4th instant, to this date.

* 6th. Spanish prize brig San Francisco de Paula, Captain Guillermo Barrs, from Vigo to Barcelona, captured 2d September last, off Cape Santa Maria, by the privateer schooner Congreso; cargo, 270 pressed bundles of Sardinias; consigned to Don Juan Pedro Aguirre.

* Same date. Spanish prize brig Maria Josefa, Captain Julian Chevas, captured by the privateer schooner Tucuman off Cadiz; cargo, 150 casks of Sardinias, and 80 bundles of leather; consigned to Don David C. De Forest & Co.

[No. 51. Buenos Ayres Gazette, Saturday, December 27, 1817.]

Account of vessels arrived here from sea, from Thursday, 18th instant, to this date.

19th. Spanish prize ship Mariana, *alias* La Veloz, Captain José Miers, captured off Cadiz by the national cruiser schooner Congreso; cargo, 512 boxes white sugar, 349 powdered ditto, and 40 logs of mahogany; consigned to Don Juan Pedro Aguirre.

[No. 53. Buenos Ayres Gazette, Saturday, January 10, 1818.]

Account of vessels arrived here from sea, from Thursday, 1st instant, to this date.

5th. National cruiser El General San Martin, from a cruise off Cadiz; left 18th October last, having captured two Spanish ships, the Maria Josefa, *alias* La Veloz, and the Paraguay, both from Havana to Cadiz; cargoes, sugar, coffee, cocoa, and dye woods; consigned to Don Juan Higinbotham.

WASHINGTON, *November* 16, 1818.

The Secretary of State to George W. Erving, Esq.

SIR: DEPARTMENT OF STATE, WASHINGTON, *November* 28, 1818.

Your despatches to No. 92, inclusive, with their enclosures, have been received at this Department. Among these enclosures are the several notes addressed to you by Mr. Pizarro in relation to the transactions during the campaign of General Jackson against the Seminole Indians, and the banditti of negroes combined with them, and particularly to his proceedings in Florida without the boundaries of the United States.

In the fourth and last of those notes of Mr. Pizarro, he has given formal notice that the King, his master, has issued orders for the suspension of the negotiation between the United States and Spain until satisfaction shall have been made by the American Government to him for these proceedings of General Jackson, which he considers as acts of unequivocal hostility against him, and as outrages upon his honor and dignity; the only acceptable atonement for which is stated to consist in a disavowal of the acts of the American general thus complained of, the infliction upon him of a suitable punishment for his supposed misconduct, and the restitution of the posts and territories taken by him from the Spanish authorities, with indemnity for all the property taken, and all damages and injuries, public or private, sustained in consequence of it.

Within a very few days after this notification, Mr. Pizarro must have received, with copies of the correspondence between Mr. Onis and this Department, the determination which had been taken by the President to restore the places of Pensacola, with the fort of Barrancas, to any person properly authorized on the part of Spain to receive them, and the fort of St. Mark to any Spanish force adequate to its protection against the Indians, by whom its forcible occupation had been threatened for purposes of hostility against the United States. The officer commanding at the post has been directed to consider two hundred and fifty men as such adequate force, and, in case of their appearance with proper authority, to deliver it up to their commander accordingly.

From the last-mentioned correspondence, the Spanish Government must likewise have been satisfied that the occupation of these places in Spanish Florida by the commander of the American forces was not by virtue of any orders received by him from this Government to that effect, nor with any view of wresting the province from the possession of Spain, nor in any spirit of hostility to the Spanish Government; that it arose from incidents which occurred in the prosecution of the war against the Indians, from the imminent danger in which the fort of St. Mark was of being seized by the Indians themselves, and from the manifestations of hostility to the United States by the commandant of St. Mark's and the Governor of Pensacola, the proofs of which were made known to General Jackson, and impelled him, from the necessities of self-defence, to the steps of which the Spanish Government complains.

It might be sufficient to leave the vindication of these measures upon those grounds, and to furnish, in the enclosed copies of General Jackson's letters, and the vouchers by which they are supported, the evidence of that hostile spirit on the part of the Spanish commanders, but for the terms in which Mr. Pizarro speaks of the execution of two British subjects taken, one at the fort of St. Mark, and the other at Suwanee, and the intimation that these transactions may lead to a change in the relations between the two nations, which is doubtless intended to be understood as a menace of war.

It may be, therefore, proper to remind the Government of His Catholic Majesty of the incidents in which this Seminole war originated, as well as of the circumstances connected with it in the relations between Spain and her ally, whom she supposes to have been injured by the proceedings of General Jackson; and to give to the Spanish cabinet some precise information of the nature of the business, peculiarly interesting to Spain, in which these subjects of her allies, in whose favor she takes this interest, were engaged, when their projects of every kind were terminated in consequence of their falling into the hands of General Jackson.

In the month of August, 1814, while a war existed between the United States and Great Britain, to which Spain had formally declared herself neutral, a British force, not in the fresh pursuit of a defeated and flying enemy, not overstepping an imaginary and equivocal boundary between their own territories and those belonging, in some sort, as much to their enemy as to Spain, but approaching by sea, and by a broad and open *invasion* of the Spanish province, at a thousand miles or an ocean's distance from *any* British territory, landed in Florida, took possession of Pensacola and the fort of Barrancas, and invited, by public proclamations, (document No. 1,) all the runaway negroes, all the savage Indians, all the pirates, and all the traitors to their country whom they knew or imagined to exist within reach of their summons, to join their standard, and wage an exterminating war against the portion of the United States immediately bordering upon this neutral and thus violated territory of Spain. The land commander of this British force was a certain Colonel Nicholls, who, driven from Pensacola by the approach of General Jackson, actually left to be blown up the Spanish fort of Barrancas when he found it could not afford him protection; and, evacuating that part of the province, landed at another, established himself on the Appalachicola river, and there erected a fort from which to sally forth with his motley tribe of black, white, and red combatants against the defenceless borders of the United States in that vicinity. A part of this force consisted of a corps of colonial marines, levied in the British colonies, in which George Woodbine was a captain, and Robert Christie Ambrister was a lieutenant. (Nos. 2 *b.* 59, 60.)

As between the United States and Great Britain, we should be willing to bury this transaction in the same grave of oblivion with other transactions of that war, had the hostilities of Colonel Nicholls terminated with the war; but he did not consider the peace which ensued between the United States and Great Britain as having put an end, either to his military occupations, or to his negotiations with the Indians against the United States. Several months after the ratification of the treaty of Ghent, he retained his post, and his party-colored forces in military array. By the ninth article of that treaty (No. 2 *b.*) the United States had stipulated to put an end, immediately after its ratification, to hostilities with all the tribes or nations of Indians with whom they might be at war at the time of the ratification, and to restore to them all the possessions which they had enjoyed in the year 1811. This article had no application to the Creek nation, with whom the United States had already made peace, by a treaty concluded on the 9th day of August, 1814, more than four months before the treaty of Ghent was signed. Yet Colonel Nicholls not only affected to consider it as applying to the Seminoles of Florida, and the outlawed Red Sticks, whom he had induced to join him there, but actually persuaded them that *they* were entitled, by virtue of the treaty of Ghent, to all the lands which had belonged to the *Creek* nation within the United States in the year 1811, and that the Government of Great Britain would support them in that pretension. He asserted (No. 2 *a. c.*) also this doctrine in a correspondence with Colonel Hawkins, then the agent of the United States with the Creeks, and gave him notice in their name, with a mockery of solemnity, (No. 9,) that they had concluded a treaty of alliance, offensive and defensive, and a treaty of navigation and commerce, with Great Britain, of which more was to be heard after it should be ratified in England. Colonel Nicholls then evacuated his fort, which, in some of the enclosed papers, is called the fort at Prospect Bluff, but which he had denominated the *British* post on the Appalachicola; took with him the white portion of his force, and embarked for England with several of the wretched savages whom he was thus deluding to their fate, among whom was the prophet Francis or Hillis Hadjo, and left the fort, amply supplied with military stores and ammunitions, to the negro department of his allies. It afterwards was known by the name of the Negro fort.

Colonel Hawkins immediately communicated to this Government the correspondence between him and Nicholls, here referred to, (copies of which, marked Nos. 1 to 5, are herewith enclosed,) upon which, Mr. Monroe, then Secretary of State, addressed a letter (No. 10) to Mr. Baker, the British chargé d'affaires at Washington, complaining of Nicholls's conduct, and showing that his pretence that the ninth article of the treaty of Ghent could have any application to his Indians was utterly destitute of foundation. Copies of the same correspondence were transmitted to the minister of the United States, then in England, with instructions (No. 11) to remonstrate with the British Government against these proceedings of Nicholls, and to show how incompatible they were with the peace which had been concluded between the two nations. These remonstrances were accordingly made, first in personal interview with Earl Bathurst and Lord Castlereagh, and afterwards in written notes addressed successively to them, (copies of which, [Nos. 12 *a. b*, 13 *a. b.*] together with extracts from the despatches of the American ministers to the Secretary of State, reporting what passed at those interviews, are enclosed.) Lord Bathurst, in the most unequivocal manner, confirmed the facts, and disavowed the misconduct of Nicholls; declared his disapprobation of the pretended treaty of alliance, offensive and defensive, which he had made; assured the American minister that the British Government had refused to ratify that treaty, and would send back the Indians whom Nicholls had brought with him, with advice to make their peace on such terms as they could obtain. Lord Castlereagh confirmed the assurance that the treaty would not be ratified; and if, at the same time that these assurances were given, certain distinctions of public notoriety were shown to the prophet Hillis Hadjo, and he was actually honored with a commission as a British officer, it is to be presumed that these favors were granted him as rewards of past services, and not as encouragement to expect any support from Great Britain in a continuance of savage hostilities against the United States; all intention of giving any such support having been repeatedly and earnestly disavowed.

The negro fort, however, abandoned by Colonel Nicholls, remained on the Spanish territory, occupied by the banditti to whom he had left it, and held by them as a post from whence to commit depredations, outrages, and murders, and as a receptacle for fugitive slaves and malefactors, (No. 14,) to the great annoyance both of the United States and of Spanish Florida. In April, 1816, General Jackson wrote a letter to the Governor of Pensacola, calling upon him to put down this common nuisance to the peaceable inhabitants of both countries. That letter, together with the answer of the Governor of Pensacola, (No. 15,) has already been communicated to the Spanish minister here, and by him doubtless to his Government. Copies of them are, nevertheless, now again enclosed; particularly as the letter from the governor explicitly admits that this fort, constructed by Nicholls in violation both of the territory and neutrality of Spain, was still no less obnoxious to his Government than to the United States; but that he had neither sufficient force nor authority, without orders from the Governor General of the Havana, to destroy it. It was afterwards, (No. 23,) on the 27th of July, 1816, destroyed by a cannon shot from a gun vessel of the United States, which, in its passage up the river, was fired upon from it. It was blown up with an English flag still flying as its standard, and immediately after the barbarous murder of a boat's crew belonging to the navy of the United States, by the banditti left in it by Nicholls.

In the year 1817, Alexander Arbuthnot, of the island of New Providence, a British subject, first appeared as an English trader in Spanish Florida, and as the successor of Colonel Nicholls in the employment of instigating the Seminole and outlawed Red Stick Indians to hostilities against the United States, by reviving the pretence that they were entitled to all the lands which had been ceded by the Creek nation to the United States in August, 1814. As a mere Indian trader, the intrusion of this man into a Spanish province was contrary to the policy observed by all the European Powers in this hemisphere, and by none more rigorously than by Spain, of excluding all foreigners from intercourse with the Indians within their territories. It must be known to the Spanish Government whether Arbuthnot had a Spanish license for trading with the Indians in Spanish Florida, or not; but they also know that Spain was bound by treaty to restrain by force all hostilities on the part of those Indians against the citizens of the United States; and it is for them to explain how, consistently with those engagements, Spain could, contrary to all the maxims of her ordinary policy, grant such a license to a foreign incendiary, whose principal if not his only object appears to have been to stimulate those hostilities which Spain had expressly stipulated by force to restrain. In his infernal instigations he was but too successful, (No. 49.) No sooner did he make his appearance among the Indians, accompanied by the prophet Hillis Hadjo, returned from his expedition to England, (No. 50,) than the peaceful inhabitants on the borders of the United States were visited with all the horrors of savage war—the robbery of their property, and the barbarous and indiscriminate murder of woman, infancy, and age.

After the repeated expostulations, warnings, and offers of peace, through the summer and autumn of 1817, on the part of the United States, had been answered only by renewed outrages, and after a detachment of forty men, under Lieutenant Scott, (No. 51 *a.*) accompanied by seven women, had been waylaid and murdered by the Indians, (No. 61,) orders were given to General Jackson, and an adequate force was placed at his disposal to terminate the war. It was ascertained that the Spanish force in Florida was inadequate for the protection even of the Spanish territory itself against this mingled horde of lawless Indians and negroes; and, although their devastations were committed within the limits of the United States, they immediately sought refuge within the Florida line, and there

only were to be overtaken. The necessity of crossing the line was indispensable; for it was from beyond the line that the Indians made their murderous incursions within that of the United States. It was there that they had their abode; and the territory belonged, in fact, to them, although within the borders of the Spanish jurisdiction. There it was that the American commander met the principal resistance from them; there it was that were found (No. 38) the still bleeding scalps of our citizens, freshly butchered by them; there it was that he released the only *woman* who had been suffered to survive the massacre of the party under Lieutenant Scott. But it was not anticipated by this Government that the commanding officers of Spain in Florida, whose especial duty it was, in conformity to the solemn engagements contracted by their nation, to restrain by force those Indians from hostilities against the United States, would be found encouraging, aiding, and abetting them, and furnishing them supplies for carrying on such hostilities. The officer in command immediately before General Jackson was, therefore, specially instructed to respect, as far as possible, the Spanish authority, wherever it was maintained; and copies of those orders were also furnished to General Jackson, upon his taking the command.

In the course of his pursuit, as he approached St. Mark's, he was informed direct from the Governor of Pensacola that a party of the hostile Indians had threatened to seize that fort, and that he apprehended the Spanish garrison there was not in strength sufficient to defend it against them. This information was confirmed from other sources, and, by the evidence produced upon the trial of Ambrister, is proved to have been exactly true. By all the laws of neutrality and of war, as well as of prudence and of humanity, he was warranted in anticipating his enemy by the amicable, and, that being refused, by the forcible occupation of the fort. There will need no citations from printed treatises on international law to prove the correctness of this principle. It is engraved in adamant on the common sense of mankind. No writer upon the laws of nations ever pretended to contradict it. None, of any reputation or authority, ever omitted to assert it.

At Fort St. Mark, Alexander Arbuthnot, the British Indian trader from beyond the seas, the firebrand by whose touch this negro-Indian war against our borders had been rekindled, was found (No. 34) an inmate of the commandant's family; and it was also found that, by the commandant himself, councils of war had been permitted to be held within it by the savage chiefs and warriors; that the Spanish storehouses had been appropriated to their use; that it was an open market for cattle known to have been robbed by them from citizens of the United States, and which had been contracted for and purchased by the officers of the garrison; that information had been afforded from this fort by Arbuthnot to the enemy of the strength and movements of the American army; that the date of departure of express had been noted by the Spanish commissary; and ammunition, munitions of war, and all necessary supplies furnished to the Indians.

The conduct of the Governor of Pensacola was not less marked by a disposition of enmity to the United States, and by an utter disregard to the obligations of the treaty, by which he was bound to restrain, by force, the Indians from hostilities against them. When called upon to vindicate the territorial rights and authority of Spain, by the destruction of the negro fort, his predecessor had declared it to be not less annoying and pernicious to the Spanish subjects in Florida than to the United States, but had pleaded his inability to subdue it. He himself had expressed his apprehensions that Fort St. Mark would be forcibly taken by the savages from its Spanish garrison; yet, at the same time, he had refused the passage up the Escambia river, unless upon the payment of excessive duties, to provisions destined as supplies for the American army, which, by the detention of them, was subjected to the most distressing privations. He had permitted free ingress and egress at Pensacola to the avowed savage enemies of the United States. Supplies of ammunition, munitions of war, and provisions had been received by them from thence. They had been received and sheltered there from the pursuit of the American forces, and suffered again to sally thence, to enter upon the American territory, and commit new murders. Finally, on the approach of General Jackson to Pensacola, the governor sent him a letter (No. 33) denouncing his entry upon the territory of Florida as a violent outrage upon the rights of Spain, commanding him to depart and withdraw from the same, and threatening, in case of his non-compliance, to employ force to expel him.

It became, therefore, in the opinion of General Jackson, (No. 54,) indispensably necessary to take from the Governor of Pensacola the means of carrying his threat into execution. Before the forces under his command, the savage enemies of his country had disappeared. But he knew that the moment those forces should be disbanded, if sheltered by Spanish fortresses, if furnished with ammunition and supplies by Spanish officers, and if aided and supported by the instigation of Spanish encouragement, as he had every reason to expect they would be, they would reappear, and, fired, in addition to their ordinary ferociousness, with revenge for the chastisement they had so recently received, would again rush with the war-hatchet and the scalping-knife into the borders of the United States, and mark every footstep with the blood of their defenceless citizens. So far as all the native resources of the savage extended, the war was at an end; and General Jackson was about to restore to their families and their homes the brave volunteers who had followed his standard, and who had constituted the principal part of his force. This could be done with safety, leaving the regular portion of his troops to garrison his line of forts, and two small detachments of volunteer cavalry to scour the country round Pensacola, and sweep off the lurking remnant of savages who had been scattered and dispersed before him. This was sufficient to keep in check the remnant of the banditti against whom he had marched, so long as they should be destitute of other aid and support. It was, in his judgment, not sufficient, if they should be suffered to rally their numbers under the protection of Spanish forts, and to derive new strength from the impotence or the ill-will against the United States of the Spanish authorities.

He took possession, therefore, of Pensacola and of the fort of Barrancas, as he had done of St. Mark, not in a spirit of hostility to Spain, but as a necessary measure of self-defence; giving notice that they should be restored whenever Spain should place commanders and a force there able and willing to fulfil the engagements of Spain towards the United States, or of restraining by force the Florida Indians from hostilities against their citizens. The President of the United States, to give a signal manifestation of his confidence in the disposition of the King of Spain to perform with good faith this indispensable engagement, and to demonstrate to the world that neither the desire of conquest, nor hostility to Spain, had any influence in the councils of the United States, has directed the unconditional restoration, to any Spanish officer duly authorized to receive them, of Pensacola and the Barrancas, and that of St. Mark's, to any Spanish force adequate to its defence against the attack of the savages. But the President will neither inflict punishment, nor pass a censure upon General Jackson, for that conduct, the motives for which were founded in the purest patriotism; of the necessity for which he had the most immediate and effectual means of forming a judgment; and the vindication of which is written in every page of the law of nations, as well as in the first law of nature—self-defence. He thinks it, on the contrary, due to the justice which the United States have a right to claim from Spain, and you are accordingly instructed to demand of the Spanish Government that inquiry shall be instituted into the conduct of Don José Mazot, Governor of Pensacola, and of Don Francisco C. Luengo, commandant of St. Mark's, and a suitable punishment inflicted upon them, for having, in defiance and violation of the engagements of Spain with the United States, aided and assisted these hordes of savages in those very hostilities against the United States which it was their official duty to restrain. This inquiry is due to the character of those officers themselves, and to the honor of the Spanish Government. The obligation

of Spain to restrain, *by force*, the Indians of Florida from hostilities against the United States and their citizens, is explicit, is positive, is unqualified. The fact that, for a series of years, they have received shelter, assistance, supplies, and protection, in the practice of such hostilities, from the Spanish commanders in Florida, is clear and unequivocal. If, as the commanders both at Pensacola and St. Mark's have alleged, (Nos. 32, 42,) this has been the result of their weakness rather than of their will; if they have assisted the Indians against the United States to avert their hostilities from the province which they had not sufficient force to defend against them, it may serve in some measure to exculpate, individually, those officers; but it must carry demonstration irresistible to the Spanish Government, that the right of the United States can as little compound with impotence as with perfidy, and that Spain must immediately make her election, either to place a force in Florida adequate at once to the protection of her territory, and to the fulfilment of her engagements, or cede to the United States a province, of which she retains nothing but the nominal possession, but which is, in fact, a derelict, open to the occupancy of every enemy, civilized or savage, of the United States, and serving no other earthly purpose than as a post of annoyance to them.

That the purposes, as well of the negro-Indian banditti, with whom we have been contending, as of the British invaders of Florida, who first assembled and employed them, and of the British intruding and pretended traders, since the peace, who have instigated and betrayed them to destruction, have been not less hostile to Spain than to the United States, the proofs contained in the documents herewith enclosed are conclusive. Mr. Pizarro's note of 29th August speaks of His Catholic Majesty's profound indignation at the "sanguinary executions on the Spanish soil of the subjects of Powers in amity with the King;" meaning Arbuthnot and Ambrister. Let Mr. Pizarro's successor take the trouble of reading the enclosed documents, (Nos. 49, 58,) and he will discover who Arbuthnot and Ambrister were, and what were their purposes; that Arbuthnot was only the successor of Nicholls, and Ambrister the agent of Woodbine, and the subaltern of McGregor. Mr. Pizarro qualifies General Jackson's necessary pursuit of a defeated savage enemy beyond the Spanish Florida line as a *shameful invasion of His Majesty's territory*. Yet that territory was the territory also of the savage enemy, and Spain was bound to restrain them by force from hostilities against the United States: and it was the failure of Spain to fulfil this engagement which had made it necessary for General Jackson to pursue the savage across the line. What, then, was the character of Nicholls's invasion of His Majesty's territory? and where was His Majesty's profound indignation at that? Mr. Pizarro says, His Majesty's forts and places have been violently seized on by General Jackson. Had they not been seized on, nay, had not the principal of his forts been blown up by Nicholls, and a British fort on the same Spanish territory been erected during the war, and left standing as a negro fort, in defiance of Spanish authority, after the peace? Where was His Majesty's profound indignation at that? Has His Majesty suspended formally all negotiation with the sovereign of Colonel Nicholls for this shameful invasion of his territory, without color of provocation, without pretence of necessity, without shadow or even avowal of a pretext? Has His Majesty given solemn warning to the British Government that these were incidents "of transcendent moment, capable of producing an essential and thorough change in the political relations of the two countries?" Nicholls and Woodbine, in their invitations and promises to the slaves to run away from their masters and join them, did not confine themselves to the slaves of the United States. They received with as hearty a welcome, and employed with equal readiness, the fugitives from their masters in Florida as those from Georgia. Against this special injury the Governor of Pensacola did earnestly remonstrate with the British admiral, Cockburn. (See document marked No. 25.) But against the *shameful invasion* of the territory; against the violent seizure of the forts and places; against the blowing up of the Barrancas, and the erection and maintenance, under British banners, of the negro fort on Spanish soil; against the negotiation by a British officer, in the midst of peace, of pretended treaties, offensive and defensive, and of navigation and commerce, upon Spanish territory, between Great Britain and Spanish Indians, whom Spain was bound to control and restrain—if a whisper of expostulation was ever wafted from Madrid to London, it was not loud enough to be heard across the Atlantic, nor energetic enough to transpire beyond the walls of the palaces from which it issued, and to which it was borne.

The connexion between Arbuthnot and Nicholls, and between Ambrister, Woodbine, and McGregor, is established beyond all question, by the evidence produced at the trials before the court-martial. I have already remarked to you on the very extraordinary circumstance that a British trader from beyond the sea should be permitted by the Spanish authorities to trade with the Indians of Florida. From his letter to Hambly, dated 3d May, 1817, (see the document marked G, in the proceedings of the court-martial,) it appears that his trading was but a pretence, and that his principal purpose was to act as the agent of the Indians of Florida, and outlaws from the Creeks, to obtain the aid of the British Government in their hostilities against the United States. He expressly tells Hambly there that the chief of those outlaws was the principal cause of his (Arbuthnot's) being in the country, and that he had come with an answer from Earl Bathurst, delivered to him by Governor Cameron, of New Providence, to certain Indian talks, in which this aid of the British Government had been solicited.

Hambly himself had been left by Nicholls as the agent between the Indians and the British Government; but having found that Nicholls had failed in his attempt to prevail upon the British Government to pursue this clandestine war in the midst of peace, and that they were not prepared to support his pretence that half a dozen outlawed fugitives from the Creeks were the Creek nation; when Arbuthnot, the incendiary, came, and was instigating them, by promises of support from Great Britain, to commence their murderous incursions into the United States, Hambly, at the request of the chiefs of the Creeks themselves, wrote to him, (Nos. 47, 6,) warning him to withdraw from among that band of outlaws, and giving him a solemn foreboding of the doom that awaited him from the hand of justice if he persevered in the course that he pursued. Arbuthnot nevertheless persisted; and while he was deluding the wretched Indians with the promise of support from England, he was writing letters for them (No. 49 B C D E F,) to the British minister in the United States, to Governor Cameron, of New Providence, to Colonel Nicholls, to be laid before the British Government, and even to the Spanish Governor of St. Augustine, and the Governor General of the Havana, (H. *n.* 2,) soliciting, in all quarters, aid and support, arms and ammunition, for the Indians against the United States, bewailing the destruction of the negro fort, and charging the British Government with having drawn the Indians into war with the United States, and deserting them after the peace.

You will remark among the papers produced on his trial, a power of attorney (No. 49 *n.* 1) dated June 17, 1817, given him by twelve Indians, partly of Florida, and partly of the fugitive outlaws from the United States. He states that this power and his instructions were to memorialize the British Government and the Governor General of the Havana. These papers are not only substantially proved as of his handwriting on the trial, but, in the daily newspapers of London of 24th and 25th of August last, his letter to Nicholls (compare Nos. 47 *a.* and 49 F.) is published, (somewhat curiously garbled,) with a copy (No. 47 *b.*) of Hambly's above-mentioned letter to him, and a reference to this Indian power of attorney to him, (compare Nos. 47 *c.* and 49 *n.* 1) *approved by the commandant of St. Mark's, F. C. Luengo.* Another of the papers is a letter written in the name of the same chiefs, by Arbuthnot, to the Governor General of the Havana, (No. 49 H.) asking of him permission for Arbuthnot to establish a warehouse on the Appalachicola, bitterly and falsely complaining that the Americans had made settlements on their lands within the

Spanish lines, and calling upon the Governor General to give orders to displace them, and send them back to their own country. In this letter, they assign as a reason for asking the license for Arbuthnot, their want of a person to put in writing for them their talks of grievances against the Americans, and they add: "The commander of the fort of St. Mark has heard all of our talks and complaints. He approves of what we have done and what we are doing, and it is by his recommendation we have thus presumed to address your excellency." You will find these papers in the printed newspapers enclosed, and in the proceedings of the court-martial, and will point them out to the Spanish Government, not only as decisive proofs of the unexampled compliances of the Spanish officers in Florida to foreign intrusive agents and instigators of Indian hostilities against the United States, but as placing beyond a doubt that participation of this hostile spirit in the commandant of St. Mark's which General Jackson so justly complains of, and of which we have so well-founded a right to demand the punishment. Here is the commandant of a Spanish fort, bound by the sacred engagement of a treaty to restrain by force the Indians within his command from committing hostilities against the United States, conspiring with those same Indians, and deliberately giving his written approbation to their appointment of a foreigner, a British subject, as their agent to solicit assistance and supplies from the Governor General of the Havana, and from the British Government, for carrying on those same hostilities.

Let us come to the case of Ambrister. He was taken in arms, leading and commanding the Indians in the war against the American troops; and to that charge, upon his trial, pleaded guilty. But the primary object of his coming there was still more hostile to Spain than to the United States. You find (No. 58) that he told three of the witnesses who testified at his trial that he had come to this country *upon Mr. Woodbine's business at Tampa bay*, to see the negroes righted; and one of them, that *he had a commission in the patriot army under McGregor*, and that he had expected a captaincy. And what was the intended business of McGregor and Woodbine at Tampa bay? It was the conquest of Florida from Spain, by the use of those very Indians and negroes whom the commandant of St. Mark's was so ready to aid and support in war against the United States. The chain of proof that establishes this fact is contained in the documents communicated by the President to Congress at their last session, relating to the occupation of Amelia island by McGregor. From these documents you will find (Nos. 56, 57 *a.*) that while McGregor was there, Woodbine went from New Providence in a schooner of his own to join him; that he arrived at Amelia island just as McGregor, abandoning the companions of his achievement there, was leaving it; that McGregor, quitting the vessel in which he had embarked at Amelia, went on board that of Woodbine, and returned with him to New Providence; that Woodbine had persuaded him they could yet accomplish the conquest of Florida with soldiers to be recruited at Nassau from the corps of colonial marines which had served under Nicholls during the late war with the United States, which corps had been lately disbanded, and with negroes to be found at Tampa bay, and 1,500 Indians already then engaged to Woodbine, who pretended that they had made a grant of all their lands there to him. Among the papers, the originals of which are in our possession, are, in McGregor's own handwriting, instructions (No. 57 *b.*) for sailing into Tampa bay, with the assertion that he calculated to be there by the last of April or first of May of the present year; a letter (*c.*) dated 27th December last, to one of his acquaintances in this country, disclosing the same intention; and the extract of a proclamation (*d.*) which was to have been issued at Tampa bay, to the inhabitants of Florida, by the person charged with making the settlement there before his arrival, announcing his approach for the purpose of liberating them from the despotism of Spain, and of enabling them to form a Government for themselves. He had persuaded those who would listen to him here that his ultimate object was to sell the Floridas to the United States. There is some reason to suppose that he had made indirect overtures of a similar nature to the British Government. This was Ambrister's business in Florida. He arrived there in March, the precursor of McGregor and Woodbine; and immediately upon his arrival he is found (No. 49) seizing upon Arbuthnot's goods, and distributing them among the negroes and Indians; seizing upon his vessel, and compelling its master to pilot him, with a body of armed negroes, towards the fort of St. Mark, with the declared purpose of taking it by surprise in the night; writing letters to Governor Cameron, of New Providence, urgently calling for supplies of munitions of war and of cannon for the war against the Americans, and letters to Colonel Nicholls, renewing the same demands of supplies, informing him that he is with 300 negroes, "a few of our Bluff people," who had *stuck to the cause*, and were relying upon the faith of Nicholls's promises. "Our Bluff people" were the people of the negro fort, collected by Nicholls and Woodbine's proclamations during the American and English war; and "*the cause*" to which they stuck was the savage, servile, exterminating war against the United States.

Among the agents and actors of such virtuous enterprises as are here unveiled, it was hardly to be expected that there would be found remarkable evidences of their respect, confidence, and good faith towards one another. Accordingly, besides the violent seizure and distribution by Ambrister of Arbuthnot's property, his letters to Cameron and to Nicholls are filled with the distrust and suspicions of the Indians that they were deceived and betrayed by Arbuthnot; while, in Arbuthnot's letters to the same Nicholls, (No. 49 F) he accuses Woodbine of having taken charge of poor Francis the prophet, or Hillis Hadjo, upon his return from England to New Providence, and, under pretence of taking care of him and his affairs, of having defrauded him of a large portion of the presents which had been delivered out from the King's stores to him for Francis's use. This is one of the passages of Arbuthnot's letter (No. 47 *a.*) to Nicholls, *omitted* in the publication of it last August in the London newspapers.

Is this narrative of dark and complicated depravity; this creeping and insidious war, both against Spain and the United States; this mockery of patriotism; these political filters to fugitive slaves and Indian outlaws; these perfidies and treacheries of villains incapable of keeping their faith even to each other; all in the name of South American liberty, of the rights of runaway negroes, and the wrongs of savage murderers—all combined and projected to plunder Spain of her province, and to spread massacre and devastation along the borders of the United States—is all this sufficient to cool the sympathies of His Catholic Majesty's Government, excited by the execution of these two "subjects of a Power in amity with the King?" The Spanish Government is not at this day to be informed that, cruel as war in its mildest forms must be, it is, and necessarily must be, doubly cruel when waged with savages; that savages make no prisoners but to torture them; that they give no quarters; that they put to death, without discrimination of age or sex. That these ordinary characteristics of Indian warfare have been applicable, in their most heart-sickening horrors, to that war left us by Nicholls as his legacy, reinstigated by Woodbine, Arbuthnot, and Ambrister, and stimulated by the approbation, encouragement, and aid of the Spanish commandant at St. Mark's, is proof required? Entreat the Spanish minister of state for a moment to overcome the feelings which details like these must excite; and to reflect, if possible, with composure, upon the facts stated in the following extracts from the documents enclosed:

Letter from sailingmaster Jairus Loomis to Commodore Daniel T. Patterson, 13th August, 1816, reporting the destruction of the negro fort. (No. 23.)

"On examining the prisoners, they stated that Edward Daniels, ordinary seaman, who was made prisoner in the boat on the 17th July, *was tarred and burnt alive*."

Letter from Archibald Clarke to General Gaines, 26th February, 1817. (Message from the President of the United States to Congress, 25th March, 1818.)

"On the 24th instant the house of Mr. Garret, residing in the upper part of this county, near the boundary of Wayne county, (Georgia,) was attacked, during his absence, near the middle of the day, by this party, (of Indians,) consisting of about fifteen, who shot Mrs. Garret in two places, and then despatched her by stabbing and scalping. Her two children, one about three years, the other two months, were also murdered, and the eldest scalped; the house was then plundered of every article of value, and set on fire."

Letter from Peter B. Cook (Arbuthnot's clerk) to Eliz. A. Carney, at Nassau, dated Suwanee, 19th January, 1818, giving an account of their operations with the Indians against the Americans, and their massacre of Lieutenant Scott and his party. (No. 61.)

"There was a boat that was taken by the Indians, that had in it thirty men, seven women, and four small children. There were six of the men got clear, and one woman saved, and all the rest of them got killed. The children were taken by the leg, and their brains dashed out against the boat."

If the bare recital of scenes like these cannot be perused without shuddering, what must be the agonized feelings of those whose wives and children are from day to day, and from night to night, exposed to be the victims of the same barbarity? Has mercy a voice to plead for the perpetrators and instigators of deeds like these? Should inquiry hereafter be made why, within three months after this event, the savage Hamathli-Meico, upon being taken by the American troops, was by order of their commander immediately hung, let it be told that that savage was the commander of the party by whom those women were butchered, and those helpless infants were thus dashed against the boat. Contending with such enemies, although humanity revolts at entire retaliation upon them, and spares the lives of their feeble and defenceless women and children, yet mercy herself surrenders to retributive justice the lives of their leading warriors taken in arms, and, still more, the lives of the foreign white incendiaries, who, disowned by their own Governments, and disowning their own natures, degrade themselves beneath the savage character by voluntarily descending to its level. Is not this the dictate of common sense? Is it not the usage of legitimate warfare? Is it not consonant to the soundest authorities of national law? "When at war (says Vattel) with a ferocious nation which observes no rules, and grants no quarter, they may be chastised in the persons of those of them who may be taken; they are of the number of the guilty; and by this rigor the attempt may be made of bringing them to a sense of the laws of humanity." And again: "As a general has the right of sacrificing the lives of his enemies to his own safety, or that of his people, if he has to contend with an inhuman enemy, often guilty of such excesses, he may take the lives of some of his prisoners, and treat them as his own people have been treated." The justification of these principles is found in their salutary efficacy for terror and for example.

It is thus only that the barbarities of Indians can be successfully encountered. It is thus only that the worse than Indian barbarities of European impostors, pretending authority from their Governments, but always disavowed, can be punished and arrested. Great Britain yet engages the alliance and co-operation of savages in war; but her Government has invariably disclaimed all countenance or authorization to her subjects to instigate them against us in time of peace. Yet, so it has happened, that, from the period of our established independence to this day, *all* the Indian wars with which we have been afflicted have been distinctly traceable to the instigation of English traders or agents. Always disavowed, yet always felt; more than once detected, but never before punished; two of them, offenders of the deepest dye, after solemn warning to their Government, and individually to one of them, have fallen, *flagrante delicto*, into the hands of an American general; and the punishment inflicted upon them has fixed them on high, as an example awful in its exhibition, but, we trust, auspicious in its results, of that which awaits unauthorized pretenders of European agency to stimulate and interpose in wars between the United States and the Indians within their control.

This exposition of the origin, the causes, and the character of the war with the Seminole Indians and part of the Creeks, combined with McGregor's mock patriots and Nicholls's negroes, which necessarily led our troops into Florida, and gave rise to all those incidents of which Mr. Pizarro so vehemently complains, will, it is hoped, enable you to present other and sounder views of the subject to His Catholic Majesty's Government.

It will enable you to show that the occupation of Pensacola and St. Mark's was occasioned neither by a spirit of hostility to Spain, nor with a view to extort prematurely the province from her possession; that it was rendered necessary by the neglect of Spain to perform her engagements of restraining the Indians from hostilities against the United States, and by the culpable countenance, encouragement, and assistance given to those Indians, in their hostilities, by the Spanish governor and commandant at those places; that the United States have a right to demand, as the President does demand, of Spain the punishment of those officers for this misconduct; and he further demands of Spain a just and reasonable indemnity to the United States for the heavy and necessary expenses which they have been compelled to incur by the failure of Spain to perform her engagements to restrain the Indians, aggravated by this demonstrated complicity of her commanding officers with them in their hostilities against the United States; that the two Englishmen executed by order of General Jackson were not only identified with the savages, with whom they were carrying on the war against the United States, but that one of them was the mover and fomenter of the war, which, without his interference, and false promises to the Indians of support from the British Government, never would have happened; that the other was the instrument of war against Spain as well as the United States, commissioned by McGregor, and expedited by Woodbine, upon their project of conquering Florida with these Indians and negroes; that, as accomplices of the savages, and, sinning against their better knowledge, worse than savages, General Jackson, possessed of their persons and of the proofs of their guilt, might, by the lawful and ordinary usages of war, have hung them both without the formality of a trial; that, to allow them every possible opportunity of refuting the proofs, or of showing any circumstance in extenuation of their crimes, he gave them the benefit of trial by a court-martial of highly respectable officers; that the defence of one consisted solely and exclusively of technical cavils at the nature of part of the evidence against him, and the other confessed his guilt; finally, that, in restoring Pensacola and St. Mark's to Spain, the President gives the most signal proof of his confidence that, hereafter, her engagement to restrain by force the Indians of Florida from all hostilities against the United States will be effectually fulfilled; that there will be no more murders, no more robberies, within our borders, by savages prowling along the Spanish line, and seeking shelter within it, to display in their villages the scalps of our women and children, their victims, and to sell, with shameless effrontery, the plunder from our citizens in Spanish forts and cities; that we shall hear no more apologies from Spanish governors and commandants of their inability to perform the duties of their office and the solemn contracts of their country—no more excuses for compliances to the savage enemies of the United States, from the dread of their attacks upon themselves—no more harboring of foreign impostors upon compulsion; that a strength sufficient will be kept in the province to restrain the Indians by force, and officers impowered and instructed to employ it effectually to maintain the good faith of the nation by the effective fulfilment of the treaty. The duty of this Government to protect the persons and property of our fellow-citizens on the borders of the United States is imperative—it *must* be dis-

charged. And if, after all the warnings that Spain has had; if, after the prostration of all her territorial rights and neutral obligations by Nicholls and his banditti during war, and of all her treaty stipulations by Arbuthnot and Ambrister, abetted by her own commanding officers, during peace, to the cruel annoyance of the United States; if the necessities of self-defence should again compel the United States to take possession of the Spanish forts and places in Florida, declare, with the frankness and candor that become us, that another unconditional restoration of them must not be expected; that even the President's confidence in the good faith and ultimate justice of the Spanish Government will yield to the painful experience of continual disappointment; and that, after unwearied and almost unnumbered appeals to them for the performance of their stipulated duties in vain, the United States will be reluctantly compelled to rely for the protection of their borders upon themselves alone.

You are authorized to communicate the whole of this letter, and the accompanying documents, to the Spanish Government.

I have the honor, &c. &c.

JOHN QUINCY ADAMS.

GEO. W. ERVING, *Minister Plenipotentiary to Spain.*

The Secretary of State to Don Luis de Onis.

SIR: DEPARTMENT OF STATE, WASHINGTON, *November* 30, 1818.

I have had the honor of receiving your letter of the 16th instant, and am directed by the President to inform you that, in making to you the proposal contained in my letter of the 31st of last month, with regard to the western boundary between the United States and the bordering territory of Spain, it was with the view, by the magnitude of the sacrifice which it involved on the part of the United States, to manifest the deep solicitude which he felt in terminating, by a general adjustment of all the differences which have been so long in discussion between the two nations, a state of things so unpropitious to the good understanding between them, and so much to be regretted by both.

As it was believed this article could alone present an ultimate obstacle to the agreement thus earnestly desired, I was directed frankly to present you at once the utmost extent to which the Government of the United States felt itself warranted, consistently with its duties to the rights and interests of the nation, to concede, of those unquestionable rights, to accommodate the wishes and to quiet the pretensions of your sovereign; but, in yielding thus much, you were explicitly notified that the proposition was final, and that upon your acceptance of it depended the only remaining hope, in the mind of the President, of a termination to this negotiation satisfactory to both parties.

As you have now declared that you are not authorized to agree, either to the course of the Red river (Rio Roxo) for the boundary, or to the forty-first parallel of latitude, from the Snow mountains to the Pacific ocean, the President deems it useless to pursue any further the attempt at an adjustment of this object by the present negotiation. I am, therefore, directed to state to you that the offer of a line for the western boundary, made to you in my last letter, is no longer obligatory upon this Government.

Reserving, then, all the rights of the United States to the ancient western boundary of the colony of Louisiana by the course of the Rio Bravo del Norte, I am yet authorized to conclude a convention or treaty with you upon the other subjects of existing difference. But it is proper, in the first instance, and in reference to the first of the propositions made by you on the 24th of last month, to correct an erroneous impression which you entertain, and which is certainly not warranted by any communication which you have received from this Government. You have been informed that the contingencies upon which General Jackson adopted those measures, which you represent as hostilities and outrages, not having been anticipated, had not been provided for in his instructions; that they were unforeseen emergencies upon which, judging measures of energy necessary, he had recurred to them upon his own responsibility, and upon motives which he had himself explained; that these measures were dictated by the hostile spirit, not of the American commander against Spain, but of the Spanish commanders against the United States. I informed you that the President of the United States had directed that the proofs of this hostility to the United States of those Spanish officers, furnished by General Jackson, should be embodied and presented to the Government of His Catholic Majesty, with a demand that the misconduct of those officers should be suitably punished. I have now the honor of stating to you that it has accordingly been done; that the proofs collected by General Jackson, together with other accumulating demonstration of the justice of his charges against Don José Mazot, Governor of Pensacola, and Don Francisco C. Luengo, Commandant of St. Mark's, have been forwarded to the minister of the United States in Spain, with instructions to lay them before your Government, and to call for their just animadversion upon the violation, by those officers, of the solemn engagements of their country to the United States.

After a full and deliberate examination of these proofs, the President deems them irresistibly conclusive that the horrible combination of robbery, murder, and war, with which the frontier of the United States bordering upon Florida has for several years past been visited, is ascribable altogether to the total and lamentable failure of Spain to fulfil the fifth article of the treaty of 1795, by which she stipulated to restrain, by force, her Indians from hostilities against the citizens of the United States. Without adverting to the transactions of the late war between the United States and Great Britain, who can mistake the character of the fact that a fort on Spanish soil was garrisoned by hundreds of negroes and Indians, with an English banner flying upon its wall, for the desolation of the American border; and that, sixteen months after the peace of America and of England, the Governor of Pensacola, called upon by General Jackson to break up this lair of human tigers, pleaded his inability, and want of orders from his governor general, to comply with the request? Who can mistake the character of the fact, that, six months after the stronghold of these savage banditti had been blown up by a shot from an American gun-vessel, a pretended Indian trader, a foreigner both to Florida and to Spain, was permitted to come into a Spanish province, there to bribe the savages by presents, and to stimulate them by the grossest falsehoods and absurdest misrepresentations to war against the Americans? Do the governors of Florida, the instant they learn the appearance of this intruding incendiary within their jurisdiction, seize and imprison him? Do they even command him to depart from the province? Nay, do they so much as require him to obey the laws and respect the engagements of their nation, and the duties of their stations? Far from it. Alexander Arbuthnot, a British subject from the island of New Providence, lands in the Spanish province of Florida, and there opens a warehouse for traffic with the Indians: by whose license or permission? It has not been the custom of Spain to allow the subjects of foreign Powers to intrude upon her colonial possessions; and more than one American citizen is, at this moment, pining in the dungeons of Spain for having set his foot upon her soil: by whose permission, then, was Arbuthnot allowed to intermeddle in the province of Florida, even had it been only for the purpose of innocent trade with the Indians? Had he a license, or had he not? If he had, it is for the governors of Florida to explain by whom and upon what motive it was granted. If he had not, it is for them to show why he was suffered, within their jurisdiction, to

trample upon the laws of Spain with impunity. But innocent traffic was not the real purpose of Arbuthnot. He was there to stimulate as well the Indians of Florida as the fugitive outlaws from the Creek nation among them to war against the United States. He was goading them by the absurd pretence that the United States were bound by the treaty of Ghent to give up to them the lands within the borders of the United States which had been ceded by the Creek nation to the United States six months before the treaty of Ghent was signed. With the profoundest treachery to those Indians themselves, he was promising them that the British Government would support them in this pretence, and was writing letters to the Governor of New Providence, to the British minister here, and through Colonel Nicholls, in England, to the British Government, soliciting arms and ammunition for war against the United States. Nor was this all. He obtained from a number of Indian chiefs a power of attorney authorizing him to write letters and deliver talks in their name and behalf; and to the copy of that power, transmitted by him to England to be laid before the British Government, were affixed the signature and *approbation* of F. C. Luengo, commandant of St. Mark's. By virtue of the same power, he wrote, in the name of those Indians, a letter to the Governor General of the Havana, falsely pretending that the Americans were settling upon their lands, within the Spanish territory, and calling upon him for force to drive them out. This letter, too, asserts that its contents were sanctioned by the approbation of the commandant of St. Mark's.

Arbuthnot was taken by General Jackson at St. Mark's, and was then an inmate of the family of the commandant. Among his papers was found a letter from the commandant, written shortly before, styling him his *friend*, giving him notice of the approach of the American force, and advising him to come and provide for the safety of his *little affairs*, and hold consultation with him upon subjects which *could not with prudence be committed to writing*. What consciousness of participation in the abominable purposes of Arbuthnot is betrayed in those few words! What were those common concerns of an English Indian trader and of the Spanish commandant of a fort, which required so thick a veil of mystery to conceal them from detection that this officer should be afraid to expose them to the possibility of discovery by committing them to paper? They were, that St. Mark's was the centre of Arbuthnot's intrigues with the Indians against the United States; that councils of the hostile Indians were held at the commandant's quarters, at which he personally attended; that white men, Spanish subjects, inhabitants of Florida, had been taken prisoners by the Indians, under the influence and by the direction of Arbuthnot; reserved by the Indians for torture; delivered as prisoners to the custody of the commandant of St. Mark's; received by him as prisoners, and held as such until delivered by General Jackson's approach to that place. They were, in fine, that St. Mark's had, in substance, become an Indian fort under a Spanish standard; and to such an extent did the commandant countenance the savages in their depredations upon the borders of the United States, that he actually contracted with some of them to purchase cattle to be robbed by them from the citizens of Georgia, actually purchased them after they had been robbed, and actually sold them as his private property to the purveying officers of General Jackson's army after he took possession of the fort.

It is to the artifices and instigations of Arbuthnot, thus, to say the least, tolerated by the Governor of Pensacola, and thus aided and abetted by the commandant of St. Mark's, that this war with the Seminole Indians has been due. But for them it would undoubtedly never have happened. If no direct proof has appeared that the Governor of Pensacola was implicated in the criminal proceedings of Arbuthnot as deeply as the commandant of St. Mark's, ample evidence has been produced of his having aided, assisted, and sheltered the Indians; of his having, as long as he dared, furnished them with supplies, including munitions of war. And his hostility to the United States has been sufficiently manifested by his exposing their army to the danger of famine, from the impediments opposed by his orders to the passage up the Escambia river of their supplies. That he harbored one Indian chief hostile to the United States, and not even belonging to Florida, is apparent by the article of capitulation which he obtained in his favor. That he suffered another, George Perryman, to escape from Pensacola upon General Jackson's approach, and go to England, there to renew, if possible, the negotiations of the prophet Francis, is announced as a late article of news in the English journals. That a number of other Indians were enabled, by the assistance of officers under his command, to escape from Pensacola on the very day that it was taken by General Jackson, is proved by the certificates of several witnesses. And, lastly, he did not hesitate to write a letter to that commander, before he took Pensacola, threatening, in the event of his not withdrawing immediately from Florida, to resist what he termed his aggressions by force.

It is therefore to the conduct of her own commanding officers that Spain must impute the necessity under which General Jackson found himself of occupying the places of their command. Had the engagements of Spain been fulfilled, the United States would have had no Seminole war. Far, then, from being under obligation to indemnify the Crown of Spain for any losses which it may have sustained in consequence of this necessity, the United States are entitled to demand, and the minister of the United States at Madrid has been instructed accordingly, that the Crown of Spain should indemnify them for the extraordinary and indispensable expenses which they have been compelled to incur by the prosecution of this war, which Spain was bound to prevent. The revenue collected in the places occupied is very far from being adequate to that object. As to the losses or injuries to the inhabitants, as private property, both at St. Mark's and Pensacola, has been inviolably respected, no injury can have happened to them for which the United States should be responsible.

With respect to the other articles suggested in your propositions of 24th October, and your observations upon the modifications to them, proposed by me, as well as to other objects of minor concernment, to which your last note alludes, I am not aware of any insuperable obstacle to our coming to an agreement upon them. Should your instructions authorize you to waive the further consideration of the two articles upon which I have now communicated to you the final determination of the President, and to proceed in the discussion of the rest, I shall be happy to confer with you verbally concerning them as soon as may suit your convenience. After the explicit answer given you in my note of the 12th March last to your proposal of referring the differences between our Governments to the mediation of Great Britain, and the reasons there assigned for declining that overture, the offer which you make of referring them to the allied monarchs, whom you state to be now assembled at Aix-la-Chapelle, was not to be expected. As you have, however, thought proper to make it, I refer you to my above-mentioned note for the grounds upon which it is declined. If you do not feel yourself at liberty to proceed in the negotiation on the terms herein proposed, postponing the articles relative to the western boundary, and to the late transactions in Florida, I shall be ready, at your convenience, to exchange with you the ratifications of the convention of 1802.

I embrace with pleasure the occasion of renewing to you the assurances of my distinguished consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to Mr. Erving, dated

DEPARTMENT OF STATE, WASHINGTON, *December* 2, 1818.

On the 27th of March last, the Spanish minister here, Mr. Onis, addressed a letter to this Department, for the professed purpose of vindicating the character and conduct of the Spanish commanding officers in Florida, and of

proving that they had invariably discharged their duties of friendly proceeding towards the United States, and the obligations of the treaty of 1795, by which Spain was bound to restrain, by force, the hostilities of her Indians in Florida against the United States. To this letter are annexed fourteen documents, the greater part of which consist of remonstrances, addressed during the late war between the United States and Great Britain to British officers, against their continual violations of the neutrality of the Spanish territory. It is not, however, to those documents, but to the two (numbered 13 and 14) as annexed to that letter, (Nos. 66, 67,) that I wish to invite your attention. No. 13 is the *translation* of a letter purporting to be from Bowlegs, one of the Seminole Indian chiefs, most inveterately hostile to the United States, to Don José Coppinger, Governor of St. Augustine. A translation! you will say. Why a translation; and from what language? Neither Governor Coppinger nor Mr. Onis has furnished the means of answering that question. They are furnished, however, by the papers of Arbuthnot, which fell into General Jackson's hands. The language was English, and the original was written by Arbuthnot. The draught was found among his papers, and was produced to the court-martial upon his trial, (No. 49—No. 2.) We naturally suppose that Governor Coppinger, upon receiving a letter in English from a Seminole Indian chief, must have been surprised, unless he knew from whom and whence it came. The substance of his answer shows that he did know both whence it came and the character of him by whom it was written. By the copies of the two letters, which are enclosed, you will see in that of Bowlegs a part of the systematic intrigues of Arbuthnot to instigate as well the Spanish commanders in Florida as the savages against the United States; and, in that of Governor Coppinger, a direct declaration to the Indians that all his supposed causes of alarm and complaint proceed "from the information of persons in whom he ought not to place the smallest confidence, it being their principle to employ such opportunities for the purpose of seducing him and his people from their daily labor." After offering his own friendly advice, the governor adds: "I am fearful, however, that the sentiments of those who come into the territory under the appearance of friendship, but with bad intentions, may influence your minds and obtain your confidence by their flattering representations." And, finally, he complains that two persons had lately presented themselves as commissioners of the English nation, and carried off several runaway negroes belonging to inhabitants of the province. It is apparent, from this letter, that Governor Coppinger was well informed of the operations of Arbuthnot and Woodbine, and that he saw them in their true colors. How, then, does it happen that, a year afterwards, the Spanish commandant at St. Mark's is found so entirely leagued with Arbuthnot as to sign his name to the approbation of a power of attorney, given to him by the hostile chiefs, to write letters and deliver talks in their names; to hold councils of war with them at his quarters; to hold as prisoners white persons, inhabitants of the province, taken by them; and to write a letter to Arbuthnot, asking him to come and confer with him upon subjects which could not be committed to paper? The original of that letter, which is in bad French, and in the handwriting of the commandant of St. Mark's, signed by him, is in our possession, (No. 48.) A copy of it is among the papers enclosed. We cannot doubt that the Spanish Government will consider it as a proof of the conspiracy of the commandant of St. Mark's, with Arbuthnot and the Indians, against the United States. Should he be put upon his trial, as you are instructed to demand, the original letter itself will be transmitted to be exhibited to the court.

It is to be observed that the original draught in Arbuthnot's handwriting of the letter from Bowlegs to Governor Coppinger differs in several paragraphs from the translation communicated by Mr. Onis as received by him from Governor Coppinger. The following passage particularly, which appears in the draught produced before the court-martial, is not in the translation furnished by Governor Coppinger: "The Spanish subjects in the Floridas are too much in the interests of the Americans to be our friends. For the governors I shall always entertain the greatest regard; but for the people, they do not act so as to merit my esteem and protection." The remainder of the letter is nearly the same. We do not suppose that the omission was made by the governor; but rather that Arbuthnot, yet uncertain how such a reflection would be received, omitted it from the letter itself which was transmitted to the governor.

The papers marked Nos. 62, 63, 64, and 68, are copies of originals, in the handwriting of Arbuthnot, taken with the rest of his papers, but not exhibited before the court-martial. The sheet of his journal is of some importance, as establishing his connexion and dissatisfaction with Woodbine. No. 65 is a letter from him, said to be to an officer of rank in England, (no doubt Nicholls,) dated January 30, 1818, only three months before he was taken.

The sheet of the journal shows that Arbuthnot arrived with Woodbine from New Providence at Suwanee about the last of October, 1816, and that they immediately commenced their operations with the Indians against the United States. Bowlegs's letter to Governor Coppinger is dated November 18 of that year, and apologizes for his not having sooner answered a letter of September from the governor, by the impossibility he had been under of finding a person to write the answer for him. Among other complaints against Woodbine in this journal, there is one, distinctly, that he had promised the savages assistance from the British Government, without authority, and by direct falsehood; and he expresses an apprehension that when the Indians find out that none of those promises are realized, their fury will fall upon himself.

No. 1.

Nicholls's letter and proclamation.

Sir: HEAD-QUARTERS, PENSACOLA, *August* 31, 1814.

I have arrived in the Floridas for the purpose of annoying the only enemy Great Britain has in the world. As France and England are now friends, I call on you, with your brave followers, to enter into the service of Great Britain, in which you shall have the rank of *captain*. *Lands* will be given to you all, in proportion to your respective ranks, on a peace taking place; and I invite you out on the following terms: your property shall be guarantied to you, and your persons protected. In return for which, I ask you to cease all hostilities against Spain or the allies of Great Britain. Your ships and vessels to be placed under the orders of the commanding officer on the station until the commander-in-chief's pleasure is known; but I guaranty their fair value at all events.

I herewith enclose you a copy of my proclamation to the inhabitants of Louisiana, which will, I trust, point out to you the honorable intentions of my Government. You may be a useful assistant to me in forwarding them; therefore, if you determine, lose no time. The bearer of this, Captain McWilliams, will satisfy you on any other points you may be anxious to learn, as will Captain Lockyer, of the Sophia, who carries him to you. We have a powerful reinforcement on the way here, and I hope to cut out some other work for the Americans than oppressing the inhabitants of Louisiana. Be expeditious on your resolves, and rely upon the veracity of

Your humble servant,

EDWARD NICHOLLS,

Lieutenant Colonel, commanding His Britannic Majesty's forces in the Floridas.

To Monsieur LAFFITE, *or the commandant at Barrataria.*

By Lieutenant Colonel EDWARD NICHOLLS, *commanding His Britannic Majesty's forces in the Floridas.*

Natives of Louisiana, on you the first call is made to assist in liberating from a faithless and imbecile Government your paternal soil. Spaniards, Frenchmen, Italians, and British, whether settled or residing for a time in Louisiana, on you I also call to aid me in the just cause. The American usurpation in this country must be abolished, and the lawful owners of the soil put in possession. I am at the head of a large body of Indians, well armed, disciplined, and commanded by British officers; a good train of artillery, with every requisite, seconded by the powerful aid of a numerous British and *Spanish squadron* of ships and vessels of war. Be not alarmed, inhabitants of the country, at our approach; the same good faith and disinterestedness which have distinguished the conduct of Britons in Europe accompany them here. You will have no fear of litigious taxes imposed on you for the purpose of carrying on an unnatural and unjust war; your property, your laws, the peace and tranquillity of your country, will be guarantied to you by men who will suffer no infringement of theirs; rest assured that these brave men only burn with an ardent desire of satisfaction for the wrongs they have suffered from the Americans to join you in liberating these southern frontiers from their yoke, and drive them into the limits formerly prescribed by my sovereign. The Indians have pledged themselves in the most solemn manner not to injure in the slightest degree the persons or properties of any but enemies to their *Spanish or English fathers. A flag* over any door, whether Spanish, French, or British, will be a sure protection. Nor dare any Indian put his foot on the threshold thereof, under penalty of death from his own countrymen. Not even an enemy will an Indian put to death, except resisting in arms; and as for injuring helpless women and children, the red men, by their good conduct and treatment to them, will, if it be possible, make the Americans blush for their more than inhuman conduct lately on the Escambia, and within a neutral territory.

Inhabitants of Kentucky, you have too long borne with grievous impositions. The whole brunt of the war has fallen on your brave sons; be imposed on no more; but either range yourselves under the standard of your forefathers, or observe a strict neutrality. If you comply with either of these offers, whatever provisions you send down will be paid for in dollars, and the safety of the persons bringing it, as well as the free navigation of the Mississippi, guarantied to you. Men of Kentucky, let me call to your view, and, I trust, to your abhorrence, the conduct of those factions which hurried you into this cruel, unjust, and unnatural war. At a time when Great Britain was straining every nerve in the defence of her own, and the liberties of the world; when the bravest of her sons were fighting and bleeding in so sacred a cause; when she was spending millions of her treasure in endeavoring to pull down one of the most formidable and dangerous tyrants that ever disgraced the form of man; when groaning Europe was almost in her last gasp; when Britain alone showed an undaunted front, basely did these assassins endeavor to stab her from the rear. She has turned on them, renovated from the bloody but successful struggle. Europe is happy and free, and she now hastens justly to avenge unprovoked insults. Show them that you are not collectively unjust; leave that contemptible few to shift for themselves; let those slaves of the tyrant send an embassy to Elba, and implore his aid; but let every honest, upright American spurn them with merited contempt. After the experience of twenty-one years, can you any longer support those brawlers for liberty, who call it freedom, and know not when themselves are free? Be no longer their dupes; accept of my offer; every thing I have promised in this paper I guaranty to you on the sacred honor of a British officer.

Given under my hand, at my head-quarters, Pensacola, the 29th of August, 1814.

EDWARD NICHOLLS.

No. 2 *a*.

Copy of a letter from Col. Nicholls to Col. Hawkins.

APPALACHICHOLA, *April* 28, 1815.

Being absent from this post when your letter of the 19th ultimo arrived, I take this opportunity to answer it. On the subject of the negroes lately owned by the citizens of the United States, or Indians in hostility to the British forces, I have to acquaint you that, according to orders, I have sent them to the British colonies, where they are received as free settlers, and lands given to them. The newspaper you sent me is, I rather think, incorrect; at all events, an American newspaper cannot be authority for a British officer. I herewith enclose you a copy of a part of the ninth article of the treaty of peace relative to the Indians in alliance with us; they have signed and accepted it as an *independent* people, solemnly protesting to suspend all hostilities against the people of the United States. Within these few days I have had a complaint from the Seminole's chief, Bowlegs. He states that a party of American horse have made an incursion into the town, killed one man, wounded another, and stolen some of his cattle; also, that they have plundered some of his people on their peaceable way from St. Augustine. May I request of you to inquire into this affair, and cause justice to be done to the murderer, and have the cattle restored? I strictly promise you that, for any mischief done by the Creeks under me, I shall do all in my power to punish the delinquents, and have the property restored.

The chiefs here have requested me further to declare to you that, in order to prevent any disagreeable circumstances from happening in future, they have come to a determination not to permit the least intercourse between their people and those of the United States. They have, in consequence, ordered them to cease all communication, directly or indirectly, with the territory or citizens of the United States; and they do take this public mode of warning the citizens of the United States from entering their territory, or communicating directly or indirectly with the Creek people. They also request that you will understand their territories to be as they stood in the year 1811. In my absence, I have directed First Lieutenant William Hambly, the head interpreter, to communicate with you on any point relative to the Creeks; and I have given him my most positive orders that he shall at all times do his best to keep peace and good neighborhood between the Creeks and your citizens.

I am, sir, your very humble servant,

EDWARD NICHOLLS,
Commanding the British forces in the Floridas.

No. 2 *b*.

[Paper enclosed in the above letter.]

Part of the ninth article of the treaty of peace between His Britannic Majesty and the United States, relative to the Indians who have been in alliance with Great Britain, and in hostility with the United States.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges which they may have enjoyed or been entitled to in 1811, previous to such hostilities: *Provided always*, That such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

We, the undersigned, chiefs of the Muscogee nation, declared by His Britannic Majesty to be a free and independent people, do, in the name of the said nation, agree to the ninth article of the treaty of peace between His Britannic Majesty and the United States; and we do further declare that we have given most strict and positive orders to all our people that they desist from hostilities of every kind against the citizens or subjects of the United States.

Given under our hands at the British fort on the Appalachicola, the 2d day of April, 1815.

HEPOAETH MEICO, his × mark.
CAPPACHIMICO, his × mark.
HOPOY MEICO, T. P., his × mark.

Witnesses: EDWARD NICHOLLS, *Lieut. Col. commanding the Indians.*
R. BANKES, *Com. H. M. brig Forward.*
G. WOODBINE, *Captain 1st brigade R. C. M.*
WM. HAMBLY, *First Lieut. R. C. M., and head interpreter.*

I certify, on honor, that this is a true copy of the original.

ELI LESTER, *U. S. Storekeeper, Fort Lawrence.*

No. 3.

Colonel Nicholls to Colonel Hawkins.

BRITISH POST, APPALACHICOLA RIVER, *May* 12, 1815.

In my letter to you of the 28th ultimo, I requested you would be so good as to make inquiry into the murder and robberies committed on the Seminoles belonging to the chief called Bowlegs; at the same time declaring my determination of punishing with the utmost rigor of the law any one of our side who broke it. Of this a melancholy proof has been given, in the execution of an Indian of the Ataphalgo town, by Hothly Poya Tustunnuggee, chief of Ockmulgees, who found him driving off a gang of cattle belonging to your citizens; and for which act of justice I have given him double presents, and a chief's gun, in the open square before the whole of the chiefs, and highly extolled him. These, sir, are the steps I am daily taking to keep the peace with sincerity; but I am sorry to say the same line is not taken on your side, nor have you written to say what steps you are taking, or intend to take, to secure this mutual good. Since the last complaint from Bowlegs, I have had another from him, to say your citizens have again attacked and murdered two of his people; that they had stolen a gang of his cattle, but that he had succeeded in regaining them.

I asked him what proof they had of their being killed. They said they had found their bloody clothes in the American camp, which was hastily evacuated on their approach. Now, sir, if these enormities are suffered to be carried on in a Christian country, what are you to expect by showing such an example to the uncultivated native of the woods? (for savage I will not call them—their conduct entitles them to a better epithet.) I have, however, ordered them to stand on the defensive, and have sent them a large supply of arms and ammunition, and told them to put to death, without mercy, any one molesting them; but at all times to be careful and not put a foot over the American line; in the mean time, that I should complain to you that I was convinced you would do your best to curb such infamous conduct; also, that those people who did such deeds would, I was convinced, be disowned by the Government of the United States, and severely punished. They have given their consent to await your answer before they take revenge; but, sir, they are impatient for it, and, well armed as the whole nation now is, and stored with ammunition and provisions, having a stronghold to retire upon in case of a superior force appearing, picture to yourself, sir, the miseries that may be suffered by good and innocent citizens on your frontiers, and I am sure you will lend me your best aid in keeping the bad spirits in subjection. Yesterday, in a full assembly of the chiefs, I got them to pass a law for four resolute chiefs to be appointed in different parts of the nation, something in the character of our sheriffs, for the purpose of inflicting condign punishment on such people as broke the law; and I will say this much for them, that I never saw men execute laws better than they do. I am also desired to say to you, by the chiefs, that they do not find that your citizens are evacuating their lands, according to the ninth article of the treaty of peace, but that they were fresh provisioning the forts. This point, sir, I beg of you to look into. They also request me to inform you that they have signed a treaty of offensive and defensive alliance with Great Britain, as well as one of commerce and navigation, which, as soon as it is ratified at home, you shall be made more fully acquainted with.

I am, sir, your very humble servant,

EDWARD NICHOLLS,
Commanding H. B. M. forces in the Creek nation.

To Colonel BENJAMIN HAWKINS, *Commanding at Fort Hawkins.*

No. 4.

Colonel Hawkins to Colonel Nicholls.

CREEK AGENCY, *May* 24, 1815.

On the 18th I had the pleasure to receive your communication of the 28th ultimo. I expected, from the tenor of your orders, which I conveyed to you from Admirals Cochrane and Cockburn, on the 19th of March, that you had left the Floridas ere this with the British troops under your command, and that Spain and the United States would have no more of British interference in the management of their Indian affairs. The newspaper I sent you was one in which the official acts of our Government are published. There could be no motive for falsification; your deeming it incorrect must have proceeded from a knowledge that your conduct in relation to the negroes was at variance with it. It would have been acceptable in the communication relative to the disposition of "the negroes taken from the citizens of the United States, or *Indians in hostility to the British*," to have received the number, particularly belonging to the latter. As peace is restored between Great Britain and the United States, I feel a reluctance to put on paper any thing that may have the tendency to tarnish the British character, or that of any officer of its Government; but I owe it to the occasion to state the declaration of Captain Henry, that "the English are sent out by their great father and King to restore his Indian people to their lands, and we are desired by him not to take away their negroes, unless they freely give them to us, or sell them for money," is violated. It is proper, also, to add, I did not enrol any Indians into the service of the United States until after the negroes of Marshall, Stedham, and Kinnard, three half-breeds, were taken from them, by force or stratagem, by British officers. Your restriction of the captain's declaration to negroes belonging to Indians friendly to Great Britain, if by that is meant Indians hostile to the United States, is an erroneous one, as there is not one Creek who has negroes so situated.

The Creek chiefs (to use a courtly phrase) have just cause, at least, to say this is an "unjustifiable aggression." You having acted by orders, and it being now beyond your control, a remedy must and will be sought for elsewhere.

The documents you enclose, signed by three chiefs, purporting to be the agreement of the Muscogee nation to the ninth article of the treaty of peace, I shall lay before the chiefs of the nation, at a convention soon to be held at Coweta, and send you the result of their deliberations on it. The result of my reflections, with due deference, I give you, as on the envelope it purports to be *on His Britannic Majesty's service.* It is within my knowledge that one of the chiefs is a Seminole of East Florida, and has never resided in the United States; and that neither of the three has ever attended the national councils of the Creeks, or is in any way a part of their Executive Government. If the four witnesses had signed it as principals, and the three chiefs as witnesses, it would have been entitled to equal respect from me.* Could you be serious in communicating such a nullity with their mock determination not to permit the least intercourse between their people (meaning the Creek nation) and those of the United States? &c. As to the territory of the Seminoles, it being out of the United States, it is an affair between them and the Government of Spain; and that of the Creeks is as fixed and guarantied in their treaty stipulations with the United States. I do not know that any occurrences can happen which will render it necessary for me to communicate with Lieutenant William Hambly. If, by doing so, I can render acts of kindness to Indians or others, it would afford me pleasure; but, under present impressions, the fifth article of the treaty of friendship, limits, and navigation between the United States and the King of Spain will govern me in all cases respecting the Indians in the two Floridas.

I am, with due regard, sir, your obedient servant,

BENJAMIN HAWKINS.

No. 5.

Colonel Hawkins to Colonel Nicholls.

CREEK AGENCY, *May* 28, 1815.

On the 24th I wrote to you in reply to yours of the 28th ultimo, and since have had the pleasure to receive yours of the 12th. I had received from Bowlegs, direct, a complaint of an outrage committed "by the people of Georgia, who had gone into East Florida, driven off his cattle, and destroyed his property." I have sent this complaint to the Governor of Georgia, who will readily co-operate with the officers of the General Government to cause justice to be done to the injured, if the complaint is true. The laws of the United States provide completely for the protection of the Indian rights, and those intrusted with their execution have the power of doing it. All that is wanted is a proof against the transgressors.

The Indians of Aulotchwan, who, without provocation, murdered and plundered a number of the subjects of Spain on St. John's, have engendered such a deadly feud between the parties, that it will be long before the descendants of the injured can forget and forgive. Spain, from her internal commotions, has not found it convenient to settle a peace between them; and these people, it is probable, are taken for Georgians. The Indians of this agency, as well as those in the Floridas, have long known they have to apply through their chiefs to me for a redress of their grievances. The Government of the Creeks is not an ephemeral one. Its last modification is of more than ten years standing. It was the work and choice of the nation, and has a check on the conduct of the Seminoles.

In 1799 a gentleman arrived where you are from England, who had been an officer on half-pay. He came in the Fox sloop of war, furnished by the admiral on the Jamaica station, by order of the admiralty, "to facilitate to him a passage to his nation (the Creeks.") This gentleman, after attempting in various ways with the Seminoles, to usurp the government of the Creeks without success, created himself director general of Muscogee, declared war against Spain, murdered some of his subjects, and took St. Mark's. He ordered me with my assistants, in the plan of civilization, out of the Creek nation.

I communicated his proceedings to the national councils, who had been previously acquainted with him, and who replied to him that he "had a title among them which he well merited, Cap-pe-tum-nee-lox-au, (the Prince of Liars,) and no other." This director general of Muscogee, after playing a farce for two years, experienced a tragic scene, which deprived him of his liberty. He was put in irons by order of the council whose government he attempted to usurp, and sent to the Governor General of Louisiana, to answer for his crimes. His Seminole chiefs were glad to retire with impunity. After this, it was unanimously determined, in a national council of distinguished chiefs from every town, and a deputation of Choctaws, Chickasaws, and Cherokees, that the warriors should be classed, and held in readiness to execute the orders of the executive council, and that the agent for Indian affairs should have the power of executing the treaty stipulations of the Creeks with their white neighbors. Tookaubatche and Coweta, alternately, as the occasion required, were appointed the permanent seat of their national councils, where national affairs alone could be transacted. They have now two speakers. When the council meets at Coweta, Tustunnuggee Hopoie, as speaker for the Lower Creeks, is speaker for the nation; and when they meet at Tookaubatche, Tustunnuggee Thlucco, of the Upper Creeks, is speaker for the nation. Coweta is head-quarters for the present. The agent for Indian affairs can convene the council.

To this council I communicated, in your own words, the pretensions of your three chiefs. They answer; "We have had Colonel Nicholls's communication before us, that Hapoith Micco, Caupachau Micco, and Hapoie Micco are the sovereigns of this nation. We know nothing about them as such. We have often invited them to attend our talks. They never would come forward, and Hapoith Micco is a hostile Indian. They have nothing to do with our affairs. They reside in the Spanish territory."

After mentioning a solitary effort of yours "to keep the peace," you say, "I am very sorry to say the same line is not taken on your side, nor have you written to me to say what steps you are taking, or intend to take, to secure this mutual good." You could not have expected I should communicate with you, when, from your orders, you were so soon to leave the country. I have communicated to the national council several outrages committed by banditti from the Seminoles and other parts, upon the post road and frontiers of Georgia, repeatedly. They have in two instances had the guilty shot, and sent armed parties after others. As late as the 17th of April one man was killed and four wounded on the post road; our wagons twice attacked, and one wagoner killed, several horses taken and carried, as reported, to your depot, at the very time the wagons were carrying seed corn for the Indians, and flour for the support of nearly five thousand totally destitute of food.

The measure in operation here to preserve peace is with an efficient force, red and white troops, to pursue, apprehend, and punish all violators of the public peace. The executive council of the Creeks are continually at Coweta, with an assistant agent to take orders with the warriors when the necessity is apparent, and to call on me when the aid of regular troops is necessary. We do not rely on the exertions of any one but ourselves to preserve peace among the Creeks, and between them and their neighbors of the United States and the Floridas. We examine fairly, spare the innocent, and punish the guilty, and in no case suffer revenge to carve for itself.

* The witnesses, we believe, were Colonel Nicholls, Captain Woodbine, Lieutenant Hambly, and Captain Henry.

On an *ex parte* hearing, you have "armed the Seminoles, and given orders to put to death, without mercy, any one molesting them." This is cruelty without example—scalping men, women, and children, for troubling or vexing only, and the executioners the judges! To gratify their revenge, the good and innocent citizens on the frontiers are to be the victims of such barbarity. Suppose a banditti were to commit a violent outrage, such as that of the 17th of April; are we to charge it on the unoffending people of the frontiers, and kill them without mercy, if we could not find out the guilty? You have issued the order, provided and issued munitions of war for its execution, prepared and provisioned a stronghold to retire upon, in case of superior force appearing, to protect them in this mode of gratifying their revenge. You will be held responsible, and your strongholds will certainly not avail. If you are really on the service of His Britannic Majesty, it is an act of hostility which will require to be speedily met, and speedily crushed. But, sir, I am satisfied you are acting for yourself, on some speculative project of your own. The sovereign of Great Britain could not, from his love of justice in time of peace, his systematic perseverance in support of legitimate sovereigns, almost to the impoverishing of his own nation, suffer any of his officers to go into a neutral country to disturb its peace.

If the Seminole Indians have complaints to make, if they will do it through the chiefs of the Creek nations, or direct to me, or through an officer of His Catholic Majesty, as heretofore, I will cause justice to be done. In cases of murder, the guilty, if practicable, shall be punished; in case of theft, restitution shall be made.

The treaties you have made for the Creek nation, with the authority created by yourself for the purpose, must be a novelty. It would surprise me much to see your sovereign ratify such as you have described them to be, with a people such as I know them to be, in the territories of His Catholic Majesty. I shall communicate what has passed on the subject between us to the officers of Spain in my neighborhood, that they may be apprized of what you are doing.

As you may not have recent news from Europe, I send you some newspapers detailing important events there on the 4th of April. I am, &c.

BEN. HAWKINS, *Agent for Indian Affairs.*

To Col. NICHOLLS, *Commanding H. B. M. forces, Appalachicola.*

No. 6 *a.*

General Gaines to the Secretary of War.

SIR: HEAD-QUARTERS, FORT STODDERT, M. T., *May* 14, 1815.

I have the honor to enclose herewith the deposition of Samuel Jervais, which, taken in connexion with other accounts recently received from Appalachicola, and a letter from Lieutenant Colonel Saffold, of the Territorial militia, a copy of which is also enclosed, leave little doubt that these deluded savages meditate a renewal of the war upon our frontier inhabitants.

I shall visit Forts Montgomery and Claiborne, and endeavor to ascertain, without loss of time, the real designs of the Indians; and, should they be for war, shall assemble a force to meet them.

The remains of the second and third regiments of infantry are now at the Pass Christian, and may be brought to this frontier in a few days, and, added to the remains of the twenty-fourth and thirty-ninth, now at Fort Montgomery, will give us a force of near one thousand men. With this force I shall be able to keep the Indians in check; and with another thousand, to consist of Choctaws and volunteers, I should feel sufficiently strong to make a decisive stroke upon the depots at Appalachicola, which, I persuade myself, the Government may be at liberty to sanction; for, until these depots (if they really exist) are destroyed, our frontier cannot but continue to be extremely insecure.

I am unable to say how far the statement of Jervais is entitled to credit; but I have examined him attentively, and am under a strong impression that he has stated the truth, and that the supplies mentioned in his deposition are not mistaken for those delivered last fall, but have really been delivered since the ratification of the treaty had been officially announced to the British troops at Appalachicola. These supplies were, however, brought to Appalachicola previous to the ratification of the treaty.

I have ordered the commanding officers of posts and corps to hold their commands ready for active service, and have taken measures to prepare a small train of light artillery, with a proper supply of fixed ammunition, tools, camp equipage, &c., for an Indian campaign. Whilst Spain permits our enemy to assemble forces, and make military depots for our annoyance within her territory, surely she can make no reasonable objection to our visiting those depots. Besides, Spain is expressly bound by treaty "to restrain, by force, all hostilities on the part of the Indian nations living within her boundary." If she does not restrain them, we may conclude that she has endeavored to do so, but is unable. Can she blame us, then, for restraining them, ourselves?

I have the honor to be, with the greatest respect and esteem, sir, your obedient servant,

EDMUND P. GAINES, *Major General by brevet.*

P. S. I have written to Major General Jackson upon the above subject; but as he is probably on his way to Washington, I have thought proper to address you direct.

E. P. G.

Hon. A. J. DALLAS, *Acting Secretary at War, Washington City.*

No. 6 *b.*

Deposition of Samuel Jervais, enclosed in the above letter.

Samuel Jervais, being duly sworn, states: That he has been a sergeant of marines in the British service for thirteen years past; that about a month ago he left Appalachicola, where he had been stationed for several months; that the English colonel (Nicholls) had promised the hostile Indians at that place a supply of arms and ammunition, a large quantity of which had been delivered to them a few days before his departure, and after the news of a peace between England and the United States being confirmed had reached Appalachicola; that, among the articles delivered, were, of cannon, four 12 pounders, one howitzer, and two cohorts; about three thousand stands of small arms, and near three thousand barrels of powder and ball; that the British left with the Indians between three and four hundred negroes, taken from the United States, principally from Louisiana; that the arms and ammunition were for the use of the Indians and negroes, for the purposes, as it was understood, of war with the United States; that the Indians were assured by the British commander that, according to the treaty of Ghent, all the lands ceded by the Creeks, in treaty with General Jackson, were to be restored; otherwise, the Indians must fight for those lands, and that the British would in a short time assist them.

SAMUEL JERVAIS, his × mark.

Sworn and subscribed to before me, this 9th May, 1815, at the town of Mobile,

L. JUDSON, *J. P.*

No. 7.

General Gaines to A. J. Dallas, Acting Secretary at War.

SIR: HEAD-QUARTERS, FORT STODDERT, M. T., *May* 22, 1815.

I returned last night from Fort Montgomery, where, though unable to obtain satisfactory information as to the hostile intentions of the Creek Indians, I learned that two of the party mentioned in my last had been killed, and some others wounded; and that the Indians had afterwards killed two of our citizens, a Mr. West, and another whose name my informant (Colonel Files, from the settlement of Alabama, near where the act was perpetrated) had forgotten.

Some negro men belonging to Don McGill, of Mobile, taken some months ago to Appalachicola by the British, voluntarily returned a few days past. Their statement of the supplies and negroes left by the British corresponds with that contained in the deposition of Jervais, enclosed in the letter which I had the honor to address to you on the 14th instant. The negroes add that there are at Appalachicola nearly 800 Indian warriors, and that the negroes were permitted to remain with the Indians as freemen, or to return to their masters, as they should elect, and that but few had agreed to return.

I feel convinced that the Indians are generally under the impression that the lands ceded to the United States by the treaty with General Jackson must be restored, or that a war must ensue; and that their friends, the British, will re-establish them in the possession of these lands.

So industriously have these impressions been circulated by the British and Spanish agents among the Indians, that, so far as I can learn, not only the chiefs, but the common warriors, are in the habit of saying that the British treaty with the Americans gives the Indians their lands taken by the treaty with General Jackson.

Since writing the above, I have been furnished with the enclosed deposition of S. Dale, who is a major of militia.

I have the honor to be, most respectfully, sir, your obedient servant,

EDMUND P. GAINES, *Major General by brevet.*

P. S. Since closing my letter, I learn that Nicholls, said to be a colonel in the British service, is still at Appalachicola, and that he has 900 Indians and 450 negroes under arms. This account is brought by a very intelligent negro man belonging to D. Kennedy, at Mobile. I think it goes to strengthen the accounts heretofore given in my letter of the 14th instant.

E. P. GAINES.

The Hon. A. J. DALLAS, *Acting Secretary at War, Washington City.*

No. 8.

Memorandum of a gentleman of respectability at Bermuda.

ST. GEORGE, (BERMUDA,) *May* 21, 1815.

Captain Rawlins, of His Majesty's ship Borer, has stated to me in the course of various conversations that, at the time of his departure from Appalachicola, (which appears to have been about the 20th to the 28th April,) the British had collected upwards of three hundred persons at or near Prospect Bluff, partly deserters from the United States, and partly from the Spanish provinces of East and West Florida. These people had been received and protected by Colonel Nicholls, of the royal marines, who was stationed at that place, and who appears to have been under the impression (at least he said so) that the Spanish authorities had no right to the country in that vicinity.

Admiral Cochrane, however, appears to have disapproved of Nicholls's conduct in affording protection to the Spanish slaves, and had sent the Hon. Captain Spencer to Pensacola for the purpose of making arrangements for their restoration; who accordingly proceeded to Appalachicola, with Captain Pentado, named commissioner on the part of the Spaniards.

It does not appear that these gentlemen were successful in their mission, as it was understood that the refugees were not to be coerced, but merely such facilities afforded to those who voluntarily agreed to return as might be found necessary.

Much altercation has arisen out of this commission, in consequence of many officers having espoused the cause of the slaves; and, at one time, the life of Captain Spencer had been threatened by the negroes. Captain Rawlins adds that much ammunition, and a good many stands of arms, with some pieces of artillery, had been left with them; and that the fort constructed by Colonel Nicholls *would not be destroyed.*

I have since learned that the Carron, which must have sailed from Appalachicola previous to the Borer, is arrived at Nassau, on her way to Bermuda, with 176 slaves of all ages. As she is daily expected, and as Captain Spencer is now on his way here, it might be as well to wait their arrival before you make any official communication to your Government on the subject. It is, however, obvious that, were you in possession of the whole facts, no time ought to be lost in recommending the adoption of speedy, energetic measures, for the destruction of a thing held so likely to become dangerous to the State of Georgia. The Spaniards are not in a situation to do it, but I dare say would co-operate. I have learned that the whole of the slaves brought from the United States have been sent to Nova Scotia, with the exception of a few that were lately shipped to the island of Trinidad, in His Majesty's ship the Levant, and such as have enlisted in the colonial marines were in these islands. A few stragglers have contrived to get on shore in the Bermudas, and, by the connivance of their colonized friends, to remain, very contrary to the wishes of the inhabitants, who are, in general, desirous of getting rid of them.

It has been whispered (I know not with what truth) that the people expected in the Carron, who are from Louisiana and West Florida, are also to be sent to Trinidad.

The Carron is arrived; and this morning I understood from Messrs. James and Michael Carron, the agents of Sir Alexander Cochrane, the Carron was going to some port of the West Indies, unquestionably to Trinidad.

No. 9.

Address to the King of England from the Indians, published in the English newspapers of the 15th August, 1818.

We, the chiefs of the Muscogee nation, in full council assembled, on behalf of ourselves and our people, do make the following requests of our good father, King George, and declare to him certain resolutions we have come to, with our reasons for so doing.

We conceive it to be indispensably necessary for our good, as well as to make us useful allies of Great Britain, that British officers should be constantly kept among us; and we request that our good father will grant us this

favor. Since Colonel Brown left us, we have been a prey to civil dissensions, fomented and kept up by our inveterate and never-to-be-satisfied foe, the Americans; by their bad advice has brother been in the act of shedding the blood of brother; and when the land becomes thus desolated, they possess themselves of it, so that we shall soon be driven to the desert sands of the sea from the fertile fields of our forefathers; and we are told that the Spaniards will not let us trade with the British from the mouths of our rivers; we, therefore, further request that our good father will secure for us the mouths of the rivers Appalachicola, Alabama, and St. Mary's: for, if our communication is once more cut off from his children, we shall be totally ruined. We have fought and bled for him against the Americans, by which we have made them our more bitter enemies; and, as he has stood the friend of the oppressed nations beyond the great waters, he will surely not forget the sufferings of his once happy children here. We therefore rely on his future protection and his fatherly kindness; we will truly keep the talks which his chief has given us, if he is graciously pleased to continue his protection. Famine is now devouring up ourselves and our children, by reason of our Upper Town brethren being driven down upon us in the time the corn was green; and now their miseries and necessities cause them to root up the seed of our future crop, so that what we sow in the day we are obliged to watch at night. Were it not for the powder we get from your chief, the whole of the nation would be in dust. The Red Sticks have shot and eaten up almost the whole of our cattle: for they have seen their children digging in the woods for want; and who can blame them, when they are pressed by such cruel necessity? Thus we are situated, and we are only looking to the departure or the stay of your children as the signal of our destruction or prosperity. In former times, after the British left us, to show our love and regard for their nation, we made a grant of our lands to the house of Panton, Leslie, & Co., and latterly to the house of John Forbes & Co., on certain terms—that they were to settle the lands with British men, and keep up a sufficient and good assortment of all sorts of merchandise suitable to our wants; but, instead of their doing this, they have attempted to settle our lands with Americans, and have refused to supply us with powder when we were attacked by our enemies, and have urged us to declare for the Americans against the British, and have offered rewards to us for that purpose; and they have actually written to their agents who reside among us, desiring them to obstruct the British officers all in their power from assisting us, and to represent to them, also, how impossible it would be for them to succeed against the Americans; and we, having intercepted their letters, did deliver them to Lieutenant Colonel Nicholls, who is our witness; and the said letters were delivered by an Indian to John Forbes, at St. Augustine, to be forwarded by him as aforesaid; and, as it does stand thus, on unquestionable proof, that the said house of Forbes & Co. have shamefully broken their contracts with us, we do, in this our full assembly, declare all their property in our nation to be confiscated to the nation; and we further annul and declare void our grant or grants of lands accordingly, warning them, and all belonging to them, never to appear again in the nation. And the United States, or some part thereof, have thought proper to run a line or wagon road through the Indian nation, from Hartford, in Georgia, to Mobile, in West Florida, without our consent, and to our great hurt and annoyance.

We implore our good father that he will cause them to disuse the said road, and to cease all communication between them and us, as we are determined to cease having any communication with them; and we warn all Americans to keep out of this nation. And whereas that a young chief, called McIntosh, was sent with a message of remonstrance against the above-mentioned road being run, and of several other encroachments on the Tombigbee, Coosa, and Alabama rivers, instead of his making such remonstrance, he suffered himself to be tricked by our enemy, and unlawfully sold to them large tracts of land on and about the rivers Oconee and Ockmulgee, which tracts of land we implore our good father to use his endeavor in getting restored, and that the Americans may be obliged to withdraw from them. The above-mentioned McIntosh holds a commission as major in the American army, and of the Creek regiment; he has caused much blood to be spilt, for which we denounce him to the whole nation, and will give the usual reward of the brave to any one who may kill him, he having, on a recent occasion, killed and scalped a brother, who was on an errand of peace to our Cherokee brethren, for no other reason alleged against him than his having British arms about him; and in this, we are told, he has been encouraged by Colonel Hawkins, although long after peace was declared, and all hostility ordered to cease. We further request Lieutenant Colonel Nicholls will return our grateful thanks to our good father and his chiefs, by sea and land, for the useful and good presents he has sent to us by them; and also that the lieutenant colonel, and the officers with him in this nation, will receive our thanks for their brotherly conduct to us. And whereas our good father having made a peace with the United States of America, and, according to his true talk, he has not forgotten the interests of us his children, but has caused to be respected our lands, and guarantied the integrity of them to us, we do declare them or him to be traitors to this nation who shall, without his and our consent, sell or make over to any foreign Power any part thereof; and we do further declare whosoever shall endeavor, directly or indirectly, to separate us from him or his children, to be the enemy of us and our children, and that we will not trade or barter with any other than the British nation if the above requests be complied with; and we do promise to give grants of land to all such British men as our good father shall give permission to stay amongst us, and that we will do our best to protect and defend them in their laws and property; and we send as our representative our brave brother Hillis Hadjo (Francis) to our father, who is authorized to ratify this treaty.

Given under our hands, at the British fort at the confluence of the Chatahoochee and Flint rivers, this 10th March, 1815.

Hopoath Mico, *King of the Four Nations*, his	× mark.	Octaithge Hago, his	× mark.
Hopy Mico, T. P.,	×	Acopehigemathlo,	×
Nehemathla, 1st,	×	Tatao Mico,	×
Justomic Hago,	×	Hopoathla Justanuggee,	×
Onus Hago,	×	Conope Mathla,	×
Nehemathla, 2d,	×	Yatoule Mathla,	×
Nehemathla, 3d,	×	Johnson,	×
Justomic Emathla,	×	Hillis Hadjo,	×
		And fourteen other chiefs.	

Ed. Nicholls, *lieutenant colonel*,
H. Boss, *captain rifle corps*,
Jos. Roche, *captain 1st West India regiment*,
Wm. Hambly, *lieutenant and 1st interpreter*,
} *Witnesses.*

No. 10.

Extract of a letter from the Secretary of State to Mr. Baker, dated

July 10, 1815.

The conduct of Colonel Nicholls, who has taken a position on the Appalachicola, within the Spanish territory, is, on the same principle, entitled to particular attention. I transmit to you a copy of a correspondence between

him and Colonel Hawkins, agent of the United States with the Creeks, and also an extract of a letter from Major General Gaines, with the affidavit of Samuel Jervais, which show the nature and effect of his extraordinary and unjustifiable interference with that nation. It appears, by Colonel Nicholls's letter, that he considers our treaty with the Creeks, though made several months before the treaty with Great Britain, as rendered void by the latter, and that he is endeavoring to impress that opinion on them, and to excite them to hostility in support of it; that he has supplied them with arms and munitions of war, and had actually formed a treaty of alliance, offensive and defensive, with certain Indians, whom he calls the Creek nation, which he has sent to his Government for ratification; that, in short, he had made Appalachicola a military station, at which he had collected a large body of Indians and fugitive slaves from the United States, evidently for hostile purposes against the United States. The conduct of this officer is of too marked a character to require any comment. His proceedings are utterly and evidently incompatible with the late treaty with Great Britain, and with the amicable relations established by it between our countries. In calling your attention to these proceedings, it is not my object to dwell on each particular act of which I complain. I shall remark, generally, that, as the treaty with the Creeks was concluded before the treaty of peace with Great Britain, the ninth article of that treaty has no bearing with that nation; and that any interference of Colonel Nicholls, or other British agent, with the Creeks, however slight, is improper and unjustifiable.

The President cannot doubt that the conduct of Colonel Nicholls and of the other British agents, as stated in the correspondence which is communicated, is unauthorized by your Government, and that they will be justly censured and punished by it. In the mean time, as you were particularly impowered to act in all circumstances connected with the execution of the late treaty of peace, I am persuaded that you will readily interpose your authority to put an end to proceedings of a nature so unwarrantable, and which have already produced such injurious effects.

No. 11.

Extract of a letter from the Secretary of State to Mr. Adams, dated

DEPARTMENT OF STATE, *July* 21, 1815.

The conduct of Colonel Nicholls to the south is still more extraordinary. Having noticed it in sufficient detail in my letter to Mr. Baker, I refer you to that paper for the necessary information respecting it.

It may be fairly presumed that these acts were not authorized by the British Government; that they are imputable only to Indian agents, and those under whom they act in this country. They nevertheless deserve reprehension, which it is expected that the British Government will not hesitate to inflict.

No. 12 *a*.

Extracts of a letter from Mr. Adams to the Secretary of State, stating the substance of a conversation with Earl Bathurst, dated

LONDON, *September* 19, 1815.

I said that the American Government had been peculiarly concerned at the proceedings of Colonel Nicholls, because they appeared to be marked with unequivocal and extraordinary marks of hostility. "Why," said Lord Bathurst, "to tell you the truth, Colonel Nicholls is, I believe, a man of activity and spirit, but a very wild fellow. He did make and send over to me a treaty, offensive and defensive, with some Indians; and he is now come over here, and has brought over some of those Indians. I sent for answer that he had no authority whatever to make a treaty, offensive and defensive, with Indians, and that this Government would make no such treaty. I have sent him word that I could not see him upon any such project. The Indians are here in great distress, indeed; but we shall only furnish them with the means of returning home, and advise them to make their terms with the United States as well as they can." Perceiving that I had particularly noticed his declaration that he had declined seeing Colonel Nicholls, he said that he should perhaps see him upon the general subject of his transactions, but that he had declined seeing him in regard to his treaty with the Indians.

In this conversation Lord Bathurst's manner, like that of Lord Liverpool, in the conference which I had about a month before with him, was altogether good-humored and conciliatory. The conduct of all the officers and persons complained of was explicitly disavowed; and I understood, at first, the observation of Lord Bathurst, that he had declined seeing Colonel Nicholls, as an intimation that it was intended to exhibit towards that officer unequivocal marks of displeasure. But the subsequent explanation left me to conclude that, although the disapprobation of his proceedings was strongly expressed to me, the utmost extent of it that would be shown to him would be the refusal to ratify his treaty, offensive and defensive, with the Indians.

No. 12 *b*.

Extract of a note from Mr. Adams to Earl Bathurst, dated

LONDON, *September* 25, 1815.

In the conference with your lordship, with which I was honored on the 14th instant, I represented to you, conformably to the instructions which I had received from the Government of the United States, the proceedings of several British officers in America, and upon the American coast, marked with characters incompatible, not only with those amicable relations which it is the earnest desire of the American Government to restore and to cultivate, but even with the condition of peace which had been restored between the two countries by the treaty of Ghent.

It was with the highest satisfaction that I understood your lordship, in the name of the British Government, to disavow the proceedings of all those officers, of which it had been my duty to complain; and that I received from you the assurance that orders had long since been given for the restoration of the post of Michilimackinac to the United States; that instructions had been given to promote, by all suitable means, the restoration of peace between the Indians and the United States; and, particularly, that Colonel Nicholls, in pretending to conclude a treaty, offensive and defensive, with certain Indians belonging within the jurisdiction of the United States, had not only acted without authority, but incurred the disapprobation of His Majesty's Government.

No. 13 *a*.

Extract of a letter from Mr. Adams to the Secretary of State, containing the substance of a conversation with Lord Castlereagh, dated

LONDON, *February* 8, 1816.

I next observed that, at the other extremity of the United States, the Indians again appeared in the shape of disturbers of the peace between our countries. I recapitulated your remonstrances to Mr. Baker, and mine, by your

order, to Lord Bathurst, against the conduct of Colonel Nicholls; that officer's pretended treaties of alliance, offensive and defensive, and of commerce and navigation, with certain runaway Indians, whom he had seen fit to style the Creek nation; and the very exceptionable manner in which he had notified his transactions to the agent of the United States with the Creeks, with an intimation that we were to hear more about these treaties when they should be ratified in England. I mentioned that Lord Bathurst had, in the most candid and explicit manner, *verbally* disavowed to me these proceedings of Colonel Nicholls; had told me that the pretended treaty of alliance, offensive and defensive, had been indeed transmitted by the colonel for ratification; but this Government had refused to ratify it, and informed Colonel Nicholls that they would agree to no such treaty: that the colonel had even brought over some of his Indians here, who would be sent back, with advice to make their terms with the United States as they could. These *verbal* assurances I had reported to my Government, and presumed they had been received with much satisfaction. Whether they had been repeated in a more formal manner, and in any written communication, I had not been informed. I had noticed the conduct of Colonel Nicholls in one of my notes to Lord Bathurst, and to that part of the note had received no answer. As the complaint had also been made through Mr. Baker, a written answer might, perhaps, have been returned through that channel. My motive for referring to the subject now was, that, by the President's message to Congress at the opening of the session, I perceived that the conduct of the Indians in that part of the United States still threatened hostilities, and because there, as in the more northern parts, the Indians would certainly be disposed to tranquillity and peace with the United States, unless they should have encouragement to rely upon the support of Great Britain. Lord Castlereagh said, with a smile, that he had a good many treaties to lay before Parliament, but none such as those I described were among them.

No. 13 *b*.

Extracts of a letter from Mr. Adams to Lord Castlereagh, dated

LONDON, *March* 21, 1816.

It has been more than once a painful part of the duty of the undersigned to represent to His Majesty's Government the unfriendly dispositions manifested by British military officers in America towards the United States since the peace between the two countries; and to point out specific and unequivocal facts, by which those officers, far from exerting themselves to carry into effect the avowed object of their own Government, of securing to the Indians who had followed the British standard during the war the blessings of the pacification, have labored with an activity as restless, and a zeal as ardent, as they could have done in the heat of war, to instigate Indians belonging within the territorial jurisdiction of the United States to continued or renewed hostility against them. When, in the course of last summer, the undersigned had the honor of exposing to Earl Bathurst the transactions deeply marked with this character of Colonel Nicholls, he was happy to receive from his lordship, verbally, at once the confirmation of the facts, and the disavowal of the measures. Colonel Nicholls, after the conclusion of the peace between his sovereign and the United States, not only used every effort in his power to urge to war against the United States tribes of Indians with whom they were then at peace, and who were far remote from any British possession whatever, but actually concluded a pretended treaty of alliance, offensive and defensive, between some of them and Great Britain against the United States. Of this treaty, Earl Bathurst, in a conference with the undersigned, expressed himself in terms of unqualified disapprobation; adding that it had not been ratified or approved, and that no such treaty would be made or agreed to by Great Britain. In the pursuit of his projects, Colonel Nicholls brought over some of these Indians to England; but as Lord Bathurst, in the most explicit manner, assured the undersigned that no use of them hostile to the United States would be made by Great Britain, the undersigned is persuaded that that determination has not been departed from by His Majesty's Government.

How far the threat of Indian vengeance is becoming to the humanity of British officers, or the dignity of their Government, in a correspondence with the officers of a civilized nation, and in a time of peace, the undersigned leaves to His Majesty's Government to decide. Neither Colonel Nicholls, nor Colonel James, was ashamed to use it; and it would be treated by the undersigned as it was by the officers of the United States to whom it was addressed, were it not his duty to remark that, in condescending to be the heralds of this menace, those officers sufficiently indicated that they understood its being carried into execution or not depended upon them; that they viewed themselves as the regulators to restrain or to license Indian barbarity at their discretion; that they (British military officers) called upon the civil authority of the United States to satisfy the revenge of Indian savages belonging within the American jurisdiction, for acts committed upon the American territory; threatening, as the alternative, to let loose those savages to wreak their own vengeance, in all its fury, upon American women and children.

Independently of the very serious character of these transactions in themselves, the undersigned entreats the attention of the British Government to the spirit by which they were dictated. This excessive earnestness of British authorities, military and civil, to hold themselves forth as the protectors, through right and through wrong, of Indians not belonging to British territories, however politic it may be deemed to imbitter enmities and to provoke hostilities between the Indians and the Americans, cannot but excite animosities far more formidable between the British and American nations. If persevered in, it must eventually prove most pernicious and fatal to the Indians themselves. The occasion will justify the expression of the hope that orders and instructions will be issued to the local authorities of the British colonies in North America, which will leave no doubt on the minds of those invested with them that the real intention of Great Britain towards the United States is peace.

No. 14.

General Jackson to the Governor of Pensacola.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: WASHINGTON, M. T., *April* 23, 1816.

I am charged by my Government to make known to you that a negro fort, erected during our late war with Great Britain, at or near the junction of the Chatahoochee and Flint rivers, has been strengthened since that period, and is now occupied by upwards of two hundred and fifty negroes, many of whom have been enticed away from the service of their masters, citizens of the United States; all of whom are well clothed and disciplined. Secret practices to inveigle negroes from the citizens of Georgia, as well as from the Cherokee and Creek nations of Indians, are still continued by this banditti and the hostile Creeks.

This is a state of things which cannot fail to produce much injury to the neighboring settlements, and excite irritations which eventually may endanger the peace of the nation, and interrupt that good understanding which so happily exists between our Governments.

The principles of good faith, which always insure good neighborhood between nations, require the immediate and prompt interference of the Spanish authority to destroy or remove from our frontier this banditti, put an end to an evil of so serious a nature, and return to our citizens and friendly Indians inhabiting our territory those negroes now in the said fort, and which have been stolen and enticed from them. I cannot permit myself to indulge a belief that the Governor of Pensacola, or the military commander of that place, will hesitate a moment in giving orders for this banditti to be dispersed, and the property of the citizens of the United States forthwith restored to them, and our friendly Indians particularly, when I reflect that the conduct of this banditti is such as will not be tolerated by our Government, and, if not put down by Spanish authority, will compel us, in self-defence, to destroy them. This communication is intrusted to Captain Amelung, of the first regiment of United States infantry, who is charged to bring back such answer as you may be pleased to make to this letter. In your answer you will be pleased to state whether that fort has been built by the Government of Spain, and whether those negroes who garrison it are considered as the subjects of His Catholic Majesty, and, if not by His Catholic Majesty, by whom and under whose orders it has been erected.

ANDREW JACKSON,
Major General commanding Division of the South.

To the GOVERNOR OF PENSACOLA, *or Military Commander of that place.*

A true copy: ISAAC L. BAKER, *Aid-de-camp.*

No. 15.

Governor Zuniga to General Jackson.

MOST EXCELLENT SIR: PENSACOLA, *May* 26, 1818.

On the 24th of the present month, Captain Amelung, of the first United States regiment, put into my hands your excellency's letter, dated at Washington, Mississippi Territory, on the 23d of April last, in which, after apprizing me that your Government had given it in charge to you to inform me that the fort of the negroes, erected during the last war (with Great Britain) near the junction of the Chatahoochee and Flint rivers, had been reinforced, and was now occupied by more than two hundred and fifty negroes, many of whom were seduced from the service of their masters, (who are citizens of the United States;) and that all of them are well armed, provisioned, and disciplined, you make many wise reflections with respect to the serious injuries which may result from tolerating such an establishment, not only to those in the immediate neighborhood of it, by disturbing the peace of the nation, but likewise to the good understanding which happily exists between our respective Governments; you enter into an investigation to show what the Spanish authorities ought to do to put an end to an evil of so serious a nature, in the mode prescribed by the principles of good faith, which are the foundation of friendly neighborhood among nations; you distinctly state what the Government ought immediately to do, in failure of which your Government will be obliged to do it, to insure the safety of the inhabitants of the United States; and you conclude by requesting me to state, in my answer to your letter, whether the said fort has been constructed by the Spanish Government, and whether the negroes, who compose its garrison, are deemed subjects of His Catholic Majesty, and, if the fort was not built by Spanish authority, to state by what authority, and by whose order, it was built.

In answer to your excellency, I will state (with the veracity which comports with the character of an honorable officer, in which class I rank myself) that, having arrived at this place nearly at the close of the month of March preceding, and being informed of what your excellency has communicated to me, (with this difference, that the fort, instead of being where you place it, is to be found on the eastern bank of the Appalachicola, at about fifteen miles from its mouth or entrance into the sea,) I lost no time in proposing to my captain general the measures which appeared to me proper, as well for securing the inhabitants of the country under my command from the damages, losses, and injuries which they have suffered, and still suffer, from this establishment, as to prevent the American citizens and the friendly Indians of the neighborhood from continuing to experience them. I have hitherto received no answer, and consequently your excellency (who knows how limited are the powers of a subordinate officer) cannot be surprised that I should make known to you that, although my mode of thinking exactly corresponds with yours as to dislodging the negroes from the fort, the occupying it with Spanish troops, or destroying it, and delivering the negroes who may be collected to their lawful owners, I shall not be able to act until I receive the orders of my captain general, and the assistance necessary to enable me to undertake the enterprise with a moral certainty of accomplishing the end. I am persuaded that the determination of the said chief cannot be long delayed; and, should it authorize me to act, your excellency may rest assured and persuaded that I will not lose an instant in adopting, on my part, the most efficacious measures for cutting up by the root an evil which is felt to the full extent stated in your letter by the inhabitants of this province, who are the subjects of my sovereign, and whose prosperity and tranquillity it is my duty to preserve and protect.

With this explanation, your before-named letter may be considered as fully answered, as it gives me pleasure to understand that, thinking as your excellency thinks with respect to the necessity of destroying the negroes, the fort at Appalachicola occupied by them was not constructed by orders of the Spanish Government; and that the negroes, although in part belonging to inhabitants of this province, and, as rational beings, may be the subjects of the King, my master, are deemed by me insurgents or rebels against the authority, not only of His Catholic Majesty, but also of the proprietors from whose service they have withdrawn themselves; some seduced by the English Colonel Nicholls, Major Woodbine, and their agents, and others from their inclination to run off. But as your excellency manifests a particular desire that, in case the fort was not erected by Spanish authority, I should state by what authority and by whose orders it was erected, I have no difficulty in satisfying your curiosity, by informing you that I have understood, ever since my arrival at this place, that the said fort, and another near the confluence of the Chatahoochee and Flint rivers, (which it appears no longer exists,) were built by the order of the before-named Colonel Nicholls. I will not assure you that he did it under authority from his Government; but I can say that he proceeded to place artillery, munitions, and provisions in it, by the arrangement of Vice Admiral Malcolm; and that when Colonel Nicholls and the troops of his detachment, after the conclusion of the expedition against Louisiana, withdrew from that point, he left orders with the negroes, totally contrary to the incontestable right of sovereignty which the King, my master, exercises from the line of the thirty-first degree of north latitude to the south. My predecessors in this Government have given an account of all these actions to the authorities on whom they depended, that the satisfaction which the violation required might be demanded by those on whom this duty devolves.

I think I have answered your excellency's letter satisfactorily, and in terms which cannot leave a doubt of the sincerity of my intentions in favor of the common cause of the American and Spanish inhabitants; and that my present inaction does not proceed from a want of inclination. I likewise flatter myself that, until my captain general decides, no steps will be taken by the Government of the United States, or by your excellency, which may be prejudicial to the sovereignty of the King, my master, or the district of Appalachicola, which is a depend-

ency of this Government. And, finally, I conclude by assuring your excellency that it will afford me particular satisfaction to have opportunities of evincing my desire, not only to contribute, so far as depends on me, to the cementing of the good understanding which subsists between our respective Governments, but also to prove to your excellency the high opinion I entertain of your virtues and military talents. God preserve your excellency many years.

MAURICIO DE ZUNIGA.

His Excellency ANDREW JACKSON.

No. 16.

Report of Captain Amelung to General Jackson.

SIR: NEW ORLEANS, *June* 4, 1816.

In obedience to your order, received on the 6th of May last, I proceeded the next day for Pensacola; but owing to adverse winds, (having to wait twelve days at the bay of St. Louis,) I only arrived at that place on the 24th May. I was received and treated with great attention by the governor and his officers, and, after receiving his answer to your letter, I left there on the 27th, and arrived here on the 2d instant.

I have the honor to transmit herewith the answer of the governor, which, I think, embraces all the points touched upon in your letter; and also take the liberty to subjoin a translation thereof, as it might happen that no person is near you understanding the Spanish language. I am firmly of opinion that the governor asserts the truth in his communication; and am convinced that the inhabitants of Pensacola have suffered, and do now suffer, more than our citizens from the existence of the fort and its garrison.

I also take the liberty of communicating such intelligence as I have been able to collect from good authority, and which might perhaps be of some use.

The fort in question is situated at Bonavista, on the eastern branch of the Appalachicola river, 15 miles above its mouth, and 120 miles east of Pensacola. The river discharges itself into St. George's Sound, and vessels drawing not more than ten feet water may come in between St. George's and St. Vincent's islands; the bar, however, is dangerous, and requires skilful pilots.

The fort was constructed by Nicholls and Woodbine, and the British occasionally resorted thither; but, on their final evacuation of this country, left it in the possession of a garrison composed of negroes and Indians, with four pieces of heavy ordnance, and 10,000 pounds of powder, &c. About twenty Choctaws, a number of Seminoles, and a great number of runaway negroes are supposed to have been there some time ago, but a great part of these brigands have abandoned the fort on account of scarcity of provisions, and have gone to Savannah (*alias* St. Joseph's) river, in East Florida, whither they will, no doubt, all retire, in case of an attack by land, as they have a schooner and several large boats to make good their retreat by sea, if not interrupted.

From this spot they can easily annoy our settlements on Flint river, and the whole Georgia frontier, and are in a country where they can procure subsistence with facility.

Pensacola itself is, I can assure you, entirely defenceless. The garrison consists of from 80 to 100 effective men, exclusive of a battalion of colored troops, say about 150 men, of whom the inhabitants themselves stand in constant dread. They have about 150 serviceable muskets, about 500 musket cartridges, and not enough gunpowder to fire a salute; one gun was mounting at Barrancas on the day I left there. To this is to be added the dissatisfaction of the inhabitants, and even of a number of the officers of Government, and the desire of a majority to see a change effected. I must not forget to present to you, on the part of the governor, the thanks of the inhabitants of Pensacola for the exemplary and humane conduct of the army under your command at Pensacola, and I verily believe their professions to be sincere.

The governor also, on my mentioning in conversation that I was persuaded you would willingly assist in destroying the fort, said, if the object was of sufficient importance to require the presence of General Jackson, he would be proud to be commanded by you; and that, if the Captain General of Cuba could not furnish him with the necessary means, he might perhaps apply to you for assistance.

Having nothing farther to add, I remain, very respectfully, your obedient servant,

VERO Z. AMELUNG,
Captain 1st infantry.

A true copy: JAMES T. DENT, *Judge Advocate, Division of the South.*

No. 17.

General Jackson to the Secretary of War.

SIR: HEAD-QUARTERS, DIVISION OF THE SOUTH, NASHVILLE, *June* 15, 1816.

I have this moment received the answer of the commanding officer and Governor of Pensacola to mine of the 23d of April, which I hasten to forward for your information, as well as the copy of the report of Captain Amelung, of the 1st infantry, who was the bearer of my letter. I send you the original, retaining a copy in English forwarded to me by Captain Amelung.

The answer bears the marks of candor and breathes the spirit of friendship; and as those marauders on our frontier are acknowledged officially as rebels against the Government of Spain, there can be no fear of disturbing the good understanding that exists between us and Spain, by destroying the negro fort, and restoring to the owners the negroes that may be captured.

The 4th and 7th infantry will be sufficient to destroy it. A few troops from the 1st infantry, with a small naval force, will prevent their escape, and capture those vessels named by Captain Amelung in his report. I shall await your order on this subject, which shall be promptly obeyed and executed.

I am, respectfully, your most obedient servant,

ANDREW JACKSON,
Major General commanding Division of the South.

The Hon. WM. H. CRAWFORD, *Secretary of War.*

No. 18 *a.*

General Gaines to the Secretary of War.

SIR: CAMP NEAR FORT JACKSON, *April* 30, 1816.

I have just now received a letter from Lieutenant Colonel Clinch, dated near the mouth of Summochichoba, the 26th instant, enclosing a communication from the Little Prince, a copy of which I enclose herewith.

This chief is on a tour down the river to visit the Seminole chiefs near the Appalachicola.

The ostensible object of the visit was to adopt measures to take the negro fort; and as Colonel Hawkins had confidence in the promises of the Indians to effect this object, I sanctioned a requisition for supplying them with three hundred bushels of corn, to serve as rations. That I have little faith in their promises, I will not deny; but it seemed to me proper to encourage them in the prosecution of a measure which I felt persuaded would, if successful, be attended with great benefit to our southern frontier inhabitants, as well as the Indians themselves.

I have the honor to be, very respectfully, your most obedient servant,

EDMUND P. GAINES.

The Hon. Wm. H. Crawford, *Secretary of War.*

No. 18 *b.*

Talk from the Little Prince, Tustunnuggee Hopoy, to the Commander of the United States forces in the Indian nation.

Sir:

Jackson and Hawkins spoke to us, and told us we were their children. At the Tuskeegee meeting you told us you would have the land as far down as the Summochichoba; but we chiefs did not agree to it. You did not tell us then you would build forts along the river bank down to the fork; but we heard, since, you issued orders to that effect. We do not think it friendly for one friend to take any thing from another forcibly. The commander and Hawkins did not tell us any thing about building of these forts. Did you know these things, and keep them hidden from me? We told our friend Hawkins we would hold a meeting at this place on our way down. We were [told] at the fort at Summochichoba, built by the commanding officer, that he had orders to build three forts. Our friend Hawkins told us to go down to the fort of the blacks, and take them out of it, and give them to their masters; which we are at at this present, when we have heard of Jackson's orders about building these forts. We hear of your meeting at Tuskeegee. We hope you will detain the forces at the places they are at at present, and wait on the Indians, as I am sure they will be able to settle every thing; but all the chiefs are not yet met. You know that we are slow in our movements. I spoke to the commanding officer at Summochichoba. He will read this, and write it off on a clean sheet, and send it on to the commander-in-chief and Colonel Hawkins. I beg you will send me back an answer, and a sheet of paper, and a little ink, in order to enable me to write you again, if it should be necessary.

I remain your friend,

TUSTUNNUGGEE HOPOY.

A true copy: ROB. R. RUFFIN, *Lieutenant artillery, aid-de-camp.*

Written as spoken, by William Hambly, 26th April, 1816.

W. S. PENDLETON.

No. 19.

General Gaines to Colonel Clinch.

Sir: Head-quarters, Fort Montgomery, M. T., *May* 23, 1816.

Your letters up to the 9th instant have been received. The British agent, Hambly, and the Little Prince and others, are acting a part which I have been at a loss for some time past to understand. Are they not endeavoring to amuse and divert us from our main object? Their tricks, if they be so, have assumed a serious aspect, and may lead to *their* destruction; but *we* have little to apprehend from them. They must be watched with an eye of vigilance. The post near the junction of the rivers, to which I called your attention in the last month, must be established speedily, even if we have to fight our way to it through the ranks of the whole nation.

The surveyors have commenced laying off the land to be sold and settled, and they must be protected. The force of the whole nation cannot arrest your movement down the river on board the boats, if secured up the sides with two-inch plank, and covered over with clapboards; nor could all the nation prevent your landing and constructing a stockade work, sufficient to secure you, unless they should previously know the spot at which you intended to land, and had actually assembled at that place previous to or within four hours of your landing; but your force is not sufficient to warrant your march to the different villages, as suggested, by land. The whole of your force (except about forty men, or one company, for the defence of Fort Gaines) should be kept near your boats and supplies until the new post shall be established. You may then strike at any hostile party near you, with all your disposable force; but even then you should not go more than one or two days' march from your fort.

If your supplies of provisions and ammunition have reached you, let your detachment move as directed in my letter of the 28th of last month. You can venture to move with twenty-five days' rations, but you should order a supply to the agency, or Fort Gaines, where a boat should be built, and held in readiness to send down, in case any accident should prevent or delay the arrival of a supply which I have ordered from New Orleans.

I enclose you an extract of a letter containing an arrangement for the supply by water, and have to direct that you* will provide a boat, and despatch it with an officer and fifty men to meet the vessels from New Orleans, as soon as you are advised of their being on the river. One of your large boats will answer the purpose, provided you have no barge or keel-boat. Should the boats meet with opposition at what is called the Negro fort, arrangements will immediately be made for its destruction; and for that purpose you will be supplied with two eighteen-pounders and one howitzer, with fixed ammunition, and implements complete, to be sent in a vessel to accompany the provisions. I have, likewise, ordered fifty thousand musket cartridges, some rifles, swords, &c. Should you be compelled to go against the negro fort, you will land at a convenient point above it, and force a communication with the commanding officer of the vessels below, and arrange with him your plan of attack. Upon this subject you shall hear from me again, as soon as I am notified of the time at which the vessels will sail from New Orleans.

With great respect and esteem, your obedient servant,

EDMUND P. GAINES, *Major General commanding.*

Lieut. Col. D. L. Clinch, *or Officer commanding on the Chatahoochee.*

A true copy: ROB. R. RUFFIN, *Aid-de-camp.*

No. 20.

General Gaines to Commodore Patterson.

Sir: Fort Montgomery, *May* 22, 1816.

By a letter I have received from Lieutenant Colonel Clinch, commanding a battalion of the 4th regiment of infantry on the Chatahoochee, I learn that, in the early part of the present month, a party of Indians surprised

* Thirty thousand rations have been ordered from New Orleans up the Appalachicola, and Commodore Patterson requested to send a convoy of one or two gun-vessels.

and took from the immediate vicinity of his camp two privates sent out to guard a drove of beef cattle purchased for the subsistence of the troops. The cattle, amounting to thirty head, were also taken. The Indians were pursued forty-five miles, on a path leading to St. Mark's, but, being mounted, and having travelled all night, escaped with their prisoners and booty.

This outrage, preceded by the murder of two of our citizens, Johnson and McGaskey, by Indians below the lines, and followed by certain indications of general hostility, such as the *war dance*, and drinking *war physic*, leaves no doubt that we shall be compelled to destroy the hostile towns.

The detached situation of the post which I have ordered Lieutenant Colonel Clinch to establish near the Appalachicola will expose us to great inconvenience and hazard in obtaining supplies by land, particularly in the event of war, as the road will be bad, and the distance from the settlement of Georgia near one hundred and fifty miles.

Having advised with the commander-in-chief of the division upon this subject, I have determined upon an experiment by water, and for this purpose have to request your co-operation; should you feel authorized to detach a small gun-vessel or two as a convoy to the boats charged with our supplies up the Appalachicola, I am persuaded that, in doing so, you will contribute much to the benefit of the service, and accommodation of my immediate command in this quarter. The transports will be under the direction of the officer of the gun-vessel, and the whole should be provided against an attack by small arms from shore. To guard against accidents, I will direct Lieutenant Colonel Clinch to have in readiness a boat sufficient to carry fifty men, to meet the vessels on the river and assist them up.

Should you find it convenient to send a convoy, I will thank you to inform me of the date of its departure, and the time which, in your judgment, it will take to arrive at the mouth of the river, (Appalachicola.)

Enclosed you will receive the best account I can give you, from the information I have received of the negro fort upon the Appalachicola. Should we meet with opposition from that fort, it shall be destroyed; and, for this purpose, the commanding officer above will be ordered to prepare all his disposable force to meet the boats at or just below the fort, and he will confer with the commanding officer of the gun-vessels upon the plan of attack.

I am, with great consideration and esteem, your obedient servant,

EDMUND P. GAINES, *Major General by brevet.*

Commodore DANIEL T. PATTERSON,
United States Navy, commanding New Orleans station.

No. 21.

Commodore Patterson to Lieutenant Commandant Crawley.

SIR: NEW ORLEANS, *June* 19, 1816.

The enclosed copy of a letter from Major General Gaines, commanding the United States military forces in the Creek nation, fully informs you of his situation, and his expectation of immediate commencement of hostilities on the part of those Indians.

In consequence of the information contained in that letter, I have promised the convoy therein requested; you will therefore take under your command gun-boat No. 149, and, with that letter for your guide, convoy the transports, with ordnance, provisions, &c., up the Appalachicola and Chatahoochee, to such point or points as may be required, if practicable. Should you meet with opposition from the negro fort, situated, as stated in the letter, on the former river, the military commanding officer will have orders to destroy it, in which you will co-operate; the plan of attack to be concerted between yourself and him: the transports will be under your direction entirely.

In the event of hostilities between the Indians and the United States, you will, if practicable, afford any aid with your vessels in your power to the army. Remain in that river, and co-operate with them, until it shall be necessary to return here for provisions; but, if you cannot aid them in their operations, you will then return immediately, bringing with you the transports.

The transports will rendezvous at the Pass Christian, and consist of the following vessels: schooner Semilante, laden with ordnance; schooner General Pike, laden with provisions.

By late information, the negro fort mounts only six pieces of cannon, with about one hundred men in and about it planting corn, and I apprehend no opposition from them whatever; in the event of your remaining to act with the army, you will communicate with me by mail through General Gaines. Should the boat, mentioned in General Gaines's letter, not meet you prior to your arrival at or near the negro fort, and you have cause to expect opposition, you will wait her arrival before you attempt to pass it.

Very respectfully, your obedient servant,

DANIEL T. PATTERSON.

Lieut. Com. CHARLES E. CRAWLEY, *U. S. cutter Fox.*

No. 22.

Commodore Patterson to J. Loomis.

SIR: NEW ORLEANS, *June* 19, 1816.

The enclosed despatch for Lieutenant Commandant Crawley is transmitted under cover to you, lest he might not arrive at the Pass Christian by the time the transports laden with ordnance, provisions, &c., mentioned to you verbally when here, shall arrive, and be ready to proceed to their place of destination; in which case, you will consider them as addressed to you, and act accordingly; in that event, you will take under your command gun-boat No. 154, together with the transports, and proceed in execution of these instructions.

In the performance of the duties therein pointed out, it will be necessary to act with vigor and judgment; and you will refrain from any act of hostilities against the Spanish force, or violation of their rights and laws. You will make no delay in your departure from the Pass Christian, after the arrival there of No. 154 and the transports.

Very respectfully, your obedient servant,

DANIEL T. PATTERSON.

Sailingmaster JAIRUS LOOMIS, *Commanding U. S. gun-boat No.* 149.

No. 23.

J. Loomis to Commodore Patterson.

UNITED STATES GUN-VESSEL No. 149,

SIR: BAY ST. LOUIS, *August* 13, 1816.

In conformity with your orders of the 24th of June, I have the honor to report that, with this vessel and No. 154, Sailingmaster James Bassett, I took under convoy the schooners General Pike and Semilante, laden

with provisions and military stores, and proceeded for Appalachicola river; off the mouth of which we arrived on the 10th July. At this place I received despatches from Lieutenant Colonel Clinch, commanding the fourth regiment United States infantry, on the Chatahoochee river, borne by an Indian, requesting me to remain off the mouth of the river until he could arrive with a party of men to assist in getting up the transports; desiring me, also, to detain all vessels and boats that might attempt to descend the river.

On the 15th, I discovered a boat pulling out of the river, and, being anxious to ascertain whether we should be permitted peaceably to pass the fort above us, I despatched a boat with an officer to gain the necessary information; on nearing her, she fired a volley of musketry into my boat, and immediately pulled in for the river; I immediately opened a fire on them from the gun-vessels, but with no effect.

On the 17th, at 5 A. M. I manned and armed a boat with a swivel and musketry and four men, and gave her in charge of Midshipman Luffborough, for the purpose of procuring fresh water, having run short of that article. At 11 A. M. Sailingmaster Bassett, who had been on a similar expedition, came alongside with the body of John Burgess, ordinary seaman, who had been sent in the boat with Midshipman Luffborough; his body was found near the mouth of the river, shot through the heart. At 4 P. M. discovered a man at the mouth of the river on a sand bar, sent a boat and brought him on board; he proved to be John Lopaz, ordinary seaman, the only survivor of the boat's crew sent with Midshipman Luffborough. He reports that, on entering the river, they discovered a negro on the beach near a plantation; that Mr Luffborough ordered the boat to be pulled directly for him; that on touching the shore he spoke to the negro, and directly received a volley of musketry from two divisions of negroes and Indians, who lay concealed in the bushes on the margin of the river; Mr. Luffborough, Robert Maitland, and John Burgess were killed on the spot; Lopaz made his escape by swimming, and states that he saw the other seaman, Edward Daniels, made prisoner. Lopaz supposed there must have been forty negroes and Indians concerned in the capture of the boat.

On the 20th July, I received, by a canoe with five Indians, despatches from Colonel Clinch, advising that he had arrived with a party of troops and Indians at a position about a mile above the negro fort, requesting that I would ascend the river and join him with the gun-vessels. He further informed me that he had taken a negro bearing the scalp of one of my unfortunate crew to one of the unfriendly Indian chiefs. On the 22d, there was a heavy cannonading in the direction of the fort. On the 23d, I received a verbal message from Colonel Clinch, by a white man and two Indians, who stated that Colonel Clinch wished me to ascend the river to a certain bluff, and wait there until I saw him. Considering that, by so doing, in a narrow and crooked river, from both sides of which my decks could be commanded, and exposed to the fire of musketry, without enabling me to act in my own defence, and also that something like treachery might be on foot, from the nature of the message, I declined acting, retained the white man and one of the Indians as hostages, and despatched the other, with my reason for so doing, to Colonel Clinch, stating that his views and communications to me in *future* must be made in writing, and by an officer of the army.

Lieutenant Wilson and thirteen men joined me on the 24th to assist in getting up with the transports; he likewise informed me that Colonel Clinch had sent the canoe the day before.

On the 25th, I arrived with the convoy at Dueling bluff, about four miles below the fort, where I was met by Colonel Clinch; he informed me that, in attempting to pass within gunshot of the fortifications, he had been fired upon by the negroes, and that he had also been fired upon for the last four or five days, whenever any of his troops appeared in view. We immediately reconnoitred the fort, and determined on a site to erect a small battery of two eighteen-pounders to assist the gun-vessels to force the navigation of the river, as it was evident from their hostility we should be obliged to do.

On the 26th, the colonel began to clear away the brushwood for the erection of the battery; he, however, stated to me that he was not acquainted with artillery, but that he thought the distance was too great to do execution. On this subject we unfortunately differed totally in opinion, as we were within point-blank range; he, however, ordered his men to desist from further operations; I then told him that the gun-vessels would attempt the passage of the fort in the morning, *without his aid*. At 4 A. M., on the morning of the 27th, we began warping the gun-vessels to a proper position; at 5, getting within gunshot, the fort opened upon us, which we returned, and, after ascertaining our real distance with cold shot, we commenced with hot, (having cleared away our coppers for that purpose,) the *first* one of which, entering their magazine, blew up and completely destroyed the fort. The negroes fought under the English jack, accompanied with the red or bloody flag.

This was a regularly constructed fortification, built under the immediate eye and direction of Colonel Nicholls, of the British army; there were mounted on the walls, and in a complete state of equipment for service, four long twenty-four-pounder cannon; four long six-pounder cannon; one four-pounder field-piece, and a five and a half inch brass howitzer, with three hundred negroes, men, women, and children, and about twenty Indian warriors of the renegado Choctaws; of these, two hundred and seventy were killed, and the greater part of the rest mortally wounded, but three escaped unhurt; among the prisoners were the two chiefs of the negroes and Indians. On examining the prisoners, they stated that Edward Daniels, ordinary seaman, who was made prisoner in the boat on the 17th July, was tarred and burnt alive. In consequence of this savage act, both the chiefs were executed on the spot by the friendly Indians.

From the best information we could ascertain, there were 2,500 stands of musketry, with accoutrements complete; 500 carbines; 500 steel scabbard swords; 4 cases, containing two hundred pairs pistols; 300 quarter casks rifle powder; 762 barrels of cannon powder, besides a large quantity of military stores and clothing that I was not able to collect any account of, owing to an engagement made by Colonel Clinch with the Indians, in which he promised them *all the property* captured, except the cannon and shot.

The property captured on the 27th July, according to the best information we could obtain, and at the lowest calculation, could not have been less than $200,000 in value; the remnant of the property, that the Indians did not take, was transported to Fort Crawford and to this place, an inventory of which I have the honor to transmit for your further information.

On sounding the river, I found it impassable for vessels drawing more than four and a half feet water; consequently, Colonel Clinch took the provisions from the General Pike into flats, and lightened the Semilante, so as to enable her to ascend the river as high as Fort Crawford. On the 3d August, after setting fire to the remaining parts of the fort and village, I left the river and arrived at this anchorage on the 12th current.

I cannot close this letter without expressing to you my entire approbation of the conduct of Sailingmaster James Bassett, commanding gun-vessel No. 154, for his cool, deliberate, and masterly conduct, and the support I received from him in all cases of difficulty and danger. In fact, sir, every man and officer did his duty.

Very respectfully, your obedient servant,

J. LOOMIS.

Commodore DANIEL T. PATTERSON,
Commanding United States naval forces, New Orleans station.

No. 24.

Commodore Patterson to the Secretary of the Navy.

SIR: NEW ORLEANS, *August* 15, 1816.

It is with great satisfaction I do myself the honor to transmit herewith a copy of the report of operations of two gun-vessels, under the command of Sailingmaster Jairus Loomis, despatched at the request of Major General Gaines, commanding the United States army in the Creek nation, to convoy two transports, laden with ordnance stores and provisions, up the rivers Appalachicola and Chatahoochee, to Fort Crawford, for the use of the army; as also copies of the major general's letter to me, and of my instructions to Mr. Loomis.

You will perceive by Mr. Loomis's statement that the unprovoked and wanton aggression committed by a party of negroes on his boats, as also their hostile disposition and conduct to the army and the gun-vessels, and their approaching the fort, evinced in the strongest manner their intention to dispute his passage past their fort, and rendered it necessary to silence their fire and capture the fort. The very able manner and short time in which this was so effectually accomplished, with a force so very inferior, reflects the greatest credit upon Mr. Loomis and the officers and men under his command, the ninth shot and *first hot* one producing the explosion; and unless the fort had surrendered or been destroyed, it would have been impossible for the army to have received those supplies, of which they stood so much in need, and without which their operations against the hostile Indians must necessarily have been materially retarded, if not totally suspended; and it was from the very great importance, as detailed by General Gaines, that those stores and provisions should reach the army in safety, that I felt it a duty incumbent upon me, when thus called upon, to afford the requisite convoy for their protection.

The service rendered by the destruction of this fort, and the band of negroes who held it, and the country in its vicinity, is of great and manifest importance to the United States, and particularly those States bordering on the Creek nation, as it had become the general rendezvous for runaway slaves and disaffected Indians; an asylum where they were assured of being received; a stronghold where they found arms and ammunition to protect themselves against their owners and the Government. This hold being destroyed, they have no longer a place to fly to, and will not be so liable to abscond. The able manner in which this enterprise was conducted cannot but impress the hostile Indians also with a dread of our arms, and increase the confidence of those who are friendly; add to which, that the force of the negroes was daily increasing; and they felt themselves so strong and secure that they had commenced several plantations on the fertile banks of the Appalachicola, which would have yielded them every article of sustenance, and which would, consequently, in a short time have rendered their establishment quite formidable and highly injurious to the neighboring States.

The English union jack and red or bloody flags, under which they committed their unprovoked hostilities against the American flag, are in my possession, and I shall have the satisfaction of forwarding them to the Department by the first safe conveyance. It appears very extraordinary, and remains with the English Government to explain the authority for their flag being thus hoisted by a band of outlaws, as also their officer, Colonel Nicholls, having placed so strong a work, and with so large a supply of arms, (most of which were perfectly new and in their cases,) ammunition, and every other implement requisite to enable the negroes and Indians to prosecute offensive operations against the United States—in possession of negroes, too, known to be runaways from the United States; and that, too, some time after peace had taken place.

Herewith is transmitted a copy of the inventory of the articles saved from the explosion, designating those furnished the army for public use, and those brought off and deposited here.

I regret extremely the loss of Mr. Luffborough, killed in the service, who, though much indisposed, and having sent in his resignation to the Department, very handsomely volunteered his services and accompanied the expedition. Mr. Loomis reports his conduct in the highest terms of approbation.

I avail myself of this occasion, with great satisfaction, to recommend to the particular notice of the Department Sailingmasters Jairus Loomis and James Bassett, commanding the gun-boats on this expedition, as highly meritorious officers.

I cannot but lament exceedingly the great loss of lives occasioned by the destruction of the fort, though caused by their opposition to a passage of the river, and hostilities most wickedly commenced upon a friendly flag, under which not the slightest aggression would have been offered them.

The course pursued in this service, and the result, will, I trust, meet the approbation of the President of the United States.

I have the honor to be, with great respect, your obedient servant,

DANIEL T. PATTERSON.

The Hon. BENJAMIN W. CROWNINSHIELD, *Secretary of the Navy, Washington.*

No. 25.

Governor Kindelan to G. Cockburn.

MOST EXCELLENT SIR: ST. AUGUSTINE, EAST FLORIDA, *February* 18, 1815.

The support and protection which the subaltern officers of the troops under your command now on Cumberland island afford to the runaway slaves of this province under my charge, inviting them to desert their masters and enlist as soldiers, with the tempting promise of the liberty which they will enjoy when once they are transported to His Britannic Majesty's colonies, have filled with consternation the peaceable inhabitants, subjects of His Catholic Majesty; to which may be added the aggravation offered them by the manner in which the restoration has been eluded, as to answer the claim which their masters make personally, by saying that they might take those that would accompany them voluntarily, is the same thing as to refuse their restoration; for where is the slave that will voluntarily return to slavery if left to his election? For my part, even if there did not exist that good understanding, concord, and friendship betwixt our respective nations, I should feel very averse to suppose that the British Government, generous England, would tolerate in its subjects the spoliation of this property, belonging to the pacific, industrious, and defenceless planter, not only of a friendly Power, but (excepting in certain cases) I conceive they would not permit it towards an enemy. I pronounce it as undeniable that this laudable maxim has ever been so religiously observed by civilized and enlightened people, that until now it has always been considered as an inviolable principle of the laws of nations.

This abuse or disorder, most excellent sir, from its important nature, demands from your excellency the most prompt and efficacious remedy in your power, in order to do away those appearances of hostility which such unusual

proceedings manifest, as well as to avoid the consequences which must result from them, and which, for my part, I shall endeavor to obviate by every means in my power; requesting your excellency again to order the restoration, without restriction, of the aforesaid Spanish property, which I now demand of you, officially, for the second time.

Permit me to offer to your excellency, personally, my sentiments of high consideration, whose life I pray God to preserve many years.

SOB. KINDELAN.

His Excellency GEORGE COCKBURN, &c.

No. 28.

General Jackson to Governor Mazot.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: FORT GADSDEN, *March* 25, 1818.

I have ordered a supply of provisions to be sent from New Orleans, via Pensacola, to Fort Crawford, on the Conecuh. This route has been adopted as the most speedy one of provisioning one of my garrisons, which must be maintained during the present contest against our mutual enemies, the Seminole Indians; and I cannot but express a hope that no attempt will be made to interrupt the free passage of my transports to that post. I am not disposed to enter into any controversy with you on the right which our Government may claim to the free navigation of such watercourses as head within her limits, but flow through the territory of His Catholic Majesty; preferring to leave these subjects to be settled by those legally authorized. But as it is necessary for me to make use of the Escambia river in passing up provisions to the garrison at Fort Crawford, I wish to be distinctly understood that any attempt to interrupt the passage of my transports cannot be received in any other light than as a hostile act on your part. I will not permit myself for a moment to believe that you would commit an act so contrary to the interests of the King, your master. His Catholic Majesty, as well as the United States, are alike interested in chastising a savage foe, who have too long warred with impunity against his subjects as well as the citizens of this republic; and I feel persuaded that every aid which you can give to promote this object will be cheerfully tendered.

I am, with sentiments of respect, your obedient servant,

ANDREW JACKSON, *Major General commanding.*

JOSE MAZOT, *Governor of Pensacola.*

No. 29.

[TRANSLATION.]

Governor Mazot to General Jackson.

MOST EXCELLENT SIR: PENSACOLA, *April* 15, 1818.

Your excellency's letter of the 25th of last month has been delivered to me; also that of the 16th, in answer to mine of the 16th of February preceding. I now have the honor to acknowledge the receipt of both, and to reply to the former.

In the month of May last, yielding to a spirit of conciliation, I gave permission to the schooner Victory from New Orleans to pass up the Escambia to the American fort with a cargo of provisions: prompted by the same sentiment, I gave a similar permission in January last to Captain Call, of the schooner Italiana, to proceed to the same place; and, subsequently, pursuing the same friendly and conciliatory feelings, I allowed Lieutenant Eddy, belonging to the garrison of the fort above alluded to, who had been commissioned for that purpose by Major Youngs, the commandant, to supply himself here with sixty barrels of provisions. The cargo of the schooner Italiana being still deposited here, I conceive that the introduction of the further supply requested by your excellency is not necessary at present. Notwithstanding this, as I infer from your excellency's letter that the said provisions are now on the way, and am disposed to grant the same indulgence as heretofore, while it is not less my duty to enforce the established regulations and restrictions which require that the supplies should be consigned to a Spanish trading house, which will undertake to forward them and secure the payment of the royal import and export duties, I will give permission for them to pass in like manner as the first; it being, however, well understood that neither now nor hereafter the United States can pretend to or acquire any right in consequence of these indulgences, which are perfectly gratuitous, and granted solely in consequence of existing circumstances, which, as your excellency states to me, prevent the arrival of supplies to the said Fort Crawford through any other channel.

In addition, you are pleased to remark that you are not disposed to enter into any discussion with me on the subject of the right which may be claimed by the United States to the free navigation of the Escambia. To a discussion of this nature I am no less averse than your excellency; because it is one not within my province, and because it is my duty, as a subordinate officer, to conform to the orders of my superior; therefore, until I receive orders to the contrary, I am bound, in reference to this point, strictly to adhere to the existing treaties between the United States and Spain. On referring to the last treaty of amity, limits, and navigation, I perceive nothing that stipulates the free navigation of the river alluded to; but, on the contrary, that the sovereignty of the King, my master, in and over all the territories, coasts, rivers, posts, and bays situate to the south of the thirty-first degree of north latitude is solemnly and explicitly acknowledged by the United States; and if, in consideration of the present extraordinary circumstances, further momentary concessions are required, I request your excellency to have the goodness to apply for that purpose in future to the authority on whom they may depend, as I am wholly unauthorized in this matter.

God preserve you many years.

JOSE MAZOT.

To His Excellency ANDREW JACKSON.

True copies of the documents deposited in this command. Pensacola, May 2, 1818, in the absence of the secretary, by indisposition:

BUENAVENTURA DUBREUIL.

No. 30.

General Jackson to Governor Mazot.

SIR: HEAD-QUARTERS, DIVISION OF THE SOUTH, ST. MARK'S, *April* 27, 1818.

After I left this post for St. Juan, to disperse and destroy the mutual enemy of Spain and the United States, a small schooner with men and supplies arrived from Pensacola, and was taken possession of and detained by my officer

left in command. This vessel has been liberated, with all her effects, excepting some clothing of the United States, (unaccompanied with any invoice,) and which has been detained as supposed to be a part of that taken in the boat, within the territory of this republic, in which Lieutenant Scott, of the United States army, with his command, was so inhumanly massacred.

I regret being compelled to state to you that, from the papers and other proofs taken at St. Juan, the quantity of American cattle found at St. Mark's, and purchased by me from the commissary of the post, and the intercourse kept up between this post and the hostile Indians, there is too much ground to believe that the Indians have been encouraged, aided, and abetted by the officers of Spain in this cruel war against the United States. Proof positive exists that the Indians were supplied with ammunition by the late commandant of St. Mark's. The United States' clothing being found on board of a vessel in the employ of the Government of Spain, sailing from Pensacola direct for this post, compels me to call on you for a statement in what manner you came possessed of said clothing.

The good understanding that so happily exists between His Catholic Majesty and the United States formed a just ground to believe that his agents would have discountenanced this cruel and savage war, waged against the citizens of this republic. Too weak to comply with her treaties with the United States, or chastise her own savage subjects waging war against a friendly nation, it was scarcely to be believed that her officers would have been detected in aiding and abetting this enemy, assisting him with intelligence of our movements, and purchasing of him the property depredated of us. America, just to her treaties, and anxious to maintain peace with the world, cannot and will not permit such a savage war to be carried on in disguise any longer.

Asylums have been granted to the persons and property of our Indian foe, (fugitives from the territory of the United States.) Facilities deemed by me necessary to terminate a war, which, under existing treaties, should have been maintained by Spain, for feeding my troops, and liberating the subjects of Spain imprisoned by the Indians, have all been denied by the officers of His Catholic Majesty. All these facts prove the unjust conduct of Spanish agents in the Floridas. It cannot be longer tolerated; and, although a republic fond of peace, the United States know their rights, and at the expense of war will maintain them.

ANDREW JACKSON, *Major General commanding.*

Don JOSE MAZOT, *Governor of Pensacola.*

No. 31.

[TRANSLATION.]

Governor Mazot to Major Youngs.

SIR: PENSACOLA, *April* 27, 1818.

Your letters of the 27th instant, dated Camp on the Escambia and Fort Crawford, enclosing a proclamation, were this day delivered to me at 3 o'clock P. M. by an artificer, a man of color, whose immediate return does not allow me at present to reply particularly to them; and I shall only state that the few peaceful Indians who were at this place, and in its neighborhood, left it on the 26th, and at daybreak several of them were murdered by the troops of the United States, and among them some women and children. As I am unable to account for this act, and the violation resulting from it, I have to inform you that I shall transmit an account of the whole transaction to my superior, and I hope that, in the mean time, you will not permit any further hostilities to be committed, on any pretence, in this territory; and, in case the Indians give any reason for complaint, that you will inform me of it, that I may chastise them for it, as far as it depends on my authority.

If there be Indians still remaining in this territory, I will have them sought for, and communicate your letter to them, and advise you of the result. I do assure you, on my word, that your statement of the aggressions committed by the Indians is the first intelligence I have had of it, and that when I agreed to the passage of the escort of which you speak, those Indians of whom Lieutenant Eddy was apprehensive were the only ones pointed out to me.

I must repeat to you that all my wishes and efforts are directed to preserve the peace happily subsisting between our Governments; and, relying on your friendly sentiments towards me, I offer you, in return, the assurances of mine.

God preserve you many years.

JOSE MAZOT.

To Major WHITE YOUNGS, *Commanding the U. S. troops on the Escambia.*

Governor Mazot to Major Youngs.

SIR: PENSACOLA, *April* 30, 1818.

In consequence of the request contained in your letter of the 27th instant, I assembled the principal chiefs of the Upper Creek towns of Colome, Canaan, Corvale, and Forsytche, and communicated its contents to them. They all replied that they had long been very unhappy and miserable, without shelter or country; but that at last, by the advice of a good friend, they had found one; that they all cheerfully adopted it, and were very grateful for the offers you had made them. These Indians amount to about eighty-seven, including women and children. I have settled that they should divide into two companies, and they will set out as soon as your answer is received, which they think it prudent to keep, as you will, when informed of their acceptance of your offer, be enabled to give proper orders for their safety on their journey, and their avoiding any unpleasant rencontre with the Choctaws, who, if not duly informed of it, might attack them; in which case, the measures taken for the peaceful arrangements that we both have so much at heart would be defeated.

Opahi-hola, an Alabamian chief, on account of his age and infirmities, will remain here, for the present, with his family. I have given orders for his relief, and pledge myself for his good behavior.

You will always find me ready to unite with you in such measures as may be beneficial to our respective countries, and are conformable to existing treaties.

I renew the assurances of my respect, and pray God to preserve you many years.

JOSE MAZOT.

To Major WHITE YOUNGS.

No. 32 *a*.

[TRANSLATION.]

The Governor of West Florida to His Excellency Andrew Jackson.

MOST EXCELLENT SIR: PENSACOLA, *May* 18, 1818.

On the 10th instant I received your letter of the 27th of April last, informing me that on board a small schooner, despatched from this port for Appalache, there were found several articles of clothing, such as is used by the United States troops, and which you suppose were taken in the boat in which Lieutenant Eddy was unfortunately cut off, together with his escort. You inquire of me how I came possessed of those articles of clothing; and you proceed to state that you regret the necessity which compels you to inform me that, from written and other proofs obtained at St. John's, the quantity of American cattle found at St. Mark's, and the active communication kept up between the latter place and the hostile Indians, there appear sufficient grounds to believe that they were encouraged and excited to this savage warfare against the United States by the Spanish officers. You add, that there exist positive proofs that the Indians were supplied with ammunition by the late commandant of St. Mark's; and you conclude by declaring that shelter and protection have been given at this place to the persons and property of the Indians who are in hostility with the United States, and have fled from the American territory; that these facts, and the refusal to allow the passage of provisions for the supply of your troops, fully evince the unjust conduct of the Spanish agents in the Floridas. To these several charges I shall reply in their order, frankly, unreservedly, and unequivocally. The first relates to the articles of clothing found on board the schooner Maria, and detained on the presumption of their being the property of the United States. A part of these, as is proved by the copy No. 1, was purchased at New Orleans in May last, a part came from Havana, and part was bought here; all which being fully substantiated, the charge is consequently disproved, and your inquiry satisfactorily answered. The second is more serious, and refers to the conduct of the commandant of St. Mark's at a recent period. I immediately demanded of him an account of his proceedings, his report of which is enclosed under the No. 2. But as I am desirous that you would bring forward unquestionable proof of the malconduct of that officer, I have to request you to furnish me with it, in order that, if his misconduct be established, he may receive condign punishment; hereby assuring your excellency, with that sincerity which belongs to me, that, in such event, he has acted entirely contrary to his instructions, and that, on receiving the evidence required, he shall be tried by a court-martial, and punished in an exemplary manner, according to the merits of the case. Your sense of equity will, however, satisfy you that the Spanish Government cannot be held responsible for the misconduct of its agents, while it does not support them in it, nor tolerate their errors when proved.

Your subsequent complaints are directed personally and pointedly against me, and relate to the shelter and protection alleged to have been afforded to the persons and property of fugitive Indians, and to the passage of provisions up the Escambia. The best mode of giving a satisfactory answer to these charges will be to offer you a brief and faithful statement of facts. With respect to the Indians, you have assuredly not been correctly informed; for, although some few remained permanently here, chiefly consisting of women and children employed in supplying the inhabitants with fish, fuel, and other trifling articles, and had been living here long before the present war with the Seminoles, it is a fact, that when I sent round to assemble them for the purpose of communicating to them the proposal of Major Youngs, their whole number amounted to but eighty-seven; and surely the small proportion of men among them, unarmed, miserable, and defenceless, could not be considered as objects of hostility to the United States—a proof of which was shown in the continual passage of American citizens to this place, travelling unarmed and alone, without a single instance of accident happening either to their persons or property. In regard to the passage of provisions up the Escambia, so far from suspending it, I facilitated it as far as depended on me, even to committing myself; since, as a subordinate officer, I could not becomingly allow a proceeding which was not fully authorized. I therefore, in consideration of circumstances, took that responsibility upon myself, as I stated to your excellency in my letter of the 15th ultimo by Major Perrault, to which I beg your reference. But with a view to the benefit of this place, by means of a free intercourse with the interior, I hereby declare that, in future, the merchants and traders belonging to it shall pass freely from hence to Fort Crawford, and other places on the frontier, and transport all necessary supplies, either by land or water; by which means it is to be expected they will be abundantly provided, and your excellency entirely satisfied.

In offering you these explanations and details, I flatter myself I have given so full and satisfactory an answer to your excellency's letter, as to leave no doubt of the sincerity of my intentions, and, at the same time, to have presented a certain pledge that it is my earnest wish to contribute, by every means in my power, to the maintenance of the good understanding happily subsisting between our two Governments.

God preserve you many years.

JOSE MAZOT.

To His Excellency ANDREW JACKSON.

PENSACOLA, *May* 31, 1818.

A true copy of the original deposited in the office of the secretary of the Government of this province, under my charge.

CARLOS REGGIO.

No. 32 *b*.

[TRANSLATION.]

Certificates from New Orleans and Pensacola.

PENSACOLA, *May* 18, 1818.

Having observed, among other things, what is stated to you by Major General Andrew Jackson, of the United States troops, in his note of the 27th of April last, and communicated to me in yours of the 13th instant, in which you request me to inform you of what description the articles referred to by the said general were, also by whom the coats worn by the men belonging to the gray and brown companies (*de pardos y morenos*) from the Havana, under my command, were sold or brought to this place, they being the same uniform as that worn by the troops of the United States, I have to inform you, in reply, that with respect to the articles of clothing shipped on board the schooner Maria, for the supply of a detachment from the aforesaid companies at Appalache, and detained by General Jackson, they consisted of fifteen four-point woollen blankets, and were brought here in His Majesty's schooner brigantine "El Almirante," arrived in this port 2d January last; twenty-five pairs of French shoes, bought here of Don Henrique Grandpré, as per exhibit No. 1, annexed; fifteen common negro hats, bought of Don Henrique Michelet, per exhibit No. 2; and twenty shirts of Crea linen, and the same number of pantaloons, received by the

above-named armed vessel, with the exception of three or four of the latter articles, which were made in North America for the use of their troops, and came into my possession in the manner I shall presently explain to you. All which clothing I requested you, in mine of the 7th April, to be pleased to direct the proper department to have inserted in the clearance, as being for its account and risk. By the voucher annexed, (No. 3,) you will perceive, that on the 1st and 4th of May last, and 29th of July, there were shipped to me by Don Pedro Dalharte y Clareria, merchant of New Orleans, the hundred and thirty-one coats of the uniform reformed there, according to his letter of advice; also, twenty-eight pairs of shoes, twenty Russia sheeting waistcoats, two hundred and fifty-three leathern caps for the use of the chasseurs, and a quantity of half boots and leather stocks; all which articles were purchased from the military storekeeper at New Orleans, and brought here in the schooners Maria and Jalousie, under the charge of their skippers, Bartelome Alberty and José Medina, who included them in the manifests they exhibited on their arrival, and the duties on them were secured, as appears by their appraisement by the proper officers on the 19th May and 11th August last. Hence, it is evident that the conjecture formed by General Jackson that the articles of clothing detained by him were part of those captured from the escort of Lieutenant Scott, at the time he was cut off within the limits of the territory of the republic, is entirely disproved; inasmuch as the unfortunate accident of that officer and his escort happened on the Appalachicola in December last, and the articles of clothing alluded to were purchased in New Orleans in May and July preceding, as is fully proved by the letters of advice and invoices comprised in exhibit No. 3, to which I have referred above.

God preserve you many years.

BENIGNO GARCIA CALDERON.

To Jose Mazot.

(No. 1.)

I hereby certify that, on the 10th of February last, I sold to Captain Don Benigno Garcia Calderon, commanding the gray and brown companies from Havana, two hundred and eighteen pairs of French shoes, iron shod, for the use of the men belonging to the said companies; and, at the request of the said officer, I have delivered him the present certificate, dated at Pensacola, this 18th day of May, 1818.

HENRIQUE DE GRANDPRE.

(No. 2.)

I hereby certify that, on the 12th of February last, I sold to Captain Don Benigno Garcia Calderon, commanding the gray and brown companies from the Havana, nine dozen round negro hats, for the use of the men belonging to the said companies; and, at the request of the said officer, I have delivered him the present certificate, dated at Pensacola, this 18th day of May, 1818.

HENRIQUE MICHELET.

(No. 3.)

To Don Benigno Garcia Calderon, *Pensacola:* New Orleans, *April* 30, 1817.

Enclosed you have an account of the cost and charges of fifty-four shirts and twenty-eight pairs of shoes, for amount whereof you are debited in account fifty-three dollars. Although I had no orders from you for the shirts, I was induced to purchase them by the low prices and the probability of your employing them to advantage. In the sack they are put up in, you will find a uniform coat which has been reformed here, and can be set by the storekeeper at twelve rials. I think it would answer. There are one hundred and twenty of them. I am offered by the same storekeeper fifty field-tents, nearly new, at three dollars; and a parcel of strong leathern caps, such as are worn by the chasseurs, that can be set at less than two rials, of which there are about two hundred. The storekeeper having made me a second offer of the shirts, I proposed to take them in barter for coffee at ten or eight and a half; even at ten I am persuaded it would be a good bargain, as it would give the opportunity of putting off the coffee, its inferior quality making it rather dull sale. The quality most called for is the green, which is much superior, and that hardly commands twenty dollars. The cost and charges of the said shipment of shirts, by schooner Maria, are carried to your debit in account current, viz. $176 13.

Account of costs and charges of sundries shipped on board the schooner Maria, Captain Alberty, for account and risk of, and to be delivered to, Don Benigno Garcia de Calderon, Pensacola, viz:

C No. 1.	1 sack containing 28 pairs shoes, at 6 rs.		$21 00
2.	1 sack containing 54 shirts, at 4 rs.		27 00
	1 coat,		1 50
	Sack, twine, and packing,		1 00
			50 50
	Commission, 5 per cent.		2 50
	Amount to the debit of Don B. Garcia Calderon,		$53 00

PEDRO DALHARTE Y CLARERIA.

New Orleans, *May* 1, 1817.

Account of costs and charges of ten sacks, containing one hundred and thirty-one coats, shipped on board the schooner Maria, Captain Granperta, for the risk of Don Benigno Garcia Calderon, at Pensacola, and to be delivered to him there, viz:

C No. 3 a 12.	10 sacks containing 131 coats, at 10 rs.	$163 75
	Sacks, twine, and packing,	4 00
		167 75
	Commission, 5 per cent.	8 38
	Amount to the debit of Don Benigno Garcia Calderon,	$176 13

PEDRO DALHARTE Y CLARERIA.

New Orleans, *May* 29, 1817.

To Don Benigno Garcia de Calderon, *Pensacola:* New Orleans, *July* 29, 1817.

At the receipt of yours, the caps were already agreed for, with some other articles of clothing, amounting, as per invoice annexed, to $317 16¼, to your debit in account. I suspended the purchase of the hats, which run from eight to ten dollars per dozen.

Account of costs and charges of sundries, shipped in two hogsheads, three barrels, two cases, and one sack, on board the schooner Jalousie, José Medina, master, for account and risk of Don Benigno Garcia Calderon, at Pensacola, and to be delivered to him there, viz:

25 cottonade pantaloons, at 50 cts.		$12 50
236 flannel under-waistcoats, at 37½ cts.		88 50
253 caps, at 18¾ cts.		47 43¾
A parcel of leathern gaiters and spatterdashes,		15 00
20 Russia sheeting short vests, 51 pantaloons, 35 cotton shirts, } 106 pieces, at $1,		106 00
29 do at 75 cents,		21 37¾
Cord, cooperage, &c.		3 50
		302 06¼
Commission, at 5 per cent.		15 10
Amount to the debit of Don Benigno Garcia Calderon,		$317 16¼

PEDRO DALHARTE Y CLARERIA.

We, the subscribers, merchants of Pensacola, hereby certify that the foregoing paragraphs of letters of advice and invoices are true copies of the originals exhibited to us by Captain Don Benigno Garcia Calderon, commanding the gray and brown companies from Havana, and that the signatures thereto subscribed are in the true handwriting of Don Pedro Dalharte y Clareria, a citizen of the United States, and merchant at New Orleans.

In testimony whereof, we have given the present certificate, at the request of the aforesaid Captain Calderon, at Pensacola, this 18th day of May, 1818.

HENRIQUE MICHELET,
VICENTE DE ORDOZGOITTI,
VTE. BASTLONGUE.

No. 32 *c.*

[TRANSLATION.]

Defence of F. C. Luengo, Commandant of St. Mark's.

Pensacola, *May* 14, 1818.

In replying to your letter of yesterday's date, in which, among other things connected with its subject, you communicate to me the several points treated of by Major General Jackson in his letter of the 27th ultimo, and on which he founds his assertion that the Indians not only received succors at Appalache, but that they were excited to commit hostilities against the forces of the United States, and of whose movements they were exactly informed, I have to express my utter astonishment at this business, in which imposture and malevolence have been equally employed to criminate the parties alluded to in the general's letter. It is stated by the general, that, from written and other proofs obtained at St. John's, the number of American cattle found at St. Mark's, and bought by the commissary there, and the constant intercourse kept up between that place and the hostile Indians, there appear sufficient grounds to believe that they were encouraged and excited to this savage warfare by the Spaniards. To this I have to reply that it has never come to my knowledge that any person belonging to the fort had any connexion, directly or indirectly, with St. John's. And although it is true I wrote two letters to Mr. Arbuthnot, an English merchant, one of them was merely to thank him for the three letters he wrote me, informing me of the proceedings of the insurgents at Amelia island, and of Captain Woodbine, who, I informed you by express, was one of the two chiefs who were hung the day I left Appalache; and the purport of the other was to request him to come or send immediately for the property, which, at the request of the Indian chiefs, and to avoid increasing their suspicions, I gave permission to be deposited in the fort, and to withdraw O-Kelagne, in whose custody that property was placed. And although, in taking this step, I ran the risk of incurring the resentment of both parties, yet it was one which did not seem likely to incur suspicion. Nor does the charge of a purchase of an extraordinary number of American cattle, alleged to have been made at St. Mark's, authorize greater room for suspicion, since it is notorious that, from the time of its establishment, its supplies were obtained from the drovers of cattle brought there for sale by the Indians, who had very large ones towards Mickasuky and the neighboring country. It seldom happened that we considered ourselves as fully supplied for several months together; and if the supplies were in fact derived from the plunder committed on the Americans, the sellers took good care to conceal that fact, as they were known to have droves, and were in the habit of bringing them for sale. It may be remarked that very little care was manifested by the American commandant or magistrate within whose district these excesses were committed, to be placed in a situation to complain of them to the commandant of St. Mark's, and to send him the marks of the cattle, which would have shown from whence they came, and have tended to prevent the purchase of them. With respect to the intercourse kept up between the fort and the Indians, complained of by General Jackson, and the excitement and encouragement given them by the Spaniards to commit hostilities, the charge is altogether inadmissible. An intercourse and good understanding with the Indians were at all times strongly recommended by the Government, and never were they more necessary than in the circumstances in which we have lately been placed at the fort; General Jackson having founded on them a demand of its occupation by his troops, and suggesting that such a step could not fail to receive the approbation of His Catholic Majesty. In the same letter, he stated that he had been informed by an Indian woman, a prisoner, that the hostile Indians and negroes had received considerable supplies of ammunition at the fort. I presumed that I had convinced him of the contrary in my answer, in which I represented to him that no one better than Mr. William Hambly, who, during his stay here, repeatedly interpreted to me the anxiety of the chiefs to obtain such supplies, could undeceive him on this point, as well as on that of the counsel I uniformly gave them to avoid the destruction that awaited them, and which I foresaw from the first. But it appears

he is not yet satisfied, and persists in his charge. A reference to the returns of the public storekeeper will show that, from the month of May last, and prior to the receipt of your orders, there had been issued to a few of the most noted chiefs, and that merely from motives of policy, only three pounds of powder, three pounds of ball, and fourteen flints. The interpreter, Juan Sandoval, and his son, Francisco, through whom I communicated with the Indians, can testify to the truth of this statement—a step which I request of you to take in support of my refutation of General Jackson's charge. He cannot but know that a short time before the negro fort on the Appalachicola was blown up, all the chiefs of the neighboring tribes went there and supplied themselves with powder and ball, left for them by the English; and that at Mickasuky, and the huts thereabouts, there was a considerable quantity. Having thus obtained a large supply of the kind of powder and ball they most esteemed, they set little value on ours, which, in fact, they view with such indifference that it is only a chance hunter among those who come to the fort with venison, wild fowl, &c. that is willing to use it. And although, as I formerly stated in an official communication, a supply was repeatedly demanded of me by the chief Kinache, with a view to prove, by the refusal of it, that the American interest prevailed in the fort, he did not succeed in it. In consequence, we, whom they considered as American partisans to the last, were reproached with it, and have even to put up with some impertinences from them. I shall, however, in a strict adherence to truth, and because the circumstance may have given birth to these suspicions, proceed to state that the chief Pelisacho, who was executed, received, among other things, at the fort, from Mr. Arbuthnot, an English merchant, when he came from Suwanee, to request aid against the negroes, from whom he apprehended an attack, a small barrel of powder, which might contain from twenty to twenty-five pounds, and was placed, with other property, under the charge of O-Kelagne. What he did with it, I know not; but I well know that the chief caused me extreme perplexity and vexation, by surrounding the fort with a body of four or five hundred Indians.

I never had an idea that he employed it against the Americans, but that he used it in the purchase of peltry, which he was collecting for the said Arbuthnot at the time of the arrival of the Americans. The charge alleged against the officers at St. Mark's in exciting and stirring up the Indians, and in giving them information of the movements of the Americans, is the effect of a disordered imagination; for how or whence could their movements be better known at the fort than from the Indians themselves? Thither they came and went, and passed and repassed incessantly; and their reports were so various that they deserved very little attention; as a proof of which, nothing certain was known of their operations until the different columns of their troops appeared at the mouth of the Pinar; and, although three of their boats were at anchor there for three or four days, they kept English colors flying until the day before the arrival of the army. My different communications to you are pledges that I took no part in the contest between the Americans and the Indians. I, however, had great cause of complaint against the latter. How, then, is it possible to believe that I gave them that aid of which General Jackson complains? or how can the steps I took to liberate Messrs. Edmund Doyle and William Hambly, by which I exposed myself and my garrison to the vengeance of the Indians, be reconciled with the idea of affording them succor and aid, or the fact of rescuing from them, at the most critical moment, an American soldier whom they would otherwise have put to death? I leave it to impartial observers to decide if these be not proofs of the existence at St. Mark's of a bias in favor of the American interest; and of this I trust General Jackson will be thoroughly convinced on deliberately reflecting upon the subject. I shall not attempt to deny that I have observed towards those barbarians a policy which had the appearance of a warm friendship, but by which I have incurred a considerable expense. If, however, my situation be attentively examined in its different points of view, it will be seen that all this was necessary to restrain them from doing what they had at one time premeditated, on the pretext I have just alluded to, and on others suggested to them by some persons who had gone from hence to those parts of the country. Although I have, as I conceive, given entire satisfaction on all the points embraced by Major General Jackson, I beg leave to request that, for the purpose of corroborating my statement, you will be pleased to give orders for having the declarations taken of the interpreter and of his son, of the subaltern Don Miguel Ordonez, of Don Anastasio Montes de Oca, the public storekeeper, and of surgeon Don Diego de Barrios, as the persons who have the necessary knowledge of the subjects in question.

God preserve you many years.

FRANCISCO CASO Y LUENGO.

To Don Jose Mazot.

A true copy: JOSE MAZOT.

No. 33.

[TRANSLATION.]

Governor Mazot to General Jackson.

Pensacola, *May* 23, 1818.

Having received information that you have passed the frontiers with the troops under your command, and are now within the territory of this province of West Florida, which is under my government, I have solemnly to protest against this proceeding as an offence against my sovereign; and I do exhort you, and require of you, forthwith to withdraw from the same; in default of which, and in case of a continuance of your aggression, I shall repel force by force.

In this event, the consequences will doubtless be the effusion of blood, and the interruption of the good understanding which has hitherto subsisted between our two nations; but as the party repelling an insult is never deemed the aggressor, you will be responsible before God and men for all the fatal consequences which may ensue.

God preserve you many years.

JOSE MAZOT.

No. 34.

General Jackson to Governor Mazot.

Head-quarters, Division of the South,

Sir: On the line of march, *May* 23, 1818.

The southern frontier of the United States has, for more than twelve months, been exposed to all the horrors of a cruel and savage war. A party of outlaws and refugees from the Creek nation; negroes who have fled from their masters, citizens of the United States, and sought an asylum in Florida; and the Seminole Indians inhabiting the territory of Spain, all uniting, have raised the tomahawk, and, in the character of savage warfare, have neither regarded sex nor age. Helpless women have been massacred, and the cradle crimsoned with the blood of innocence.

The United States, true to their own engagements, and confiding in the faith of Spain to enforce existing treaties, never entertained a doubt but that these atrocities would early attract the attention of the Spanish Government, and that speedy and effectual measures would have been adopted for their suppression. Under this persuasion, a cordon of military posts was established to give immediate protection to such of our frontier settlers as were peculiarly exposed, and strict injunctions issued to the American officers to respect the territory of Spain, and not to attempt operations within its limits. These instructions were most scrupulously observed; and, notwithstanding the inactivity of the American troops had encouraged the Indians to the more daring and outrageous acts of violence against our citizens, the Government of the United States was still disposed to respect the territory of Spain, and confide in the ability of the Spanish Government to execute existing treaties, until advised through you that, with every disposition, the Spanish authorities had not the power of controlling the Indians in Florida; that their acts of late were viewed as equally hostile to the interests of Spain as those of the United States; that Spanish subjects were not exempted from the evils of which we complained; and that the negro establishments on the Appalachicola and St. Juan rivers were founded by British agents, contrary to the will of Spain. These representations determined the President of the United States to adopt effectual measures to restore tranquillity to the southern frontier of the American republic; and, pursuant to his orders, justifiable by the immutable laws of self-defence, I have penetrated into Florida, reduced to ashes the Seminole villages, destroyed their magazines of provisions, beaten their warriors whenever they hazarded a contest, dispersed some, and expelled others across the river.

In the course of my operations, it became necessary to visit the Spanish fortress of St. Mark's. Entering the territory of Spain to fight her battles, to relieve from bondage her subjects, and to chastise an Indian tribe whom she acknowledged, under existing treaties, she was bound to preserve at peace with the United States, I had every reason to expect that the American army would have been received as friends, and every facility afforded to insure success to operations so interesting to both Governments.

My expectations have not been realized. It had been reported to me, direct from you, that Fort St. Mark's had been threatened by the Indians and negroes; and you expressed serious apprehensions, from the weakness of the garrison and defenceless state of the work, for its safety. From other sources to be relied on, the same information had been furnished me. It became necessary, therefore, to anticipate the movements of the enemy, and amicably to get possession of a work the dislodging the enemy from which might have cost me much precious blood. On entering St. Mark's, evidence of the duplicity and unfriendly feelings of the commandant evinced itself. I found that the gates of this fort had been thrown open to the avowed savage enemies of the United States; that councils of war had been permitted to be held within his own quarters by the chiefs and warriors; that the Spanish storehouses had been appropriated to the use and were then filled with goods belonging to the hostile party; that cattle knowingly plundered from the citizens of the United States had been contracted for and purchased by the officers of the garrison from the Spanish thieves; that foreign agents had free access within the walls of St. Mark's; and a Mr. Arbuthnot, condemned and executed as the instigator of this war, an inmate in the commandant's family.

From this fort was information afforded the enemy of the strength and movements of my army by the said Arbuthnot, the date of departure of express noted by the Spanish commissary, and ammunition, munitions of war, and all necessary supplies furnished.

On my return from my operations east, your letter was received, positively refusing to permit (unless exorbitant duties were paid) any provisions passing up to the American fort on the Escambia. Connected with this strong indication of your unfriendly disposition on your part, I have it, from the most unquestionable authority, that the city of Pensacola has, for some months past, been entirely under the control of Indians; that free ingress and egress are permitted to the avowed savage enemies of the United States; that supplies of ammunition, munitions of war, and provisions have been received by them from thence; that, on the 15th of April last, there were no less than five hundred Indians in Pensacola, many of them known to be hostile to the United States, and who had but lately escaped my pursuit. The late massacre of eighteen individuals on the federal road was committed by Indians direct from their return to Pensacola, who were received by you, and transported across the bay, to elude the pursuit of the American troops. The Americans returning, the savages were permitted to return. An Indian, wounded in pursuit by a party, for having killed a citizen of the United States, was openly, in the sight of many Americans, received by you, and every comfort administered. Such practice, if authorized by the King, would justify me in open hostilities. Disposed, however, to believe that it was one of the unauthorized acts of his agents, I deem it politic and necessary to occupy Pensacola and the Barrancas with an American garrison until the Spanish Government can be advised of the circumstance, and have force sufficient to maintain, and agents disposed to enforce, existing treaties.

This is the third time the American troops have been compelled to enter Pensacola from the same causes. Twice had the enemy been expelled, and the place left in quiet possession of those who had permitted the irregular occupancy. This time, it must be held until Spain has the power or will to maintain her neutrality. This is justifiable on the immutable principles of self-defence. The Government of the United States is bound to protect her citizens; but weak would be all her efforts, and ineffectual the best advised measures, if the Floridas are to be free to every enemy, and, on the pretext of policy or necessity, Spanish fortresses are to be opened to their use, and every aid and comfort afforded. I have been explicit, to preclude the necessity of a tedious negotiation. My resolution is fixed, and I have strength enough to enforce it. My army now occupies the old fort St. Michael, commanding Pensacola. If the town and Barrancas are peaceably surrendered, an inventory of all the property, ammunition, arms, &c. shall be taken by officers appointed by both parties, and the amount receipted for by me, to be accounted for by the American Government. The property of Spanish subjects shall be respected; their religion and laws guarantied to them; the civil government permitted to remain as now established, subject to the control of the military authority of the United States; the ingress and egress open to all individuals; commerce free to the subjects of Spain, as usual; and the military furnished with transportation to Cuba.

If the peaceable surrender be refused, I shall enter Pensacola by violence, and assume the government, until the transaction can be amicably adjusted by the two Governments. The military, in this case, must be treated as prisoners of war.

The proof supporting the accusation against your official station will justify this procedure.

In reply to your communication of the 22d instant, I have only to observe that the clothing detained will be a subject for future friendly settlement.

How far the Indians permitted to remain in the neighborhood of Pensacola were friendly disposed to the citizens of the United States, is tested by the late massacre committed by them on the Alabama. The Red Ground chiefs, Muldecoxy and Holmes, avowedly hostile to the United States, were but lately seen in Pensacola, and a body of Indians descried, a few days since, in the vicinity of the Barrancas, in presence of several Spanish officers. They have not delivered themselves up; and these Red Sticks, who have surrendered, were not advised to this measure by you, until intelligence of my movements had been received.

By a reference to my communications of the 25th March, you will see how far I have been the aggressor in the measure protested against.

You are there distinctly advised of the objects of my operations, and that every attempt on your part to succor the Indians, or to prevent the passage of my provisions in the Escambia, would be viewed in no other light than as hostile acts on your part.

You have done both, and exposed my troops to the severest privations by the detention occasioned in the exaction of duties on my provision vessels in Pensacola. You have, therefore, been the aggressor; and the blood which may be shed by a useless resistance on your part to my demand will rest on your head. Before God and man you will be responsible.

This will be handed to you by my aid-de-camp, Captain Gadsden, by whom an answer is expected.

ANDREW JACKSON, *Maj. Gen. commanding.*

Don Jose Mazot, *Governor of Pensacola.*

Sir: Head-quarters, Division of the South, Pensacola, *May* 24, 1818.

The enclosed communication was forwarded to you by my aid-de-camp, Captain Gadsden, last evening; not finding you, however, in Pensacola, its delivery was delayed.

I have entered Pensacola to provision my troops. I have only to add, that an immediate compliance with my demand is expected. Resistance on your part would be a needless sacrifice of men.

ANDREW JACKSON, *Maj. Gen. commanding.*

Don Jose Mazot, *Governor of Pensacola, at Fort St. Charles, Barrancas.*

No. 35.

[translation.]

Governor Mazot to General Jackson.

Most Excellent Sir: Fort St. Carlos of Barrancas, *May* 24, 1818.

Your two notes, dated the 23d and on this day, were delivered to me at ten o'clock this morning, by your aid-de-camp, Captain Gadsden. Having, in mine of the 18th instant, answered the former in a satisfactory manner, I shall only add that, as to what relates to the Indians, you have been much misinformed, the facts alluded to by you being for the most part unfounded; in proof of which, I have to state that the only two Indians who have been here since the peace negotiated by me, exclusive of the eighty-seven sent off to Major Youngs, are the two who are in the jail with three women and children; and, further, that long prior to your movements I had sent orders to Appalache, to prevent any succors being given to the Seminoles, and had also given public notice to the same effect in Pensacola, where those unfortunates had from time immemorial received regular supplies.

Your excellency is disposed to lay to my charge the blood which may be shed in consequence of my refusal to deliver up this province. A compliance with your demand would dishonor the close of my life and long military career; and I feel assured that, if placed in a similar situation, your conduct would be the same, from your natural desire to preserve unsullied your well-earned laurels.

Whatever motives may be assigned, no nation is authorized in violating the territory of another, before due representations have been made to its Government.

Your excellency has violated the Spanish territory at Appalache by seizing on that fort and hoisting your flag—a proceeding in complete hostility with the good understanding subsisting between our respective Governments.

On the 21st instant, by your excellency's orders, Don Pedro Philibert and other inhabitants were made prisoners on their parole of honor, and this day, before Captain Gadsden's arrival at Pensacola, your army advanced upon it, and made prisoner, on his parole of honor, Don Pedro de Alba, the interpreter, the same who translated your two letters above mentioned. These persons, and other military men, whose presence was important to the tranquillity of the place, have thus been seized in an unjustifiable manner.

These facts being established, I ask, who but your excellency will have to answer for the bloodshed which may ensue in consequence of the determination announced in your letter of taking possession of Pensacola and Barrancas? I protest before God and men that my conduct is blameless, and that my sincere wishes ever have been to maintain peace and amity between our respective nations. The sincerity of my intentions is founded upon the President's message of 25th March last to Congress; the tenor of which holds out assurances that no aggressions were to be expected from the troops of the United States. Unfortunately, however, their operations have violated the tranquillity and peace of the province.

I expect, from the generosity of your excellency, that you will leave the officers and troops of the garrison of Pensacola at perfect liberty; that your army, after receiving the necessary supplies, will evacuate the province as speedily as possible; and that you will not carry on a partial warfare against West Florida at a time when our two nations are in a state of profound peace.

Lieutenant Colonel Don Leni Piernas, provisional commandant of Pensacola, is duly authorized to represent me, and to receive any communications your excellency may be pleased to make. To all such the most prompt answers shall be given, through the ministry of the bearer, the interpreter, Don Pedro de Alba. In conclusion, if, contrary to my hopes, your excellency should persist in your intention to take possession of this fortress, I am resolved to repel force by force, and to defend it to the last extremity. He who resists aggression can never be deemed the aggressor. God preserve your excellency many years.

JOSE MAZOT.

His Excellency Major General Andrew Jackson,
Commanding the army of the United States.

No. 36.

General Jackson to Governor Mazot.

Sir: Head-quarters, Division of the South,
Pensacola, *May* 25, 1818.

The accusations against you are founded on the most unquestionable evidence. I have the certificate of individuals, who, on the 23d instant, at or near the Little Bayou, counted seventeen Indians in company of several

Spanish officers. I have only to repeat that the Barrancas must be occupied by an American garrison, and again to tender you the terms offered, if amicably surrendered; resistance would be a wanton sacrifice of blood, for which you and your garrison will have to atone. You cannot expect to defend yourself successfully, and the first shot from your fort must draw down upon you the vengeance of an irritated soldiery. I am well advised of your strength, and cannot but remark on the inconsistency of presuming yourself capable of resisting an army which has conquered the Indian tribes, too strong, agreeably to your own acknowledgment, to be controlled by you. If the force which you are now disposed wantonly to sacrifice had been wielded against the Seminoles, the American troops had never entered the Floridas. I applaud your feeling as a soldier, in wishing to defend your post; but where resistance is ineffectual, and the opposing force overwhelming, the sacrifice of a few brave men is an act of wantonness, for which the commanding officer must be accountable to his God.

ANDREW JACKSON,
Major General commanding Division of the South.

Don Jose Mazot, *Commanding Barrancas.*

Certificates and declarations.

No. 37 *a.*

We certify that, being in Fort St. Mark's, Barrancas, on the 28th of May, 1818, in the afternoon, soon after the American troops took possession of the works, and as the Spanish troops were marching out, we saw an Indian carried out by some of the Spanish soldiers: he was laid on the beach, to be put on board a boat. He was wounded in his leg or thigh, and had every appearance of having been engaged in the defence of the fort.

WILLIAM RUSSEL, *Captain Spies.*
JAMES L. BELL,
Capt. 1st Reg't I. T. M. G. M.

Witness: William S. Fulton,
Private Secretary to Commanding General.

No. 37 *b.*

I certify that, on the 23d of May, being in the bayou which enters Pensacola bay, one and a half mile from the town, I saw at the ferry, on the road to Barrancas, a number of Indians (I think about seventeen) in company with four Spanish officers. The officers were carried over, and the boat returned to ferry over the Indians. I saw one boatload landed on the side next the Barrancas. The Indians concealed themselves in the bushes on discovering us.

RICHARD BRICKHAM.

Witness: T. Cross, *Lieutenant 1st Infantry.*

I certify that I was in the boat with Brickham at the place and time mentioned in the above certificate; that I saw several Indians in company with four Spanish officers. The officers were ferried over with one Indian. I did not see the Indians ferried over; they concealed themselves on discovering us.

JOHN BONNER, his × mark.

Witness: T. Cross, *Lieutenant 1st Infantry.*

Witness to both certificates: William S. Fulton, *Private Sec'y to Com'dg Gen.*

No. 37 *c.*

Fort Montgomery, *June* 2, 1818.

I certify that, between the 5th and 7th of May, 1818, whilst at Fort Gadsden, on the Appalachicola river, I was informed by a Mr. Larua and Benneto Gassea, both citizens of, and at that time direct from Pensacola, that at the time of their departure thence there were five hundred Indians in and about Pensacola; and I further certify that, on my arrival at Pensacola, on the 23d of May, I was informed by Mr. Skeate and other citizens of that place, that on the 22d, which was the day before my arrival, Holmes (a noted Red Stick) with his party had left Pensacola to proceed to the Choctawhatchy for safety, having been for several days previous in town. All which I certify on honor.

WM. HAMBLY.

Witness: William S. Fulton, *Private Sec'y to Com'dg Gen.*

No. 37 *d.*

Province of West Florida, Town of Pensacola, *September* 18, 1818.

In pursuance with an order to me directed by Colonel William King, civil and military governor of said province, (a copy whereof is hereto annexed,) I caused to appear before me, at the quarters of Captain Hugh Young, of the army of the United States, in this town, the following persons, viz: Manuel Gonzales, Dr. Brosnaham, William Cooper, J. Dauphin, ——— Skeate, Felippa Prieto, Joachim Barrelas, P. Alba, jun., José Bonefi, (Marian,) and Charles Le Jeune, to answer, on oath, such interrogatories, not tending to criminate themselves, as might be propounded to them by Captain Young, relating to the intercourse which took place between the late Spanish authorities of this province and the hostile Indians during the recent war with the United States.

Joachim Barrelas, being duly sworn, declares that he has frequently seen parties of Indians in the town of Pensacola since the month of November, 1817; says that parties of Indians have been provisioned by the late authorities at this place on several occasions; has frequently heard and believed that the Indians were in the habit of bringing into this place horses, cattle, &c., for the purpose of selling them and other plunder. Says he was at Barrancas at the time that General Jackson came to Pensacola, in May last; deponent acted there as commissary, and knows that several Indians went from town down to Barrancas with the Spanish forces, and took refuge in the fort; that, at the same time, several small parties were encamped about the Barrancas; that, upon the arrival of General Jackson before the Barrancas, Tapaulca and family were also in the fort; deponent has seen said chief several times in Pensacola, and believes him to be either a Creek or Seminole Indian; that while deponent was

at Barrancas, and subsequently to the said month of November, 1817, he saw an Indian, named Luna, an express from St. Mark's, cross over from Santa Rosa island to Barrancas with despatches for the governor here; says that, since the said month of November, 1817, Governor Mazot, being himself at Barrancas, did order this deponent to give rations to several parties of Indians then there, of at least from thirty to forty strong, men, women, and children.

JOACHIM BARRELAS.

GEORGE SKEATE, being duly sworn, declares that he has constantly resided in the town of Pensacola since November, 1817; since which he has repeatedly seen, at different times, in said town, from thirty to forty Indians; has not seen any ammunition given to the Indians within the period alluded to; has heard and believes that horses, cattle, &c. were brought into this place by the Indians and sold, which deponent, however, did not see. Deponent believes that the late governor (Mazot) was well acquainted with the several murders that were committed on the neighboring American frontier; knows of no supplies furnished by order of the Spanish Government since about the month of March, 1817, when a supply of knives, a few blankets, and some copper kettles were furnished and delivered to a party of Indians, for the purpose, as was then said, of acting against the insurgents who were expected; that the said party of Indians shortly disappeared, and nothing more was heard of them. Deponent saw, on the day that Major Youngs attacked a party of Indians in the neighborhood of this town, a number of Indians who, he believes, were sent (or went themselves) across the bay in a boat belonging to Don Antonio Molina, captain of the port.

GEORGE SKEATE.

Mr. CHARLES LE JEUNE, being duly sworn, declares that he has resided in Pensacola since November, 1817; since which he has frequently seen in this town or its vicinity parties of upwards of a hundred Indians encamped; that these parties were armed either with rifles or with the arms that were furnished them by the English; that although he cannot state that these parties had received ammunition from the Spanish Government here, he nevertheless can and does state that the said parties were provisioned from the King's stores by Prieto, King's storekeeper; that previous to November, 1817, the Government was regularly in the habit of giving out ammunition to the Indians from a store which was expressly for that purpose here; that, on the day that Major Youngs attacked the Indians near this town, there was a considerable number encamped near the water side, in town, who, upon hearing the report of fire-arms, crossed the bay in their own boats, and in other larger boats belonging to others.

CARLOS LE JEUNE.

WILLIAM COOPER, being duly sworn, declares that he has resided in Pensacola since November, 1817; during which period he has frequently seen in town and its vicinity several parties of Indians; saw one in particular with some sheet lead, and has heard that the Indians had introduced some clothes into town that looked like American manufacture: states, also, that Tapaulca was a *Red Stick* chief, and had been frequently about Pensacola for several years past.

WILLIAM COOPER.

PENSACOLA, *September* 19, 1818.

I certify that the aforegoing depositions were sworn to and subscribed before me, on this day,

M. McKENNEY, SEN.,
Justice of the Peace in and for the town of Pensacola, West Florida.

No. 37 *e*.

JOHN DUFFY, being duly sworn, declares as follows:

Question. Have you resided in and about Pensacola since November, 1817?

Answer. I have.

Question. Have you seen in said town or its vicinity, within or since that period, any Indians?

Answer. I have.

Question. How many did you see at any particular time?

Answer. About the latter end of that spring I saw in town from fifty to sixty Indians; but few of these were armed, because they were prohibited coming into town armed. I suppose their arms were left in their camps in the neighborhood.

Question. How did these Indians subsist themselves, and how did they procure ammunition?

Answer. Probably from the Government here; of this, however, I am not certain.

Question. Did you see any horses, cattle, or other plunder, brought into this place by the Indians?

Answer. No.

Question. How many Indians were in Pensacola and its neighborhood at the time that Major Youngs attacked a party near this town?

Answer. Of all descriptions, viz: men, women, and children, there must have been a considerable number; not less, probably, than one hundred and fifty or sixty.

Question. When Major Youngs attacked a party near town, how did those in town find means to escape across the bay?

Answer. I have understood and believe that they were sent across the bay by order of the governor.

SANTIAGO DAUPHIN.

A true copy: R. K. CALL, *A. D. C*

JOSEPH BONEFI, being duly sworn, declares as follows, viz:

Question. Have you lived in Pensacola since November, 1817?

Answer. I have.

Question. Have you not, between that period and the approach of the American forces under Major General Jackson, repeatedly seen divers parties of hostile Indians in this town or its neighborhood?

Answer. I have. Indeed, between the said month of November and the time that the hostile party surrendered to Major Youngs, there were more or less in town; sometimes in numbers considerable, sometimes fewer.

Question. How or by whom were those Indians subsisted; and from whom or by what means did they procure ammunition and other warlike stores or weapons?

Answer. I have understood and do believe that they were fed by the Government here; as to ammunition, &c., I cannot state how they procured supplies, except it might have been from the stores about town.

Question. Have you seen or been informed of any horses, cattle, or other plunder, having been brought in here by the Indians within the time above alluded to?

Answer. No.

JOSEPH BONEFI.

PENSACOLA.

Both depositions sworn to and subscribed before me, the 19th September, 1818,

M. McKENNEY, SEN.,
J. P. in and for Pensacola, West Florida.

A true copy: R. K. CALL, *A. D. C.*

No. 37 *f*.

PIERRE SENAC, being solemnly sworn, declares as follows: That he has resided in the town of Pensacola constantly since the month of November last past; that, since that time, and until the arrival of Major Youngs near this town, there were always considerable numbers of hostile Indians in or near the town; that, on many occasions within that period, he has seen from one hundred and fifty to two hundred Indians here; that their forces were regularly provisioned from the King's store here; that he has seen large quantities of sheet lead in the possession of the Indians, and considers it as greatly resembling the lead aprons of cannon; that the Government must have furnished the lead in question, as there were no other means here of getting such lead, and that the said lead was run off into balls, which this deponent saw; that, on the day Major Youngs attacked a party of Indians near this town, there were then in town a considerable number more, who were sent across the bay in boats provided for that purpose by the Spanish governor.

Deponent further states that, about the first of March last past, three considerable parties of hostile Indians, one party under the command of Leon Lesassier, another under the command of Arnaud Gilmer, (both lieutenants in His Catholic Majesty's service,) and the third commanded by an Indian chief, retired out of this town, and went down towards the neighborhood of Barrancas, where provisions and ammunition were regularly supplied them by the Spanish Government; that the said Indians were armed with guns which they had received from the English during the late war, and that they remained encamped within from one to three leagues of Barrancas for the space of nearly a month; that these Indians, besides being armed with guns, had also tomahawks, which deponent understood and believes were furnished by John Innerarity; and that, when the Government caused the said parties to be thus assembled and equipped, they were collected at Barrancas for the purpose, as deponent conceives, of eluding the vigilance of such individuals in Pensacola as would not concur in such measures.

Deponent further states that, since the said month of November last past, he has seen brought in here by the Indians a quantity of cottonade and women's clothing, brought or said to have been brought from the American frontier; that these things were publicly sold in this town, notwithstanding it was notoriously known here that those articles and property had just been taken from those whom the Indians had killed on the American frontier.

PIERRE SENAC.

Attest: J. P. ROBINSON, *Interpreter, Pensacola.*

Sworn to and subscribed before me, this 19th day of September, 1818,

M. McKENNEY, SEN.,
Justice of the Peace in and for the town of Pensacola, West Florida.

No. 37 *g*.

JOSE E. CARO, a citizen of Pensacola, being sworn, states that, early in the present year, (1818,) a party of hostile Indians were in Pensacola, their numbers not known, but probably fifty; that, on hearing of the approach of the American army under General Jackson, the Governor of Pensacola furnished those Indians with provisions and ammunition, and sent them in public boats across the bay; the deponent saw the rations issued and the party embarked. The deponent further states that, subsequent to this, he saw three parties of hostile Indians furnished with provisions, the ostensible object of which was to enable those Indians to march to the interior and give themselves up, but it was very generally believed that those Indians had no such intention. The deponent saw those Indians set out, and states that they had their arms.

JOSE ESTEVAN CARO.

Sworn and subscribed before me, at Pensacola, 10th September, 1818,

H. YOUNG, *Captain Top. Engineers.*

No. 37 *h*.

CHARLES BARON, a resident of Pensacola, being sworn, states that, about the latter end of April or beginning of May, 1818, a party of Indians, amounting to near one hundred, were in Pensacola with a quantity of plunder which, it was generally believed, was taken at the time Stokes's family were murdered on the Escambia. The Indians sold this plunder openly to the inhabitants of Pensacola, and the deponent could not learn that the Spanish authorities at Pensacola made any inquiries respecting it. The deponent further states that, at several times in the present year, (1818,) he saw parties of Indians furnished with provisions and ammunition from the King's stores; but he does not recollect the dates of these transactions. The deponent further states that he has frequently heard Spanish officers at Pensacola justify the conduct of the Indians towards the United States, manifesting in their conversation a decided hostility towards the Americans.

CARLOS BARON.

Sworn before me, at Pensacola, September 13, 1818,

H. YOUNG, *Captain Top. Engineers.*

No. 38.

General Jackson to the Secretary of War.

HEAD-QUARTERS, DIVISION OF THE SOUTH, FORT GADSDEN,

SIR: (East bank of the Appalachicola river, formerly Negro Fort,) *March* 25, 1818.

At seven o'clock P. M., on the 9th instant, I reached Fort Scott with the brigade of Georgia militia, nine hundred bayonets strong, and some of the friendly Creeks who had joined me on my march a few days before, where, finding but one quart of corn per man and a few poor cattle, which, added to the live pork I brought along,

would give us three days' rations of meat, determined me at once to use this small supply to the best advantage. Accordingly, having been advised by Colonel Gibson, quartermaster general, that he would sail from New Orleans on the 12th February, with the supplies, and being also advised that two sloops, with provisions, were in the bay, and an officer had been despatched from Fort Scott, in a large keel-boat, to bring up a part of their lading, and deeming that the preservation of those supplies would be to preserve the army, and enable me to prosecute the campaign, I assumed the command on the morning of the 10th, ordered the live stock slaughtered and issued to the troops, with one quart of corn to each man, and the line of march to be taken up at twelve, meridian. Having to cross the Flint river, and it being very high, combined with some neglect in returning the boats during a very dark night, I was unable to move from the opposite bank until nine o'clock on the morning of the 11th, when I took up my line of march down the east bank of the river for this place, touching the river as often as practicable, looking for the provision boat which was ascending, and which I was fortunate enough to meet on the 13th instant, when I ordered an extra ration to the troops, they not having received a full one of meal or flour since their arrival at Fort Early. On that day my patroles captured three prisoners, and found some hidden corn. On the morning of the 14th I ordered the boat down the river to this place, whilst I descended by land, and reached here, without interruption, on the morning of the 16th. The eligibility of this spot as a depot determined me, and I immediately directed my aid-de-camp, Lieutenant Gadsden, of the engineer corps, to furnish a plan for and superintend the erection of a fortification. His talents and indefatigable zeal displayed in the execution of this order induced me to name it Fort Gadsden, to which he is justly entitled.

On my arrival here, I immediately despatched the boat to the bay for the balance of provisions known to be there, and to ascertain whether the flotilla in charge of Colonel Gibson had reached there; and which returned on the 19th, with the unpleasing intelligence that nothing had been heard of the flotilla from New Orleans since it was seen passing Fort Bowyer. I immediately put the troops on half rations, and pushed the completion of the fort for the protection of the provisions; in the event of their arrival, intending to march forthwith to the heart of the enemy, and endeavor to subsist upon him. In the mean time, I despatched Major Fanning, of the corps of artillery, to take another look into the bay; whose return, on the morning of the 23d, brought the information that Colonel Gibson, with one gun-boat and three transports, and others in sight, were in the bay. On the same night I received other information that no more had arrived. I am, therefore, apprehensive that some of the smaller vessels have been lost, as one gun-boat went to pieces, and another, when last spoken, had one foot water in her hold. All of the vessels had been spoken after the gale which dispersed them. A north and northwest wind has prevailed for six days, but has fortunately changed this morning. I am now awaiting a boat from the bay, (which is expected to-day,) to complete eight days' rations for my troops, upon which I mean to march.

From information received from Pensacola and New Orleans, I have no doubt but that St. Mark's is in possession of the Indians. The Governor of Pensacola informed Captain Call, of the 1st infantry, (now here,) that the Indians had demanded arms, ammunition, and provisions, or the possession of the garrison of St. Mark's of the commandant, and that he presumed possession would be given from inability to defend it. The Spanish Government is bound by treaty to keep the Indians at peace with us; they have acknowledged their incompetency to do this, and are consequently bound by the law of nature and nations to yield us all facilities to reduce them. Under this consideration, should I be able, I will take possession of the garrison as a depot for my supplies, should it be found in the hands of the Spanish garrison, they having supplied the Indians; but if in the hands of our enemy, I will possess it for the benefit of the United States, as a necessary position for me to hold, to give peace and security to this frontier, and put a final end to Indian warfare in the south.

Finding it very difficult to supply Fort Crawford, on the Conecuh river, by land, I have ordered the supplies for that garrison by water, and written to the Governor of Pensacola that if he interrupts them during the present Indian war, I shall view it as aiding our enemy, and treat it as an act of hostility; and stated to him the propriety, under existing circumstances, of his affording all facilities to put down their own as well as our enemies, and that our Governments, whilst negotiating, can take this subject under consideration; but, in the mean time, our provisions must pass to Fort Crawford without interruption.

In mine of the 14th February from Hartford, I informed you of the measures adopted to procure supplies, and in my last of the 26th, from Fort Early, I informed you of their situation. To those communications I beg leave to refer you. I have only to add, that I left Fort Early for Fort Scott, and subsisted my troops on ground pease, corn, and some pork, that I could occasionally procure from the Indians, with some pork that I had on foot, the whole subsistence for man and horse not costing five hundred dollars. Of all the supplies purchased for the relief of Fort Scott, and the support of the Georgia militia, not one pound was received until I passed Fort Scott. I said in my last that blame rested somewhere; the cause of those failures will in due time be a subject of investigation, and Colonel Brearly has been arrested on the application of General Gaines.

By some strange fatality, unaccountable to me, the Tennessee volunteers have not yet joined me. They promptly left their homes, and through the inclement weather reached Fort Mitchell, where I had ordered them supplies, and where Colonel Hayne, who led them, met my instructions to pass by Fort Gaines, where he would get a supply of corn, that would enable him to reach Fort Scott: but the idea of starvation had stalked abroad; a panic appears to have spread itself everywhere, and he was told that they were starving at Forts Gaines and Scott, and was induced to pass into Georgia for supplies. His men and officers, as reported to me, were willing to risk the worst of consequences on what they had to join me; however, they have been marched from their supplies, to a country stripped of them, when every consideration should have induced his advisers to have urged him on to secure the supplies in the bay, and preserved themselves and Fort Scott from starvation. I have a hope that they will join me before I reach St. Mark's, or the Mickasuky towns; this would be desirable, as the troops ordered from New Orleans to protect the supplies have not reached the bay, and leaving garrisons at Forts Scott and Gadsden weakens my force much, the whole effective strength of the regulars being but three hundred and sixty privates.

In mine of the 26th ultimo, from Fort Early, I informed you that despatches received by General Gaines on the 19th ultimo from the commanding officer at Fort Scott induced him to set out that night for Fort Scott, to prevent its abandonment, &c. In his passage down the Flint river he was shipwrecked, by which he lost his assistant adjutant general, Major C. Wright, and two soldiers, (drowned.) The general reached me six days after, nearly exhausted with hunger and cold, having lost his baggage and clothing, and being compelled to wander in the woods four and a half days without any thing to subsist on, or any clothing except a pair of pantaloons. I am happy to have it in my power to say that he is now with me at the head of his brigade in good health.

The great scarcity of subaltern officers in the 4th and 7th regiments of infantry has induced me to appoint several young men (present) as second lieutenants in those regiments, who, from personal knowledge and good recommendations, I have no doubt will prove themselves worthy; and trust the measure will meet the approbation of the President. A list of their names, and the regiments to which they are attached, will be furnished the adjutant and inspector general by my adjutant general.

I have the honor to be, very respectfully, your most obedient servant,

ANDREW JACKSON, *Maj. Gen. commanding.*

The Hon. JOHN C. CALHOUN, *Department of War.*

P. S. Since writing the above, I have the pleasure to inform you that the boat from the bay has arrived with provisions, also Colonel Gibson and Captain McKeever of the navy. I shall move to-morrow, having made the necessary arrangements with Captain McKeever for his co-operation in transporting my supplies around to the bay of St. Mark, from which place I shall do myself the honor to communicate to you. Should our enemy attempt to escape with his supplies and booty to the small islands, and from thence to carry on a predatory warfare, the assistance of the navy will prevent his escape. General William McIntosh, commanding the friendly Creeks who had been ordered to reconnoitre the right bank of the Appalachicola, reported to me on the 19th instant that he had captured, without the fire of a gun, one hundred and eighty women and children, and fifty-three warriors of the Red Ground chief's party, with their cattle and supplies; the chief and thirty warriors making their escape on horseback: ten of the warriors, attempting their escape after they had surrendered, were killed by the general.

A. J.

No. 39.

General Jackson to the Secretary of War.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: FORT MONTGOMERY, *June* 2, 1818.

The Seminole war having terminated, I deem it politic and advisable to send to Washington John Blunt and his Indian comrades, who have acted as pilots to me during the late campaign. John Blunt is a Tuckabatchee Indian, has long been friendly to the United States, and, in consequence of his opposition to the Red Stick party during the Creek war, has drawn down upon himself their vengeance during the late contest. His settlement being in an exposed situation on the Appalachicola river, he was early attacked by the Seminoles, his property destroyed, and his family rifled from him. Alone he escaped, and fled to Fort Scott, where, joining the American standard, he has proven himself a most zealous friend and faithful pilot to this period. In justice to him, I am bound to state that, to his correct knowledge of the country, and zealous attachment to the cause in which we were engaged, am I measurably indebted for the success of the present campaign.

Mr. Hambly accompanies John Blunt. Mr. Hambly is a Spanish subject by birth, and has long been a resident as a trader on the Appalachicola river. In consequence of his attachment to the American cause, and his active exertions to check the hostile feelings of those Indians disposed to war against the United States, he drew down upon himself and family their vengeance. He was forcibly taken from his home at an early period of the war; his property, goods, and negroes taken from him, and he violently transported from Mickasuky, Suwanee, and St. Mark's, until finally relieved by Captain McKeever, of the American navy. Since which period, he has been attached to my army as Indian interpreter. You will find him an honest and faithful friend to our Government, and valuable for the information which he can afford of Spanish policy and intrigue. He is well acquainted with all the transactions of foreign agents in this country, of their practices, &c., and how far encouraged by the Spanish authorities, &c.

With respect, your obedient servant,

ANDREW JACKSON, *Maj. Gen. commanding.*

The Hon. J. C. CALHOUN, *Secretary of War.*

No. 40.

General Jackson to the Secretary of War.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: CAMP NEAR ST. MARK'S, *April* 8, 1818.

I wrote you from Fort Gadsden, communicating the embarrassments under which I had labored previous to my arrival at that post, and my determination, being then in a situation to commence active operations, to penetrate immediately into the centre of the Seminole towns. My army marched on the 26th ultimo, and on the 1st of April was reinforced by the friendly Creek warriors under General McIntosh, and a detachment of Tennessee volunteers, commanded by Colonel Elliott. On the same day, a mile and a half in advance of the Mickasukian villages, a small party of hostile Indians were discovered judiciously located on a point of land projecting into an extensive marshy pond—the position designated, as since understood, for the concentrating of the negro and Indian forces to give us battle. They maintained for a short period a spirited attack from my advanced spy companies, but fled and dispersed in every direction upon coming in contact with my flank columns, and discovering a movement to encircle them. The pursuit was continued through the Mickasukian towns, until night compelled me to encamp my army. The next day detachments were sent out in every direction to reconnoitre the country, secure all supplies found, and reduce to ashes the villages. This duty was executed to my satisfaction; nearly three hundred houses were consumed, and the greatest abundance of corn, cattle, &c. brought in. Every indication of a hostile spirit was found in the habitations of the chiefs; in the council-houses of Kenhagee's town, the King of the Mickasukians, more than fifty fresh scalps were found; and, in the centre of the public square, the old Red Stick's standard, *a red pole*, was erected, crowned with scalps, recognised by the hair as torn from the heads of the unfortunate companions of Scott.

As I had reason to believe that a portion of the hostile Indians had fled to St. Mark's, I directed my march towards that fortress. As advised, I found that the Indians and negroes combined had demanded the surrender of that work. The Spanish garrison was too weak to defend it; and there were circumstances reported, producing a strong conviction in my mind that, if not instigated by the Spanish authorities, the Indians had received the means of carrying on the war from that quarter; foreign agents, who have been long practising their intrigues and villanies in this country, had free access into the camp; St. Mark's was necessary as a depot to insure success to my operations. These considerations determined me to occupy it with an American force. An inventory of the Spanish property, munitions of war, &c. has been taken and receipted for, and the commandant and garrison furnished with transportation to Pensacola. My correspondence with the Spanish commandant, the evidences under which I acted, and a detailed account of my operations, will be furnished you as early as practicable. Success depends upon the rapidity of my movements; and to-morrow I shall march for the Suwanee river, the destroying the establishments on which will, in my opinion, put a final close to this savage war. Captain McKeever, of the navy, cruising at my request on this coast, has been fortunate enough in securing Francis, or Hillis Hadjo, the great prophet, and Homathlemico, an old Red Stick. They visited his vessels, under an impression that they were English, from whom, as

they stated, supplies of munitions of war, &c., under late promises, were expected. Arbuthnot, a Scotchman, and suspected as one of the instigators of this savage war, was found in St. Mark's; he is in confinement until evidences of his guilt can be collected.

With respect, your most obedient servant,

ANDREW JACKSON, *Major General commanding.*

Hon. J. C. CALHOUN, *Secretary of War.*

No. 41.

General Jackson to F. C. Luengo.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

BEFORE ST. MARK'S, *April* 6, 1818.

SIR:

To chastise a savage foe, who, combined with a lawless band of negro brigands, have, for some time past, been carrying on a cruel and unprovoked war against the citizens of the United States, has compelled the President to direct me to march my army into Florida. I have penetrated to the Mickasuky towns, and reduced them to ashes.

In these towns I found many indications of a hostile spirit. On a red pole, in the centre of the council-houses of Kenhagee's town, more than fifty fresh scalps of all ages, from the infant to the aged matron, were found suspended.

In addition to this, upwards of three hundred old scalps were found in the dwellings of the different chiefs settled on the Mickasuky pond. Those barbarians who escaped death have fled. From information communicated by the Governor of Pensacola to two of my captains, (Gordon and Call,) I was induced to believe that they had fled to St. Mark's for protection. The governor stated that the Indians and negroes had demanded of you large supplies of munitions of war, with a threat, in the event of a refusal, of taking possession of your fortress. He further expressed an apprehension that, from your defenceless state, they were already in possession of St. Mark's. The wife of Chenubby, a noted chief, now a prisoner in my camp, informed me that the hostile Indians and negroes obtained their supply of ammunition from St. Mark's.

To prevent the recurrence of so gross a violation of neutrality, and to exclude our savage enemies from so strong a hold as St. Mark's, I deemed it expedient to garrison that fortress with American troops until the close of the present war. This measure is justifiable on the immutable principle of self-defence, and cannot but be satisfactory, under existing circumstances, to His Catholic Majesty the King of Spain. Under existing treaties between our two Governments, the King of Spain is bound to preserve in peace, with the citizens of the United States, not only his own subjects, but all Indian tribes residing within his territory. When called upon to fulfil that part of the treaty in relation to a savage tribe who have long depredated, with impunity, on the American frontier, incompetency is alleged, with an acknowledgment that the same tribe have acted in open hostility to the laws, and invaded the rights of His Catholic Majesty. As a mutual enemy, therefore, it is expected that every facility will be afforded by the agents of the King of Spain, to chastise these lawless and inhuman savages. In this light is the possession of St. Mark's by the American forces to be viewed.

I come not as the enemy, but as the friend of Spain. Spanish rights and property will be respected. The property and rights of Spanish subjects will be guarantied them. An inventory of all public property, munitions of war, &c. shall be made out, and certified by an officer appointed by each of us, and a receipt given for the same, to be accounted for to His Catholic Majesty by the United States. The subject of my possession of the garrison of St. Mark's will be referred to our respective Governments for amicable adjustment. Some armed vessels of the United States are in the bay of St. Mark, with whom I wish to communicate. You will, I trust, furnish me with a small vessel to convey a letter as well as some sick and wounded that are with me. As our mutual savage enemies are concentrating their forces near or on the Suwanee, an early and prompt answer is requested to this letter, with an English translation, as neither myself nor staff are acquainted with the Spanish.

This will be handed you by my aid-de-camp Lieutenant James Gadsden, by whom an answer is expected.

I have, &c.

ANDREW JACKSON, *Maj. Gen. commanding.*

The COMMANDING OFFICER *at St. Mark's.*

No. 42.

[TRANSLATION.]

F. C. Luengo to General Jackson.

MOST EXCELLENT SIR: ST. MARK'S OF APPALACHE, *April* 7, 1818.

Being made to understand, although with the greatest difficulty, the contents of the letter with which your excellency honored me yesterday evening, delivered to me by your aid-de-camp, James Gadsden, I will declare to your excellency the satisfaction the knowledge of your expedition against Mickasuky has afforded me. That such would be the event could not be doubted, on considering the superior talents and skilful conduct of your excellency, and to these must be attributed the success, on which I tender you my most cordial congratulations.

My chief, the Governor of Pensacola, had in truth reason to mention to your captains (Gordon and Call) what your excellency states to me, and to entertain fears for the fate of this fort, menaced by Indians and negroes, for some months past, and particularly since they have been disappointed in their expectations of obtaining powder and ball, which they have so repeatedly solicited, and to which they thought themselves entitled, from the practice which existed of supplying them annually therewith. This proves how entirely unfounded is the assertion of the wife of the chief Chenubby, that the Indians have been supplied with munitions in this fort since I was advised and determined to maintain the most perfect neutrality. No one can better remove from your excellency's mind any unfavorable impressions you may have formed on this subject than the bearer, William Hambly, as he has at various times interpreted to me the solicitations of the several Indian chiefs in my neighborhood; and he can also inform you of the advice I always gave them to avoid the destruction which has overtaken them, and which I foresaw from the beginning.

This being realized, and there being now no motive to fear any insult to the fort from these barbarians and the negroes, I beg permission of your excellency to call your attention to the difficulty I should involve myself in with my Government if I were presently to assent to what your excellency proposes to me—to garrison this fort with the troops of the United States without first receiving its orders. Such I will solicit immediately an opportunity offers, and I

do not for a moment doubt that they will be given to me, so zealous is my Government to comply with the stipulations between her and the United States. In the interim, I hope your excellency will desist from your intention, and be firmly persuaded of the good faith and harmony which will reign between this garrison and whatever troops you may think fit to leave in this vicinity, who may assist me in the defence of this fort on any unforeseen event.

The sick your excellency sent in are lodged in the royal hospital, and I have afforded them every aid which circumstances admit. I hope your excellency will give me other opportunities of evincing the desire I have to satisfy you. I trust your excellency will pardon my not answering you as soon as requested, for reasons which have been given you by your aid-de-camp. I do not accompany this with an English translation, as your excellency desires, because there is no one in the fort capable thereof; but the before-named Wm. Hambly proposes to translate it to your excellency in the best manner he can.

May our Lord preserve your excellency many years, such is my prayer.

Most excellent sir, I kiss your excellency's hands.

Your most devoted and obedient servant,

FRANCISCO CASO Y LUENGO.

The Most Excellent ANDREW JACKSON,
General-in-chief of the troops of the United States before St. Mark's.

No. 43 *a*.

General Jackson to F. C. Luengo.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: CAMP NEAR ST. MARK'S, *April* 7, 1818.

I refer you to my communication of yesterday for the motives which have compelled me to occupy the fort of St. Mark. I again repeat that I have entered the territory of Spain as a friend, to chastise a mutual enemy of both nations, and whom His Catholic Majesty was bound, under the most sacred of treaties, to have punished himself. Peculiar circumstances, however, have prevented, and it was therefore expected that every facility would have been given to the American arms to have insured success to their operations. The occupation of St. Mark's is essential to the accomplishment of my campaign, and is peculiarly so at this period, when evidence is derived from every source of the designs of the negroes and Indians against that fortress. They are now concentrating with the intention of taking possession of St. Mark's the moment my army moves from its vicinity; the dislodging them from which will cost me more American blood than I am disposed should be shed. Success to my operations requires despatch; you will excuse me, therefore, in refusing your request that a suspension should be granted until a permit is obtained from your Government, and in insisting that St. Mark's should be immediately occupied by American troops.

Major Fanning, my inspector general, and Lieutenant Simmons, of the ordnance department, are appointed to act with one or two officers nominated on your part, to take an inventory of and inspect all public property in the fort of St. Mark, for which receipts will be given in the name of the American Government.

Any disposition which you would wish made with the private property of yourself, officers, and soldiers, or any other arrangements gratifying to yourself, will be settled by my aids-de-camp, Lieutenants Gadsden and Glassell.

ANDREW JACKSON, *Major General commanding.*

Don FRANCISCO CASO Y LUENGO, *Commanding Fort St. Mark's.*

No. 43 *b*.

General Jackson to F. C. Luengo.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: CAMP NEAR ST. MARK'S, *April* 7, 1818.

I have received your protest against my proceedings. The occupancy of Fort St. Mark's by my troops previous to your assenting to the measure became necessary from the difficulties thrown in the way of an amicable adjustment, notwithstanding my assurances that every arrangement should be made to your satisfaction, and expressing a wish that my movements against our common enemy should not be retarded by a tedious negotiation. I again repeat what has been reiterated to you through my aid-de-camp, Lieutenant Gadsden, that your personal rights and private property shall be respected, that your situation shall be made as comfortable as practicable while compelled to remain in Fort St. Mark's, and that transports shall be furnished as soon as they can be obtained to convey yourself, family, and command to Pensacola.

I daily expect some vessels from the bay of Appalachicola: as soon as they arrive, the most suitable shall be selected for said purpose.

ANDREW JACKSON, *Major General commanding.*

Don FRANCISCO CASO Y LUENGO, *Governor of St. Mark's.*

No. 44.

[TRANSLATION.]

F. C. Luengo to General Jackson.

MOST EXCELLENT SIR: APPALACHICOLA, *April* 7, 1818.

I should insist on what I stated to your excellency in my letter of this morning, as to the necessity of awaiting orders from the Governor of Pensacola for the delivery of the fort under my command, were I not, in addition to what your excellency says in your answer, threatened by your aid-de-camp and the other officers appointed to negotiate on the subject, and had not so large a body of troops entered without awaiting my permission, and taken possession of all the stores and posts, lowering the Spanish flag, and hoisting the American. So manifest a violation of the territory of His Catholic Majesty obliges me to complain of it, and to protest against it, and I accordingly do protest against it, and beg of your excellency to provide, as speedily as possible, the vessels necessary to transport me to Pensacola, together with the troops and those persons who are in the royal employ; and also to give orders that, in the interim, the private property and effects of every Spanish individual here be

respected. With respect to the public property of His Catholic Majesty, I have nominated the subaltern of the detachment and commissary of the fort to make, with three officers whom you name to me, an inventory thereof.

I repeat to your excellency my respects, and pray to God to preserve your life many years.

Most excellent sir, I kiss your excellency's hands.

Your most obedient and devoted servant,

FRANCISCO CASO Y LUENGO.

The Most Excellent ANDREW JACKSON,
General of the troops of the United States before St. Mark's.

No. 45.

W. Hambly's certificate, July 24, 1818.

I do hereby certify that, during my long residence on the river Appalachicola, my knowledge of the Indian language, and my intimate acquaintance with the different chiefs, gave me many opportunities of knowing through them the advice given them, from time to time, by the governors of West Florida hostile to the United States. In the year 1812 or 1813, I saw a letter from the Governor of Pensacola to the late chief of the Seminoles, Thomas Perryman, advising him to collect his forces and join his Upper Town brethren, who he said had come to a determination to rise in arms and shake off the American yoke; he would supply their arms and ammunition; and he said he was sure that, in less than a month, their fathers and protectors, the Spaniards, would have a sufficient army in the field to aid and protect them. Not long after I saw this letter, a large party of Indians went down to Pensacola, where they received a large supply of ammunition and some arms. It was but shortly after this when they attacked and destroyed the garrison of Fort Mimms; this was the commencement of the first Indian war. On the 13th of December last, when on my plantation on the Appalachicola, I was made a prisoner by a party of Seminole Indians, and was taken up to the Ocheehee bluffs in company with Mr. Doyle, who was made a prisoner with me; they kept us here three days, during which time they were busily engaged with some transports which were then ascending the river to Fort Scott; from thence they took us to the Mickasuky, where the Indians informed me that they had been told by the commandant of St. Mark's that war was declared between Spain and the United States. From this place we were carried to the Suwanee, were Kenhagee, principal chief of the Seminoles, told me that we had been taken and robbed by order of Arbuthnot, and brought there to be tried by him; shortly after we reached this, Arbuthnot arrived from Providence, when we were tried and sentenced by said Arbuthnot to be tortured; this sentence was not put in execution by the friendly interference of Mr. Cook, clerk to Arbuthnot, and the negro chief Nero; we were then conducted back to the Mickasuky; then Kenhagee went down to the Fort St. Mark's to consult the commandant if he would take us as prisoners to keep at his order; they held a council among the neighboring chiefs, and on the fifth day he returned, and ordered us to be conducted down next morning; we arrived at St. Mark's on the 12th February, at night; the Spanish officers received us kindly, but the commandant did not forget to remind us that we were still prisoners, and marked out that night the limits of our prison, which he rigidly kept during the time of our stay. Next morning, the first thing that presented itself to my view was my saddle-horse which had been taken from me by the Indians; he was in the possession of the commissary. I mentioned it to the commandant, but he said that he bought him of an Indian, and he could do nothing in it. A few days after, in the course of conversation, I mentioned it to the Spanish doctor; he assured me that two-thirds of the property taken from us by the Indians had been bought by them and others in the fort. The plundered property from Georgia was every day briskly bought by the commandant and others. I know one instance of an Indian making an engagement with the commandant for cattle that he was going then to plunder, and in fourteen or fifteen days brought them in and sold them. On our first arrival at St. Mark's, we had, by help of a friendly Indian, conveyed intelligence to our friends in Pensacola of our situation, and they sent us on a small vessel to effect our escape; on her arrival, the commandant said to us that he had no objection to our getting out of the power of the Indians, but that he should first demand a written obligation that we should never return to that country, nor hold any communication, direct or indirect, with the United States Government, or any of her officers. This being settled, we left St. Mark's on the night of the 28th March, and joined Captain McKeever, in his gun-boats, in the bay of Appalachicola; on the 30th returned with him to St. Mark's, where we found General Jackson, on the 6th of April. Given under my hand the 24th July.

WILLIAM HAMBLY.

No. 46 *a*.

W. Hambly and E. Doyle to General Jackson.

SIR: FORT GADSDEN, *May* 2, 1818.

We beg leave to submit to you the following facts:

On the 13th December, 1817, we were violently torn from our settlement on the Appalachicola river, by a number of Indians, headed by Chenubby, a chief of the Fowl Town tribe, carried to Mickasuky, and delivered to Kenhagee, King of the Mickasukians. Kenhagee carried us to the negro towns on the Suwanee, and thence to the Spanish fort, St. Mark's, to the commandant of which he delivered us as prisoners of war, captured under the orders of a Mr. Arbuthnot, reported to us as a British agent. At St. Mark's we were treated as prisoners, and not permitted to wander beyond the walls of the garrison. While at that post, the ingress and egress of Indians hostile to the United States were unrestrained, and several councils were held, at one of which, Kenhagee, King of the Mickasukians, *Francis, or Hillis Hadjo*, Hamathlemico, the chief of the Autesses, and the chief of Kolemies, all of the old Red Stick party, and Jack Mealy, chief of the Ochewas, were present. When it was reported that these chiefs and their warriors were entering Fort St. Mark's for the purpose of holding a council, Hambly represented to the commandant the impropriety of permitting such proceedings within the walls of a Spanish fortress, the officer of which was bound to preserve and enforce the treaties existing between the King of Spain and the United States. He replied to Hambly with some degree of warmth, observing that it was not in his power to prevent it. On the Indians coming into the fort, at their request we were confined. The council was held in the commandant's quarters. He, the commandant, was present, but strictly forbade the intrusion of any of the officers of the garrison. The Indians were in the habit of driving to Fort St. Mark's, and disposing of cattle to the commandant and other Spanish officers. While at that post, three or four droves were brought in, acknowledged by the Indians to have been stolen from the citizens of the United States, and purchased by the Spanish officers. We were present at most of these contracts, and Hambly was often referred to as an interpreter between the purchaser and seller. Chenubby, a Fowl Town Indian, once applied to Hambly to mention to the commandant that he was about visit-

ing the frontiers of Georgia on a plundering expedition, and wished to know whether he would purchase the cattle brought in. A contract was entered into, and Chenubby, some time after, brought in and disposed of eleven head of cattle to the Spanish commandant of Fort St. Mark's. These same cattle were those purchased by you from the commandant as his private property.

WILLIAM HAMBLY,
EDWARD DOYLE.

No. 46 *b*.

J. Gadsden to General Jackson.

SIR: FORT GADSDEN, *May* 3, 1818.

In conversation with the commandant of Fort St. Mark's, on the subject of having that work occupied by an American garrison, I had occasion to notice the aid and comfort the hostile party of Indians had received, as reported from him; that they had free access within the walls of his fort; and that it was well known no small supplies of ammunition had been received from that quarter. In reply, he stated that his conduct had been governed by policy: the defenceless state of his works, and the weakness of his garrison, compelled him to conciliate the friendship of the Indians, to supply their wants, to grant what he had not the power to deny, and to throw open, with apparent willingness, the gates of his fortress, lest they should be forced by violence; that he had been repeatedly threatened by Indians and negroes; and that his security depended upon exhibiting an external friendship. After Fort St. Mark's was occupied by the American troops, a black man and Spanish soldier was reported to me as having been arrested, clad in American uniform, recognised as part of the clothing of the 4th and 7th regiments, captured in the boat commanded by Lieutenant Scott, in ascending the Appalachicola river.

In explanation, the Spanish commandant observed that his soldiers and the Seminole Indians were in the habit of trading with each other, and that this negro, with others of his garrison, had received his permission to purchase some clothing reported to have been brought in by the Indians.

Respectfully, your obedient servant,

JAMES GADSDEN, *Aid-de-camp.*

Maj. Gen. A. JACKSON, *Com'dg Southern Division U. S. Army.*

No. 46 *c*.

Major Twiggs to General Jackson.

SIR: FORT GADSDEN, *May* 3, 1818.

After the occupancy of Fort St. Mark's with American troops, on the 7th of April last, it became my duty to take charge of some goods found in one of the public stores.

These goods were pointed out by the Spanish commandant, who, through Mr. Hambly as interpreter, separated several of the articles claimed as his own private property, and designated others as the property of Francis, or Hillis Hadjo, and Arbuthnot, a British agent or trader. An inventory of these was taken, and deposited with the American officer left in command of Fort St. Mark's.

With respect, &c.

D. E. TWIGGS, *Brev. Maj. 7th Infantry.*

I certify that I acted as interpreter in the transaction above alluded to, and that two separate parcels of goods were designated by the Spanish commandant of St. Mark's as belonging to Hillis Hadjo and Arbuthnot.

WILLIAM HAMBLY.

No. 46 *d*.

J. R. Brooks and P. Cone to General Jackson.

We, the undersigned, do hereby certify that, at the capture of Fort St. Mark's, East Florida, by Major General A. Jackson, on the 7th April, 1818, there were some cattle purchased on account of the United States, and turned over to us, which we are of opinion had been driven from the frontiers of Georgia, (a part of them, at least;) and we were strengthened in our opinion by a number of officers and men from Georgia offering to swear to a number of them as the property of their neighbors and friends.

Given under our hands, at Fort Gadsden, this 3d May, 1818,

JACOB R. BROOKS, *Acting Contractor's Agent U. S. Army.*
PETER CONE, *Assistant Commissary.*

No. 46 *e*.

A. F. Fraser and D. F. Sullivan to General Jackson.

We, the undersigned officers and men of the Georgia militia in the service of the United States, do hereby certify that we were at Fort St. Mark's, East Florida, at the time of its capture by Major General Andrew Jackson, on the 7th April, 1818, and saw some cattle that were purchased on account of the United States from the Spanish authorities, which we were ready to swear to as the property of our friends and neighbors in Georgia.

Given under our hands, at Fort Gadsden, this 3d May, 1818,

ANDREW F. FRASER, *Captain.*
DANIEL F. SULLIVAN, *G. M. S.*

No. 47 *a*.

A. Arbuthnot to Lieutenant Colonel Nicholls.

SIR: NASSAU, N. P., *August* 26, 1817.

I am especially authorized to address you by the chiefs of the Creek nation whose names I affix to the present.

They desire it to be made known that they have implicitly followed our advice in living friendly with the Americans who were their neighbors, and nowise attempted to molest them, though they have seen the Americans encroach on their territory, burning their towns, and making fields where their houses stood; rather than make

resistance, they have retired lower in the peninsula. The town of Ecan Halloway, on the Chatahoochee, where Otosmico was chief, is one instance of the encroachments of the Americans. This town is situated under the guns of Fort Gaines, and Mico was desired to submit to the Americans, or his town would be blown to atoms. Rather than do this, he retired, is now living in the lower nation, and his fields, where the town stood, are ploughed up by the Americans. They complain of the English Government neglecting them, after having drawn them into a war with America; that the promise made them of sending people to reside among them has not been kept; and if they have not some person or persons to reside in the nation to watch over their interests, they will soon be driven to the extremity of the peninsula. You left Mr. Hambly to watch over the interests of the Creek nation, but you had hardly left the nation when he turned traitor, and was led by Forbes to take the part of the Americans. His letter (No. 47 *b*.) to me, of which I annex a copy, will show you what lengths he would go if he had the means. It is Hambly and Doyle who gave the Indians all the trouble they experience. They send their emissaries among the Lower Creeks, and make them believe that the Cowetas, aided by the Americans, are coming down on them. They send to the Cowetas, and report that the lower nation is arming against them. Thus both are put in fear, and their fields are neglected, and hunting is not thought of. I have endeavored to do away this fear, by writing to the chiefs of Coweta town that they ought to live on friendly terms with their brethren of the lower nation, whose wish it was to be on good terms with them, and not to listen to any bad talks, but to chase those that give them from among them. My letter was answered by them rather favorably; and I hope the talk that was sent to the Big Warrior last June will heal the differences between them.

Hillis Hadjo arrived in my schooner at Ochlochnee Sound last June, and was well received by all the chiefs and others who came to welcome him home. In consequence of his arrival, a talk was held, the substance of which I put on paper for them, and it was sent, with a pipe of peace, to the other nations.

Hillis Hadjo wished to return to Nassau with me, but I prevailed on him to stay with the nation and keep them all at peace.

I am desired to return Hillis Hadjo's warmest acknowledgment for the very handsome manner in which you treated him in England; and he begs his prayers may be laid at the foot of His Royal Highness the Prince Regent. I left him and all his family well on the 20th of June.

Old Cappachimico desired me to send you his best respects, and requests you will send him out some people to live among them, and all the land they took from Forbes shall be theirs. At all events, they must have an agent among them, to see that the Americans adhere to the treaty, and permit them to live unmolested on their own land. This agent should be authorized by His Majesty's Government, or he will not be attended to by the Americans.

In the gazettes of Georgia the Americans report that the Seminole Indians are continually committing murders on their borders, and making incursions into the State. These are publications tending to irritate the American Government against the poor Indians; for, during the time I was in the nation, there was only one American killed; and he, with two others, was in the act of driving off cattle belonging to Boleck, chief of Suwanee; whereas, three men and a boy were killed last June, by a party of cattle-stealers, while in their hunting-camps; the boy they scalped; and one of Boleck's headmen was killed on St. John's river in July. The back-woods Georgians, and those resident on the borders of the Indian nation, are continually entering it and driving off cattle. They have in some instances made settlements, and particularly on the Choctawhatchy river, where aconsiderable number have descended.

By the treaty with Great Britain, the Americans were to give up to the Indians all the lands that may have been taken during the war, and place them on the same footing they were in Choctawhatchy in 1811. It appears that they have not done so; that Fort Gaines, on the Chatahoochee river, and Camp Crawford, on the Flint river, are both on Indian territory that was not in possession of the Americans in 1811.

They are fearful that, before any aid is given them by the English Government, they will no longer be in possession of any territory. *I wrote last January to his excellency the Hon. Charles Bagot, representing the encroachments of the Americans, (as I was informed, by the copy of a letter from the Right Hon. Earl Bathurst, handed me by his excellency Governor Cameron, that His Majesty's ambassadors had received orders to watch over the interests of the Indians.)* Since my return here, I have received from Mr. Moodie, of Charleston, an extract of a letter from the Hon. Charles Bagot, that the expense of postage is so considerable that any further communications of the same nature must be sent him by private hands. Now, sir, as no person goes direct from this to Washington, how am I to be able to comply with this desire? Thus, he will be kept ignorant of the real situation of the poor Indians, and the encroachments made on their lands by American settlers, while we may be told by the American Government that no encroachments have been made, and that the forts they still hold are necessary to check the unruly Seminoles. Thus, the persons appointed to watch over the poor Indians have no other means of information than from the parties interested in their destruction; and, from seeing, from time to time, in the American gazettes, accounts of cruel murders, &c. committed by the Indians on the frontier settlers of the United States, he apprehends the Indians merit all the Americans do to them. But let His Majesty's Government appoint an agent with full powers, and to correspond with His Majesty's ambassador at Washington, and his eyes will then be open as to the motives that influence American individuals, as well as the Government, in vilifying the Indians.

The powers given me and the instructions were to memorialize His Majesty's Government, as well as the Governor General of Havana; but if you will be pleased to lay this letter before His Majesty's Secretary of State, it will save the necessity of the first, and I fear that a memorial to the governor general would be of no use. Referring you to the enclosed, (No. 47 *b*,)

I remain, most respectfully, your obedient servant,

A. ARBUTHNOT.

To Lieutenant Colonel NICHOLLS.

No. 47 *b*.

Extract of a letter from W. Hambly to A. Arbuthnot, received at Ochlochnee Sound, dated

SIR: SPANISH BLUFF, *May* 10, 1817.

I am desired by the chiefs of the nation to request you will extricate yourselves from among a band of outlaws, among whom you now are, for the arm of justice is lifted up against them, and it will, ere long, fall heavy upon them, you, and your property. They say they would have no objection to your settling any way the west of Appalachicola river; but, where you now are, you are among a set of outlaws. They have lately committed twenty most cruel murders on women and children on the frontiers of the United States, and stolen one hundred horses; and they say it is by your desire.

W. HAMBLY.

No. 47 *c*.

Signatures of the chiefs of the Creek nation to a power given to A. Arbuthnot, dated the 17th June, 1817.

Cappachimico,	Inhimathluchy,
Inhimathlo,	Lahoe Himathlo,
Charle Tustonaky,	Homathlemico,
Otosmico,	Talmuches Hatcho,
Ochacona Tustonaky,	Hillis Hadjo,
Imathluche,	Opoithlimico.

Interpreter: PETER SHUGART.

Approved of by

F. C. LUENGO, *Commandant of St. Mark's.*

No. 48.

Luengo to Arbuthnot.

MONSIEUR ET AMI: APALACHE, *Decembre* 25, 1817.

Les affaires entre les sauvages et les Américains étant devenues de quelque conséquence, et ne doutant que l'orage viendra frapper par ici, je crains pour vos petits objets; en conséquence, je crois qu' il est de votre intérêt de ne pas déférer un moment pour les retirer d'ici. Je serai content de vous voir, tant pour avoir le plaisir de vous embrasser, comme pour causer un peu sur les affaires politiques du jour, qu'il ne convienne, dans les actuelles circonstances, à les confier à la plume; et en attendant cette satisfaction, suis, avec ma petite famille,

Monsieur, votre très affectionné serviteur et ami,

FRANCISCO CASO Y LUENGO.

Mons. A. ARBUTHNOT, *Neg't, Suwanee.*

[TRANSLATION.]

SIR AND FRIEND: APPALACHICOLA, *December* 25, 1817.

Affairs having assumed a serious aspect between the savages and the Americans, and not doubting that the storm will pass this way, I entertain apprehensions for the safety of your little objects, and believe it to be your interest not to lose a moment in removing them from hence.

I shall be happy to see you, that I may have the pleasure of embracing you, and an opportunity of conversing with you on the politics of the day; which, under existing circumstances, it is improper to commit to paper. In the expectation of this pleasure, I am, with my little family,

Sir, your very affectionate servant and friend,

FRANCISCO CASO Y LUENGO.

No. 49.

Minutes of the proceedings of a special court, organized agreeably to the following order, viz:

HEAD-QUARTERS, DIVISION OF THE SOUTH,
ADJUTANT GENERAL'S OFFICE, FORT ST. MARK'S, *April* 26, 1818.

GENERAL ORDER.

The following detail will compose a special court, to convene at this post, at the hour of 12 M. for the purpose of investigating the charges exhibited against A. Arbuthnot, Robert Christie Ambrister, and such others who are similarly situated, as may be brought before it:

The court will record all the documents and testimony in the several cases, and their opinion as to the guilt or innocence of the prisoners; and what punishment, if any, should be inflicted.

DETAIL.

Major General E. P. GAINES, *President.*

Members.

Colonel King, 4th infantry,	Colonel Dyer, Tennessee volunteers,
Colonel Williamson, Tennessee volunteers,	Lieutenant Colonel Lindsay, corps artillery,
Lieutenant Col. Gibson, Tennessee volunteers,	Lieut. Col. Elliott, Tennessee volunteers,
Major Muhlenberg, 4th infantry,	Major Fanning, corps artillery,
Major Montgomery, 7th infantry,	Major Minton, Georgia militia,
Captain Vashon, 7th infantry,	Captain Crittenden, Kentucky volunteers.

Lieutenant J. M. Glassell, 4th infantry, *Recorder.*

An orderly will be detailed from General Gaines's brigade; and the court will sit without regard to hours.

By order of MAJOR GENERAL JACKSON:

ROBERT BUTLER, *Adjutant General.*

FORT ST. MARK'S, *April* 26, 1818.

The court convened, pursuant to the foregoing order; when, being duly sworn in the presence of the prisoner, and he being asked if he had any objections to any member thereof, and replying in the negative, the following charges and specifications were read, viz:

Charges against A. Arbuthnot, now in custody, and who says he is a British subject.

CHARGE 1. Exciting and stirring up the Creek Indians to war against the United States and her citizens, he, A. Arbuthnot, being a subject of Great Britain, with whom the United States are at peace.

Specification. That the said A. Arbuthnot, between the months of May and July, or some time in June, 1817, wrote a letter to the Little Prince, exhorting and advising him not to comply with the treaty of Fort Jackson, stat-

ing that the citizens of the United States were infringing on the treaty of Ghent, as he believed, without the knowledge of the Chief Magistrate of the United States, and advising the Upper and Lower Creeks to unite and be friendly, stating that William Hambly was the cause of their disputes; also advising the Little Prince to write to the Governor of New Providence, who would write to His Royal Highness the Prince Regent, through whom the United States would be called to a compliance with the treaty of Ghent, and advising them not to give up their lands under the treaty of Fort Jackson, for that the American citizens would be compelled to give up to them all their lands under the treaty of Ghent.

CHARGE 2. Acting as a spy, and aiding, abetting, and comforting the enemy, supplying them with the means of war.

Specification 1. In writing a letter from St. Mark's fort, dated April 2, 1818, to his son John, at Suwanee, (marked A,) detailing the advance of the army under General Jackson, stating their force, probable movements, and intentions, to be communicated to Bowlegs, the chief of the Suwanee towns, for his government.

Specification 2. In writing the letters marked B, without date; and C, with enclosures, January 27, 1818; and D, called "a note of Indian talks;" and E, without date, applying to the British Government, through Governor Cameron, for munitions of war and assistance for our enemies; making false representations, and also applying to Mr. Bagot, British ambassador, for his interference, with a statement, on the back of one of the letters, of munitions of war for the enemy.

CHARGE 3. Exciting the Indians to murder and destroy William Hambly and Edmund Doyle, and causing their arrest, with a view to their condemnation to death, and the seizure of their property, on account of their active and zealous exertions to maintain peace between Spain, the United States, and the Indians, they being citizens of the Spanish Government.

Specification 1. In writing the letters marked F, dated August 26, 1817; G, dated May 13, 1817; and H, threatening them with death, alleging against them false and infamous charges, and using every means in his power to procure their arrest; all which writings and sayings excited, and had a tendency to excite, the Indians and negroes to acts of hostility with the United States.

By order of the court: J. M. GLASSELL, *Recorder.*

To which charges and specifications the prisoner pleaded *not guilty.*

The prisoner having made application for counsel, it was granted him, when the court proceeded to the examination of the evidence.

JOHN WINSLETT, a witness on the part of the prosecution, being duly sworn, stated that some time before last July the Little Prince received a letter, signed by a Mr. Arbuthnot, advising the upper part of the nation to unite with the lower chiefs in amity, and stating that the best mode for them to repossess themselves of their lands would be to write to him, (Arbuthnot,) and he would send on their complaints to the Governor of Providence, whence it would be forwarded to His Britannic Majesty, and he would have the terms of the treaty of Ghent attended to; he, moreover, stated his belief that the encroachments on the Indian lands were unknown to the President of the United States. The witness also identified the signature of the letter of the prisoner to his son, (marked A,) referred to in the first specification to the second charge, and heretofore noted as being the same with that sent to the Little Prince.

The witness, on being further interrogated, stated the language of the letter alluded to to be, that the British Government, on application, would cause to be restored to them their lands they held in 1811, agreeably to the terms of the treaty of Ghent.

Question by the prisoner. Who is the Little Prince, or is he known by any other name?

Answer. He is known by the name of Tustennuggee Hopoy, and is the second chief of the nation.

Question. Where is the letter you allude to, or in whose possession?

Answer. It was left in the possession of the Little Prince when I last saw it.

Question. Has this Little Prince no other name than what you state?

Answer. Not that I know of.

Question. Do you swear that the letter alluded to was addressed to the Little Prince?

Answer. I do not. It was presented to me by the Little Prince to read and interpret for him, which I did.

Question. Are you certain that the letter stated that the Chief Magistrate of the United States could have had no knowledge of settlements made on Indian lands, or injuries committed?

Answer. The letter stated that to be the belief of the writer.

JOHN LEWIS PHENIX, a witness on the part of the prosecution, being duly sworn, stated, with regard to the first specification of the second charge, that, being at Suwanee, in the town, about the 6th or 7th of April, he was awakened early in the morning by Mr. Ambrister's receiving, by the hands of a negro, who got it from an Indian, a letter from St. Mark's, at that time stated by Ambrister to be from the prisoner.

Question by the prisoner. Did you see that letter, or hear it read?

Answer. I did see the paper, but I did not hear it read.

Question by the prisoner. Did you state that the letter was received by an Indian express?

Answer. So the black man that delivered it said.

A question being raised by a member of the court as to their jurisdiction on the third charge, and its specification, the doors were closed, and, after mature deliberation, they decided that this court is incompetent to take cognizance of the offences alleged in that charge and specification.

PETER B. COOK, a former clerk to the prisoner, and a witness on the part of the prosecution, being duly sworn, stated that, about December or January last, the prisoner had a large quantity of powder and lead brought to Suwanee in his vessel, which he sold to the Indians and negroes; that, subsequent to that time, which he cannot recollect, Ambrister brought for the prisoner in his (the prisoner's) vessel nine kegs of powder, and a large quantity of lead, which were taken possession of by the negroes. The witness also identified the letters referred to in the foregoing charges and specifications, marked A, B, C, D, E, F, G, and H; also, the power of attorney, No. 1, granted by the Indians to A. Arbuthnot, being the prisoner's handwriting.

Question by the court. Have you at any time within the last twelve months heard any conversation between the prisoner and the chief called Bowlegs relating to the war between the United States and the Seminoles?

Answer. I heard the prisoner tell Bowlegs that he had sent letters to the Prince Regent, and expected soon to have an answer. Some time afterwards, some of the negroes doubted his carrying those letters, when the prisoner stated that he had, but, the distance being great, it would take some time to receive an answer.

By the court. State to the court when and where you first saw the letter signed A. Arbuthnot, dated April 2, 1818, referred to in the first specification of the second charge.

Answer. About the 6th of April, a black man, who said he had received it from an Indian, gave it to Mr. Ambrister, whom I saw reading it.

Question by the court. Do you know by what means that letter was conveyed to Suwanee?

Answer. I understood by an Indian who was sent from Fort St. Mark's.

Question by the court. Who paid the Indian for carrying the letter referred to in the last interrogatory?

Answer. I do not know.

Question by the court. What steps were taken by the negroes and Indians on the receipt of the letter?

Answer. They at first believed the bearer an enemy, and confined him, but, learning the contrary, began to prepare for the enemy, and the removal of their families and effects across the river; the Indians lived on the opposite side.

Question by the court. Did the Indians and negroes act together in the performance of military duty?

Answer. No; but they always said they would fight together.

Question by the court. Did not Nero command the blacks, and did not Bowlegs own Nero, and was not the latter under the immediate command of Bowlegs?

Answer. Nero commanded the blacks, and was owned and commanded by Bowlegs; but there were some negro captains who obeyed none but Nero.

Question by the court. What vessel brought to Suwanee the ammunition which you said was sold by the prisoner to the Indians and negroes?

Answer. The schooner Chance, now lying at the wharf; she is a fore-topsail vessel belonging to the prisoner.

The witness also identified the manuscript of the prisoner in a paper granting him full power to act in all cases for the Indians, numbered 1; and, also, a letter without signature to the Governor of St. Augustine, numbered 2; further, a letter, without date, to Mr. Mitchell, Indian agent, numbered 3; and an unsigned petition of the chiefs of the Lower Creek nation to Governor Cameron, praying his aid in men and munitions of war, numbered 4; all of which the witness stated to be in the handwriting of the prisoner.

The court then adjourned to meet to-morrow morning at 7 o'clock.

FORT ST. MARK'S, *April* 27, 1818.

The court convened pursuant to adjournment. Present:

Major General E. P. GAINES, *President.*

Members:

Col. King,
Col. Williamson,
Major Montgomery,
Capt. Vashon,
Col. Dyer,
Lieut. Col. Lindsay,
Lt. Col. Gibson,
Major Muhlenberg,
Lieut. Col. Elliott,
Major Fanning,
Major Minton,
Captain Crittenden.

Lieutenant J. M. Glassell, *Recorder.*

When the further examination of the witness, PETER B. COOK, took place, viz:

Question by the prisoner. How long have you been acquainted with the settlement on the Suwanee?

Answer. Between six and seven months.

Question. For what term of years did you engage to live with the prisoner?

Answer. For no stated period: I was taken by the year.

Question. Were you not discharged by the prisoner from his employ?

Answer. He told me he had no further use for me after I had written the letters to Providence.

Question. Where did you stay after you were discharged?

Answer. I staid in a small house belonging to a boy called St. John, under the protection of Nero.

Question. What was the subject-matter of the letters you wrote to Providence?

Answer. After being refused by the prisoner a small venture to Providence, I wrote to my friends for the means to trade by myself.

Question. Do you believe the prisoner had knowledge of the venture being on board the schooner?

Answer. I do not believe he had; it was small, and in my trunk.

Question. Do you know that Ambrister was the agent of the prisoner?

Answer. I do not.

Question. Do you think that the powder and lead shipped would more than supply the Indians and negro hunters?

Answer. I did not see the powder and lead myself, but was told by Bowlegs that he had a great quantity; he had three kegs, keeping to fight with.

Question. Did the Indians reside on the east side of the river?

Answer. They did.

Question. You were asked of the negroes and Indians, when the letter marked A was communicated, if they did not take up arms; had they received information of the defeat of the Indians at Mickasuky prior to this date?

Answer. It was afterwards, I believe, that they received the information.

Question. Did not Bowlegs keep other powder than that got from the prisoner?

Answer. He had some he got from the Bluff, which was nearly done; he said his hunters were always bothering him about powder.

Question. Did you state that, at the time Ambrister ascended the river, there was no other vessel at the mouth of the river?

Answer. There was none other there; there was one had sailed.

Question. There is a letter (A) spoken of; how do you know that the son of the prisoner had that letter in his possession?

Answer. I saw him with it, which he dropped, and a boy called John picked it up and gave it to me.

Question. You stated that the Indians and negroes doubted the fidelity of the prisoner in sending letters to the Prince Regent; do you think that the prisoner would have been punished by them had he not complied with their wishes?

Answer. I do not know.

Question. Do you believe that the prisoner was compelled to write the Indian communications?

Answer. He was not compelled.

William Hambly, a witness on the part of the prosecution, being duly sworn, and commencing a statement of what he heard the chiefs say, and the prisoner objecting to hearsay evidence of that kind, the court was cleared, in order to take the question; when it was decided that the prisoner's objection was not valid. The witness was, therefore, recalled, and stated that, fifteen or twenty days after the prisoner's arrival at Ochlochnee, the Seminole Indians began to steal horses from the United States settlements, and commit murders on the Satilla river, which, he was informed by them, was at the instigation of the prisoner.

The chiefs of the little villages in the witness's neighborhood then desired him to write a few lines to the prisoner, stating those reports, and that he did not know that those Indians he was exciting had long been outlawed, and caution him against such proceedings, or he might be involved in their ruin. This the witness did, when the prisoner wrote him a long and insulting letter, (which was lost,) upbraiding the witness for calling those Indians outlaws, and accusing him of exciting the Indians to cruel war. The witness was told by all the chiefs and Indians who had seen the prisoner that he advised them to go to war with the United States if they did not surrender the lands which had been taken from them, and that the British Government would support them in it.

The Indians who took the witness and a Mr. Doyle prisoners, which happened on the 13th December last, told them it was by the prisoner's order; and on their arrival at Mickasuky, (as prisoners,) Kenhagee, and all his chiefs, told them it was by the prisoner's orders they were taken and robbed. On their arrival at Suwanee, they were told by the Indian and negro chiefs, who sat in council over them, that the prisoner had advised that he should be given up to five or six Choctaw Indians, who were saved from the negro fort, who would revenge themselves for the loss of their friends at that place. On their return from Suwanee, the chief Kenhagee told them that he had got the prisoner to write several letters for him; one to the Governor of Providence, one to the British minister at Washington, one to the Secretary of State in London, and one to the American agent for Indian affairs, protesting against the proceedings of the commanding officer at Fort Scott. While the witness was at Suwanee, the Indian chief told him that the prisoner had arrived at that place with ten kegs of powder on board of his vessel; and, while in Fort St. Mark's, some time in March, Hillis Hadjo, or Francis, brought an order from the prisoner to the commandant for two kegs of powder, with other articles, which were in his possession.

Question by the court. Were any murders or depredations committed on the white settlements by the Indians previous to the prisoner's arrival at Ochlochnee?

Answer. None, except one murder near Fort Gaines, which was before or about the time of the prisoner's arrival.

Question. How long have you resided among the Indians? State to the court whether you are acquainted with the Indian language, and how long since you learned it.

Answer. I have resided among them fourteen years, and have understood their language twelve years.

Question. Do you believe the Seminoles would have commenced the business of murder and depredation on the white settlements had it not been at the instigation of the prisoner, and a promise, on his part, of British protection?

Answer. I do not believe they would without they had been assured of British protection.

Question. What was the light in which the prisoner was viewed by the hostile Seminoles: was it that of an authorized agent of the British Government?

Answer. The different chiefs always represented him to me as such.

The witness recognised the letter marked G, and signed A. Arbuthnot, as being a copy of the one alluded to in his testimony as lost.

Question by the president. Are you acquainted with the prisoner's handwriting?

Answer. I have seen it, but cannot say I am acquainted with it.

Question. Is that which you have just seen, and say is the copy of the one you lost, the prisoner's handwriting?

Answer. It looks to be his handwriting, but I cannot say positively.

Question. Was the prisoner considered as the agent of the Seminoles at the time those murders were committed?

Answer. I had not seen the prisoner at that time; the Indian chiefs told me that the prisoner had reported himself to them as an English agent.

Question. Where did you understand the prisoner to be when you were taken prisoner?

Answer. The Indians told us that he had gone over to Providence, but was expected back by the time we should arrive at Suwanee.

Question. Did you not request Kenhagee to prevail upon the prisoner to give you a passage in his schooner to Providence?

Answer. Yes; but was told that the prisoner refused it, stating that, if we were forced upon him, he would blindfold us, and make us walk overboard.

Question. What were the reasons given by Kenhagee for the prisoner's not granting your request?

Answer. Kenhagee stated that the prisoner was fearful of meeting with an American vessel, when we should be taken out, and he thereby lose his schooner.

Edmund Doyle, a witness on the part of the prosecution, being duly sworn, was questioned as follows:

Question by the judge advocate. Do you know any thing that would tend to substantiate the charges against the prisoner now before you?

Answer. I know nothing but from common report.

William S. Fulton, an evidence on the part of the prosecution, being duly sworn, testified to the copy of a letter from A. Arbuthnot to General Mitchell, agent for Indian affairs, dated Suwanee, January 19, 1818, and marked No. 6, as acknowledged by the prisoner to be the same, in substance, as one written by himself at that time; an extract from that letter was then read to the court.

Question by the president. Where did the prisoner acknowledge the letter just read to be a copy of the one written by himself?

Answer. In the encampment before this place, about the 6th or 7th instant.

Question. Was not the acknowledgment made when he was a prisoner?

Answer. It was.

Question by the president. Did you hear a gentleman say to the prisoner, whilst in custody, that those who recommended the scalping-knife and tomahawk should feel their keenest edge?

Answer. I did hear a gentleman say that those who excited the Indians to the murder of the unoffending should feel the keenest edge of the scalping-knife; but, as well as I recollect, that observation was not made until after the repeated acknowledgments of the prisoner of having written the letter.

Question by the court. Was not the confession of the prisoner to this letter made voluntarily, and without any constraint whatever?

Answer. I conceive it was.

The evidence on the part of the prosecution being closed, the prisoner requested, as a witness, Robert C. Ambrister as one of his witnesses, against whom criminal charges had been filed, and who was in custody on account thereof; to which the judge advocate objecting, the court was cleared to take its sense, when it was decided that Robert C. Ambrister, now in custody for similar offences with the prisoner, cannot be examined as evidence before the court.

JOHN LEWIS PHENIX, a previous witness, now on the part of the prisoner, being again sworn, was questioned as follows, viz:

Question by the prisoner. Was there any other vessel at the mouth of the Suwanee river when Ambrister seized your schooner?

Answer. Yes.

Question. What vessel was it? Was it not the vessel which Ambrister came in?

Answer. It was a sloop, and I understand Ambrister came in her.

Question. Did Ambrister ever mention to you who recommended him to seize the prisoner's schooner, or who assisted him in stimulating the negroes to do so?

Answer. No; I understood he came on board of his own accord.

Question by the court. Have you, since you commanded the prisoner's vessel, ever brought any arms to that part of the country?

Answer. No; I brought a quantity of lead and ten kegs of powder in the last trip.

JOHN WINSLETT, a former witness on the part of the prosecution, being recalled on behalf of the prisoner, was questioned as follows, viz:

Question by the prisoner. Are you not of opinion that the letter which you say was written by the prisoner to the Little Prince is now in the possession of the Little Prince?

Answer. After reading it, I returned it to him, and I believe it to be still in his possession, as Indians seldom destroy papers of that kind.

The prisoner requesting some time to make up his defence, he was given until to-morrow evening, at four o'clock.

FORT ST. MARK'S, *April* 28, 1818, *four o'clock P. M.*

The recorder having read over the proceedings of the court with closed doors, the prisoner was recalled into court, and made the defence marked K, and attached to these proceedings. The doors were then closed, and, after the most mature deliberation on the evidence adduced, the court find the prisoner, Alexander Arbuthnot, guilty of the first specification to the first charge, and guilty of the first charge; guilty of the first and second specifications to the second charge, and guilty of the second charge, leaving out the words "acting as a spy;" they, therefore, do, on the most mature reflection, sentence the prisoner, Alexander Arbuthnot, to be *suspended by the neck until he is dead;* two-thirds of the court concurring therein.

EDMUND P. GAINES,
Major General by brevet, President of the Court.
J. M. GLASSELL, *Recorder.*

A.

From A. Arbuthnot to his son, John Arbuthnot.

DEAR JOHN: FORT ST. MARK'S, *April* 2, 1818, *nine o'clock in the morning.*

As I am ill able to write a long letter, it is necessary to be brief. Before my arrival here, the commandant had received an express from the Governor of Pensacola, informing him of a large embarcation of troops, &c., under the immediate command of General Jackson; and the boat that brought the despatch reckoned eighteen sail of vessels off Appalachicola. By a deserter that was brought here by the Indians, the commandant was informed that three thousand men, under the orders of General Jackson, one thousand foot and sixteen hundred horse, under General Gaines, and five hundred under another general, were at Prospect Bluff, where they are rebuilding the burnt fort; that one thousand Indians, of different nations, were at Spanish Bluff, building another fort under the direction of American officers; that, so soon as these forts were built, they intended to march—they have commenced. Yesterday morning advice was received that they had appeared near —— and taken two of the sons of McQueen and an Indian. Late in the afternoon three schooners came to anchor at the mouth of the river, and this morning the American flag is seen flying on the largest.

I am blockaded here; no Indians will come with me; and I am now suffering from the fatigue of coming here alone.

The main drift of the Americans is to destroy the black population of Suwanee. Tell my friend Boleck that it is throwing away his people to attempt to resist such a powerful force as will be down on Suwanee; and, as the troops advance by land, so will the vessels by sea. Endeavor to get all the goods over the river in a place of security, as also the skins of all sorts; the corn must be left to its fate. So soon as the Suwanee is destroyed, I expect the Americans will be satisfied, and retire: this is only my opinion; but I think it is conformable to the demand made by General Gaines of Kenhagee some months since. In fact, do all you can to save all you can; save the books particularly. It is probable the commandant will receive some communication from the vessels to-day, when he will know more certainly what are their motives in coming off the fort. I think it is only to shut up the passage to the Indians. Twenty canoes went down the river yesterday, and were forced to return. The road between this and Mickasuky is said to be stopped. Hillis Hadjo and Homathlemico were here late last night to hear what vessels; they will remove all their cattle and effects across St. Mark's river this morning, and perhaps wait near thereto for the event.

I have been as brief as I can, to give you the substance of what appear facts that cannot be doubted; to enter into details in the present moment is useless. If the schooner is returned, get all the goods on board of her, and let her start off for Mannatee creek, in the bottom of Cedar Key bay; you will then only have the skins to hide away. But no delay must take place, as the vessels will, no doubt, follow the land army, and perhaps even now some are gone round. I pray your strictest attention, for the more that is saved will be eventually more to your interest. Let the bearer have as much calico as will make him two shirts, for his trouble; he has promised to deliver this in three, but I give him four days.

I am yours, affectionately,

A. ARBUTHNOT.

B.

From A. Arbuthnot to Charles Cameron, Governor of Bahamas.

Sir:

Being impowered by the chiefs of the Lower Creek nation to represent the state of their nation to your excellency, that you may be pleased to forward the same for the information of His Majesty's Government, to whom alone they look up for protection against the aggressions and encroachments of the Americans, I beg leave to submit to your excellency the enclosed representations, humbly praying that your excellency will be pleased to take an early opportunity of forwarding the same to Great Britain.

I am also instructed by Boleck, chief of Suwanee, to make the demand herein enclosed, he never having had any share of the presents distributed at Prospect Bluff, though he rendered equally essential services as any of the other chiefs to the British cause while at war with America, and was at New Orleans with a part of his warriors. His frontiers being more exposed to the predatory incursions of the back Georgians, who enter his territory and drive off his cattle, he is obliged to have large parties out to watch their motions, and prevent their plundering; and being now deficient of ammunition, he prays your excellency will grant his small demand.

Humbly submitting the same, I have the honor to remain your excellency's most humble servant,

A. A.

The humble representations of the chiefs of the Creek nation to His Excellency Governor Cameron.

First, we beg leave to represent that Edmund Doyle and William Hambly, lately clerks at Prospect Bluff to Messrs. Forbes, and who still reside on the Appalachicola river, we consider as the principal cause of our present troubles and uneasiness. Hambly was the instrumental cause of the fort at Prospect Bluff being destroyed by the Americans, by which we lost the supplies intended for our future wants. Since then both these men have kept emissaries among us, tending to harass and disturb our repose, and that of our brethren of the Middle and Upper nations; they spread among us reports that the Cowetas, aided by the Americans, are descending to drive us off our land; they equally propagate false.

C.

From A. Arbuthnot to Benjamin Moodie, Esq., enclosing letters to Charles Bagot, Esq., British minister at Washington.

Sir: SUWANEE, IN THE CREEK NATION, *January* 27, 1818.

The enclosed containing matter of serious moment, and demanding the immediate attention of his excellency the British ambassador, I trust he will, for this time, forgive the trifling expense of postage, which I have endeavored to prevent as much as possible by comprising *much matter* in one sheet of paper. Should you, sir, be put to any trouble or expense by this *trouble* I give you, on being made acquainted with the same, I will instruct Bain, Dunshee, & Co. to order payment of the same.

I have the honor to be, sir, your most obedient, humble servant,

A. ARBUTHNOT.

From A. Arbuthnot to the Honorable Charles Bagot.

Sir:

It is with pain I again obtrude myself upon your excellency's notice; but the pressing solicitations of the chiefs of the Creek nation, and the deplorable situation in which they are placed by the wanton aggressions of the Americans, I trust your excellency will take as a sufficient apology for the present intrusion.

In August last, the head chief of the Seminole Indians received a letter from General Gaines, of which I have taken the liberty of annexing your excellency the contents, as delivered me by the chief's head English interpreter, with Kenhagee's reply thereto.

This letter appears to have been intended to sound the disposition of the chief, and ascertain the force necessary to overrun the nation, for from then until an actual attack was made on Fowl Town, the same general, with General Jackson, seems to have been collecting troops and settlers in various quarters.

If your excellency desires to have further information respecting the situation of this country and its inhabitants, I can, from time to time, inform your excellency of such facts and circumstances as are stated to me by chiefs of known veracity, or which may come under my own observation; and your excellency's orders addressed to me at New Providence will either find me there, or be forwarded me to this country.

With great respect, I have the honor to be your excellency's most obedient servant,

A. A.

[The following memoranda were on the back of the foregoing letter.]

Kenhagee, 1,000; Boleck, 1,500; Oso Hatcho, Choctawhatchy, 500; Himashy Mico, Chatahoochee, 500; — at present with Hillis Hadjo. At present under arms, 1,000 and more, and attacking those Americans who have made inroads into their territory.

A quantity of gunpowder, lead, muskets, and flints, sufficient to arm one thousand to two thousand men.

Muskets, 1,000, more smaller pieces, if possible; 10,000 flints, a proportion for rifle put up separate; 50 casks gunpowder, a proportion for rifle; 2,000 knives, six to nine-inch blades, good quality; 1,000 tomahawks; 100 pounds vermillion; 2,000 pounds lead, independent of ball for muskets.

KENHAGEE,
BOLECK.

(No. 1.)

From General Gaines to the Seminole chiefs.

TO THE SEMINOLE CHIEFS:

Your Seminoles are very bad people; I don't say whom; you have murdered many of my people, and stolen my cattle; and many good houses, that have cost me money, you have burnt for me; and now that you see my writing, you will think I have spoken right. I know it is so—you know it is so; for now you may say I will not go upon you at random; but just give me the murderers, and I will show them my law; and when that is finished and passed, if you will come about any of my people, you will see your friends; and if you see me, you will see your

friend. But there is something out in the sea, a bird with a forked tongue; whip him back before he lands, for he will be the ruin of you yet; perhaps you do not know who or what I mean—I mean the name of Englishman.

I tell you this, that if you do not give me up the murderers who have murdered my people, I say I have got good strong warriors with scalping-knives and tomahawks. You harbor a great many of my black people among you at Suwanee. If you give me leave to go by you against them, I shall not hurt any thing belonging to you.

GENERAL GAINES.

(No. 2.)

From Kenhagee to General Gaines, in answer to the foregoing.

You charge me with killing your people, stealing your cattle, and burning your houses. It is I that have cause to complain of the Americans. Where one American has been justly killed while in the act of stealing cattle, more than four Indians have been murdered while hunting by those lawless freebooters. I harbor no negroes. When the Englishmen were at war with America, some took shelter among them; and it is for you white people to settle those things among yourselves, and not to trouble us with what we know nothing about. I shall use force to stop any armed Americans from passing my towns or on my lands.

KENHAGEE.

To General GAINES.

D.

"*Note of Indian talks.*"

In August, Capp had a letter from General Gaines, in substance as annexed, No. 1, and returned the answer as by No. 2. Nothing further was said on either side. The end of October, a party of Americans from a fort on Flint river surrounded Fowl Town during the night, and began burning it; the Indians then in it fled to the swamp, and in their flight had three persons killed by fire from the Americans; they rallied their people, and forced the Americans to retire some distance, but not before they had two more persons killed. The Americans built a block-house or fort where they had fallen back to, and immediately sent to the forts up the country for assistance, stating the Indians were the aggressors. One of those letters falling into the hands of General Mitchell, he made inquiry, and found his people were the aggressors, and also settled with Inhimathlo for the loss his people had suffered; at the same time sending a talk to Kenhagee, by a headman, Opony, that he would put things in such a train as to prevent further encroachments, and get those Americans to leave the forts. But no sooner was this good talk given, and before the bearer of it returned home, than hundreds of Americans came pouring down on the Indians. Roused to a sense of their own danger, they flew to arms, and have been compelled to support them ever since. It is not alone from the country, but by vessels entering Appalachicola river, that troops and settlers are pouring into the Indian territory, and, if permitted to continue, will soon overrun the whole of the Indian lands.

From the talk sent Kenhagee by General Mitchell, I am in hopes that those aggressions of the Americans on the Indian territory are not countenanced by the American Government, but originate with men devoid of principle, who set laws and instructions at defiance, and stick at no cruelty and oppressions to obtain their ends. Against such oppressors the American Government must use not only all their influence, but, if necessary, force, or their names must be handed down to posterity as a nation more cruel and savage to the unfortunate aborigines of this country than ever were the Spaniards, in more dark ages, to the natives of South America.

The English Government, as the special protectors of the Indian nations, and on whom alone they rely for assistance, ought to step forward and save those unfortunate people from ruin; and as you, sir, are appointed to watch over those interests, it is my duty, as an Englishman, and the only one in this part of the Indian nation, to instruct you of the talks the chiefs bring me for your information; and I sincerely trust, sir, you will use the powers you are vested with for the service and protection of those unfortunate people, who look up to you as their savior. I have written General Mitchell, who I learn is an excellent man, and, as he acts as Indian agent, I hope his influence will stop the torrent of innovators, and give peace and quietness to the Creek nation.

I pray your excellency will pardon this intrusion, which nothing but the urgency of the case would have induced me to make.

I have the honor to be your excellency's most obedient servant,

A. A.

E.

From Cappachimico and Boleck to Governor Cameron.

It is with pain we are again obliged to obtrude ourselves on your excellency's notice, in consequence of the cruel war we have been forced into by the irruption of the Americans into the heart of our lands. It will be first necessary to state to your excellency that one head chief, Kenhagee, received a letter from General Gaines in August last, a copy of which is enclosed, with the answer returned thereto. This letter only appears to have been a prelude to plans determined on by the said general and General Jackson, to bring on troops and settlers to drive us from our lands and take possession of them; for, in the end of October, a party of Americans surrounded Fowl Town during the night, and in the morning began setting fire to it, making the unfortunate inhabitants fly to the swamp, and who, in their flight, had three persons killed by the fire of the Americans. Our Indians, rallying, drove the Americans from the town, but, in their exertions, had two more of their people killed. The Americans retired some distance and built a fort or block-house to protect themselves until the assistance they had sent for to the forts up the country should arrive. A letter falling into the hands of General Mitchell, the Indian agent, which stated the Indians to have been the aggressors, he suspected its truth, and, on inquiry, found it was the reverse; in consequence, he made satisfaction to Inhimathlo, the chief of Fowl Town, and his people, for the injuries and losses they had sustained; at the same time he desired a talk to be sent to our head chiefs, stating his wish to see all the Indians friends, and that in twenty days he would send and get the Americans to retire from the forts. But this had no effect on the lawless invaders of our soil, for, before the bearer of the talk could return home, he met hundreds of Americans descending on us; they have also settlers and troops which come from Mobile, and go up the Appalachicola river. Thus, seeing no end to those inroads, necessity compelled us to have recourse to arms, and our brethren are now fighting for the land they inherited from their fathers for their families and friends. But what will our exertions do without assistance? Our sinews of war are almost spent; and harassed as we have been for years, we have not been able to lay by the means to provide for our extraordinary wants; and to whom can we look up to for protection and support, but to those friends who have at all former times held forth their hands to uphold us, and who have sworn, in their late treaty with the Americans, to see our just rights and privileges respected and pro-

tected from insult and aggression? We now call on your excellency, as the representative of our good father, King George, to send us such aid in ammunition as we are absolutely in want of, as our brother chief, Hillis Hadjo, was informed, when in England, that, when ammunition was wanted to enable us to protect our just rights, your excellency would supply us with what was necessary. We have applied to the Spanish officer at the fort of St. Mark, but his small supply prevents his being able to assist us, and we have only on your excellency to depend. We likewise pray your excellency would be pleased to send an officer or person to lead us right, and to apportion the supply you may be pleased to send us agreeably to our proper wants.

In praying your excellency will lend an ear to our demand, and despatch it without delay,

We remain your excellency's faithful and most obedient friends and servants,

CAPPACHIMICO,
BOLECK,

For ourselves and all the other chiefs of the Lower Creek nation.

To His Excellency Governor CAMERON.

F.

Letter from A. Arbuthnot to Colonel Edward Nicholls.

SIR: NASSAU, N. P., *August* 26, 1817.

Especially authorized by the chiefs of the Lower Creek nation, whose names I affix to the present, I am desired to address you, that you may lay their complaint before His Majesty's Government. They desire it to be made known that they have implicitly followed your advice in living friendly with the Americans, who were their neighbors, and nowise attempted to molest them, though they have seen the Americans encroach on their territory, burning their towns, and making fields where their houses stood, on the Chatahoochee: rather than make resistance, they have retired lower in the peninsula. The town of Ecan Halloway, where Otis Mico was chief, is one instance of the encroachments of the Americans. This town is situated under the guns of Fort Gaines; and Micco was desired to submit to the Americans, or his town would be blown to atoms: rather than do so, he retired, and is now living in the lower nation; and his fields, and even where the town stood, is ploughed up by the Americans. They complain of the English Government neglecting them after having drawn them into a war with America; that you, sir, have not kept your promise of sending people to reside among them; and that, if they have not some person or persons resident in the nation to watch over their interests, they will soon be driven to the extremity of the peninsula. You left Mr. Hambly to watch over the interests of the Creek nation, but you had hardly left the nation when he turned traitor, and was led by Forbes to take the part of the Americans. His letter to me, of which I annex you a copy, will show you what lengths he could go if he had the means. It is Hambly and Doyle who give the Indians all the trouble they experience; they send their emissaries among the Lower Creeks, and make them believe the Cowetas, aided by the Americans, are arming against them: thus both are put in fear; and their fields are neglected, and hunting is not thought of. I have endeavored to do away this fear, by writing the chief of the Coweta towns that they ought to live on friendly terms with their brethren of the lower nation, whose wishes were to be on good terms with them, and not to listen to any bad talks, but to chase those that give them from among them. My letter was answered by them rather favorably, and I hope the talk that was sent to the Big Warrior last June will heal the difference between them.

Hillis Hadjo arrived in my schooner at Ochlochnee Sound last June, and was well received by all the chiefs and others who came to welcome him home. In consequence of his arrival, a talk was held, the substance of which I put on paper for them, and it was sent with a pipe of peace to the other nations. Hillis Hadjo wished to return to Nassau with me, but I prevailed on him to stay in the nation, and keep them all at peace. I regret, sir, to notice this poor man's affairs, though by his desire: it appears that he arrived in Nassau a short time after I had left it, in January, and Captain W. being here, took charge of him, his goods and money, prevailing on the governor to let him stay with him until he went down to the nation, which it was his intention to do. Of the money received of Governor Cameron, he had only given him eighty dollars, by Captain W., a barrel of sugar, a bag of coffee, and a small keg of rum; and the interpreter, Shugert, informed me that when Hillis Hadjo asked for an account, Captain W. refused it, saying it would be useless to a man who could not read. He also misses two cases, one of which contained, he thinks, crockery; I have made inquiry of His Majesty's ordnance storekeeper, and he informs me the whole were delivered to Captain W.; they are therefore lost to Hillis Hadjo.

I am desired to return Hillis Hadjo's warmest acknowledgments for the very handsome manner you treated him in England, and he begs his prayer may be laid at the foot of His Royal Highness the Prince Regent. I left him and all his family well on the 20th of June. Old Cappachimico desires me to send his best respects, and requests that you would send out people to live among them, and all the land they took from Forbes shall be theirs. At all events, they must have an agent among them, to see that the Americans adhere to the treaty, and permit them to live unmolested on their own lands. This agent should be authorized by His Majesty's Government, or he will not be attended to by the Americans. In the gazettes of Georgia, the Americans report the Seminole Indians are continually committing murders on their borders, and making incursions into the State. These are fabrications tending to irritate the American Government against the poor Indians; for, during the time I was in the nation, there was only one American killed, and he, with two others, was in the act of driving off cattle belonging to Bowlegs, chief of Suwanee; whereas three men and a boy were killed last June, by a party of American cattle-stealers, while in their hunting-camps; the boy they scalped; and one of Bowlegs' headmen was killed on St. John's river, in July. The back-woods Georgians, and those resident on the borders of the Indian nation, are continually entering it, and driving off cattle. They have, in some instances, made settlements, and particularly on the Choctawhatchy river, where a considerable number have descended.

By the treaty with Great Britain, the Americans were to give up to the Indians all the lands that they may have taken from them during the war, and place them on the same footing they were in 1811. It appears they have not done so; that Fort Gaines, on the Chatahoochee river, and Camp Crawford, on the Flint river, are both on Indian territory, that was not in possession of the Americans in 1811. They are fearful that, before any aid is given by the English Government, they will no longer be in possession of any territory.

I wrote last January to his excellency the honorable Charles Bagot, respecting the encroachments of the Americans; as I was informed by the copy of a letter from the right honorable Earl Bathurst, handed me by his excellency Governor Cameron, that His Majesty's ambassador had received orders to watch over the interests of the Indians. Since my return here, I have received of Mr. Moodie, of Charleston, an extract of a letter from the honorable Charles Bagot, stating that the expense of postage is so considerable, that any further communications of the same nature must be sent him by private hands. Now, sir, as no person goes direct from this to Washington, how am I to be able to comply with his desire? Thus he will be kept ignorant of the real situation of the poor Indians, and the encroachments daily made on their lands by American settlers: while he may be told by the American Govern-

ment that no encroachments have been made, and that the forts they still hold are necessary to check the unruly Seminoles. Thus the person appointed to watch over the interests of the Indians having no other means of information than from the parties interested in their destruction, and seeing from time to time, in the American gazettes, accounts of cruel murders, &c. committed by the Indians on the frontier settlements of the United States, he apprehends the Indians merit all the Americans do to them.

But let His Majesty's Government appoint an agent, with full powers, and to correspond with His Majesty's ambassador at Washington, and his eyes will then be opened as to the motives that influence American individuals, as well as the Government, in vilifying the Indians. The powers given me and the instructions were to memorialize His Majesty's Government as well as the Governor General of Havana; but if you will be pleased to lay this letter before His Majesty's Secretary of State, it will save the necessity of the first; and I fear that a memorial to the governor general would be of no use. Referring you to the answer,*

I am, most respectfully, sir, your obedient servant,

A. ARBUTHNOT.

Lieut. Col. EDWARD NICHOLLS.

G.

From A. Arbuthnot to William Hambly.

SIR: OCHLOCHNEE SOUND, *May* 3, 1817.

On my return here this day, I received a letter signed by you, and dated 23d March. As you therein take the liberty of advising me, *as you say*, by order of the chiefs of the Creek nation, I am glad of, and shall embrace this opening you give me, and reply to you at some length. First, sir, let me premise that, when you lived at Prospect Bluff, a clerk to Messrs. Forbes & Co., you did not consider Cappachimico, McQueen, or any other of the chiefs of the Lower Creek nation, as outlaws, nor have they ever been considered as such by the English Government, who are the especial protectors of the Indian nations; and it ill becomes Mr. Hambly to call Cappachimico an outlaw—that man who has ever been his friend, and by his authority has prolonged his life. Yes, sir, the young chiefs and warriors of the Creek nation, considering you as the chief cause of their troubles, would have long ere this had possession of you, and, perhaps, with your life made you pay the forfeit for the injuries heaped on them, had not that man, who has been your friend from your early youth, stepped in as your protector. Yet this is the man whom Mr. Hambly presumes to call an outlaw! A pardoned villain, when going to the gallows, would bless the hand that saved his life; but Mr. Hambly blasphemes his savior!

As Mr. Hambly's generous friend is the principal cause of my being in this country, as an honest man I shall endeavor to fulfil my promise to him and the other chiefs. The guilty alone have fear; an honest and upright man dreads no danger, fears no evil, as he commits no ill; and your arm of justice ought to be applied where it would rightly fall—on the heads of the really guilty. Your mean and vile insinuation, that I have been the cause of thefts and murders, comes ill from him who has been the cause of the murder of hundreds. Though your usage was made villainous at the fort, yet your revenge was too savage and sanguinary. If your conduct, sir, to the Indians were guided by as pure motives as mine, you would endeavor to influence them to esteem and respect each other as brothers, and live in harmony and friendship; cultivating their lands in summer, and taking their diversions of hunting in winter; respecting their neighbors, and making yourself respected by them. If thus, sir, you would act, (and by your knowledge of their language you have much more in your power than any other man,) you would then be the true friend of the Indians. Were I an instigator to theft and murder, would I hold the language I have done to the chiefs and others who have called on me? Ask the lieutenant commanding at Fort Gaines if my letter to him breathed the strains of a murderer; ask Opoy Hatcho, or Dany, his interpreter, if the recommendatory note I sent him by order of Opony could be written by an instigator to murder; ask Opony himself if my language to him was that of a murderer; ask Mappalitchy, a chief residing among the Americans on Ockmulgee, if my language and advice to him savored of that of a murderer. All those, and every Indian who has heard my talks, will contradict your vile assertions.

But Mappalitchy has given me a clue by which I can unravel from whence the aspersions come: not from Opony, Hatcho, or any of the chiefs of the upper towns, but from him who endeavors to lead them to mischiefs and quarrels with each other. Did not the chiefs hear my note read with respect, and perfectly accord with my sentiments of being all as brethren, uniting in the bonds of friendship and love? Did not they agree to smoke the pipe of peace with their brethren of the lower nation, and live in future as brothers? What made some of them alter their minds afterwards? The interference of a humane man, who caused them to write a letter to me demanding my removal from a band of outlaws, and which letter is signed "*William Hambly*."

I shall only make one more observation, and that will show from whence I came, and whether I came amongst the Indians as a revenger, or as the friend of peace and harmony.

In the spring of 1816, Mr. Hambly sent Governor Cameron a letter containing talks of the chiefs of the Indian nations: they were forwarded to England, and his excellency handed me, on my leaving Providence, an answer thereto from the right honorable Earl Bathurst, one of His Majesty's chief secretaries of state, that I might make the same known to the chiefs on my arrival in the nation. What will Governor Cameron think of the man who, in 1816, could write against the encroachments of the Americans on the Indian nation, and in the spring of 1817 call the chiefs of that nation, for whom he more especially wrote, outlaws? Mr. Hambly may sell his services to America, but no man can expatriate himself from the allegiance due to his native country; and a Government may call on a friendly nation to give up a subject that has seriously wronged her.

I recommend Mr. Hambly to be content with the *douceur* he may have received, and permit the unlettered Indian to live quietly and peaceably on his native land.

I shall send a copy of this letter with the one from you, to be read to the chiefs of the nation, and shall, at the same time, take an opportunity of explaining myself more fully than I did in the note sent by Opony. Wishing you a speedy recantation of your errors, and a return to your former way of thinking,

I am, your obedient servant,

A. ARBUTHNOT.

H.

Letter from A. Arbuthnot to the Governor of Havana.

The chiefs of the Creek nation, whose names are hereunto annexed, beg leave to approach your excellency and represent their complaints. Long imposed on by the persons keeping stores in this country, in charging us

* See the unsigned paper, No. 71.

exorbitant prices for their goods, while they only allowed us a very trifling one for our peltry, we have found it necessary to look out for a person that will deal fairly with us, and we wish to establish a store for him on Appalache river. We have made application to the commandant of St. Mark's, and he has referred us to your excellency. It is not alone the impositions that have been practised upon us that has made us presume to address your excellency: we have complaints of a more serious nature against the persons employed by the only house that has been established among us, that of Mr. Forbes. In the first place, some years back, under false pretences, they attempted to rob us of a very large portion of our best lands, and we the more readily acceded to it, from the faithful promise given us that they would get English people to settle it and live among us; but, far from doing this, Mr. Forbes attempted to sell it to the American Government, and settle it with Americans. Thus finding ourselves deceived and imposed on, we withdrew our grant about three years since, which, from the stipulations contained therein not being fulfilled on the part of Mr. Forbes, we conceived we had a right to do. Secondly, Mr. Doyle and Mr. William Hambly, the two persons left in the nation to carry on Mr. Forbes's business, have, for more than two years, been endeavoring to influence us to join the Americans; and finding that fair means would not swerve us from our attachments to our ancient friends, the English, they have recently had recourse to threats of bringing the Americans down upon us; and that people only want a pretext to attack us, which the said Doyle and Hambly attempt to give them by spreading false reports of our murdering the Americans, stealing their cattle, and preparing for war against them, while, in fact, it is the Americans who murder our red brethren, steal our cattle by hundreds at a time, and are daily encroaching on our lands, and maintaining the settlers in their ill-gotten possessions by armed force.

On the Choctawhatchy river there is a large body of Americans, forming settlements, and more are daily joining them. As this river is far within that line marked out by your excellency's Government and the Americans some years since, (though that line was unknown to us until very lately, and we never gave our sanction, nor, in fact, knew of any sale of our lands being made to the Americans,) we trust your excellency will give orders to displace them from within the line, and send them back to their own country. Our delaying to address your excellency to represent the afore-mentioned grievances has been owing to the want of a person to attend to our talks, and put them in writing for us. The commandant of the fort of St. Mark has heard all our talks and complaints. He approves of what we have done and what we are doing, and it is by his recommendation we have thus presumed to address your excellency.

We have the honor to be your excellency's most obedient and very humble servants,

A. ARBUTHNOT.

To His Excellency the GOVERNOR GENERAL, &c.

No. 1.

Power of attorney from the Indian chiefs to A. Arbuthnot.

Know all men by these presents, that we, chiefs of the Creek nation, whose names are affixed to this power, having full faith and confidence in *Alexander Arbuthnot*, of New Providence, who, knowing all our talks, is fully acquainted with our intentions and wishes, do hereby, by these presents, constitute and appoint him, the said *Alexander Arbuthnot*, our attorney and agent, with full power and authority to act for us and in our names in all affairs relating to our nation, and also to write such letters and papers as to him may appear necessary and proper for our benefit, and that of the Creek nation.

Given at Ochlochnee Sound, in the Creek nation, this seventeenth day of June, one thousand eight hundred and seventeen.

Cappachimico, his × mark,	Kenhagee, chief of the Mickasukies.
Inhimathlo, his × mark,	Chief of the Fowl towns.
Charle Tustonaky, his × mark,	Charle Nishomatta, second chief of the Ockmulgee towns.
Otos Mico, his × mark,	Chief of the Conholoway, below Fort Gaines.
Ochacona Tustonaky, his × mark,	Opony, chief of the Ockmulgee towns.
Imathluche, his × mark,	Chief of the Attapulgas.
Inhimathluchy, his × mark,	Chief of the Palatchocoleys.
Lahoe Himathlo, his × mark,	Chief of the Chehaws.
Homathlemico, his × mark,	Chief of the Red Sticks.
Talmuches Hatcho, his × mark,	Peter McQueen, chief of the Tallapasses, (an old Red Stick.)
Hillis Hadjo, his × mark,	Francis, the prophet.
Opoithlimico, his × mark,	A Red Stick, created chief by the lower towns.

Witness: PETER SHUGERT, *Interpreter.*

I certify that the Indian chiefs whose signatures are placed on the left hand side to the full powers granted to Alexander Arbuthnot are the chiefs of the towns and places above named.

WILLIAM HAMBLY.

Witness: WILLIAM S. FULTON, *Private Secretary to Commanding General.*

No. 2.

[Supposed to be from Bowlegs to the Governor of St. Augustine.]

SIR:

I had the honor of receiving your letter of September, but the impossibility of finding a person to write an answer to the same is the cause of this apparent neglect.

I shall be very happy to keep up a good understanding and correspondence with you, and hope you will, when occasion offers, advise me of such things as may be of service to myself and people. My warriors and others that go to St. Augustine return with false reports tending to harass and distress my people, and preventing them from attending to their usual avocations. At one time the Americans and upper Indians, supported by a force of about three thousand men, were running lines far within the Indian territory; at another time, they are collecting a force at Fort Mitchell, in the forks of Flint and Chatahoochee rivers, to fall on the towns below. Now, sir, we know of no reason the Americans can have to attack us, an inoffensive and unoffending people. We have none of their slaves; we have taken none of their property since the Americans made peace with our good father, King George. We have followed the orders of his officer that was with us, Lieutenant Colonel Edward Nicholls, and in nowise molested the Americans, though we daily see them encroaching on our territory, stealing our cattle, and murdering and carrying off our people. That same officer also told us, we, as allies to the great King, our father, were included in the treaty of peace between our good father and the Americans, and that the latter were to give up all

the territory that had been taken from us before and during the war. Yet, so far from complying with the ninth article of that treaty, they are daily making encroachments on our land, getting persons who are not known to the chiefs, and without any power or authority to grant and sign over lands to them. Thus they deceive the world, and make our very friends believe we are in league with them.

The principal chiefs of the nation, with the head warriors, assembled at my town on the 8th instant, and came to the resolution of informing the British minister at Washington of the conduct of the Americans and the officers of their Government towards us; it has been done accordingly, and copies sent to England. We demand of the King, our father, to fix some of his people among us, who may inform him from time to time of what is passing, and see the Americans do not extend themselves on our lands. The Spanish subjects in the Floridas are too much in the interests of the Americans to be our friends. For the governors I shall always entertain the greatest regard; but for the people, they do not act so as to merit my esteem and protection. You desire I would chase those marauders who steal my cattle: my people have lately driven some Americans from Lahhewary, and I have no doubt the Americans will lay hold of this as a pretext to make war on us, as they have before done, in stating we harbor their runaway slaves.*

To His Excellency Don Jose Coppinger, *Governor of St. Augustine.*

No. 3.

Sir:

Kenhagee, the head chief of the Lower Creek nation, has called on me to request I would represent to you the cruel and oppressive conduct of the American people living on the borders of the Indian nation, and which he was in hopes, from a talk you were pleased to send him some weeks since, would have been put a stop to, and peace restored between the Indians and American people. But, far from any stop being put to their inroads and encroachments, they are pouring in by hundreds at a time, not only from the land side, but ascending the Appalachicola in vessel-loads. Thus, the Indians have been compelled to take up arms to defend their homes from a set of lawless invaders. Your known philanthropy and goodwill to the Indians induce the head chiefs to hope that you will lose no time in using your influence to put a stop to those invasions of their lands, and order that those who have already presumed to seize our fields may retire therefrom.

The Indians have seized two persons who they think have been greatly instrumental in bringing the Americans upon them, and they are now in their possession as prisoners. It is even reported they have made sales of Indian lands without the knowledge, consent, or approbation of the chiefs of the nation; and, from their long residence in the nation, and the great influence that one of those people formerly enjoyed among the chiefs as their chief, there is some reason to believe he has been guilty of improper conduct with regard to the Indian nation.†

General Mitchell, *Agent for Indian Affairs.*

No. 4.

Petition of the chiefs of the Lower Creek nation to Governor Cameron.

We, the undersigned, have been deputed by the chiefs of the Creek nation to wait on your excellency, and lay before you their heavy complaints. To the English we have always looked up as friends, as protectors; and on them we now call to aid us in repelling the approaches of the Americans, who, regardless of treaties, are daily seizing our lands and robbing our people. They have already built seven forts on our lands; they are making roads and running lines into the very heart of our country; and, without the interference of the English, we shall soon be driven from the land we inherited from our forefathers.

The Americans tell us the English will regard us no more, and that we had better submit to them; but we cannot submit to their shackles, and will rather die in defence of our country.

When peace was made between the English and Americans, we were told by Lieutenant Colonel E. Nicholls that the Americans were to give up our lands they had taken, and we were desired to live quietly and peaceably, in nowise molesting the Americans. We have strictly followed these orders; but the Americans have not complied with the treaty. Colonel Nicholls left William Hambly in charge of the fort at Prospect Bluff, with orders to hear us, if any cause of complaint, and represent the same to the British Government; but he turned traitor, and brought the Americans down on the fort, which was blown up, and many of our red brethren destroyed in it. The ammunition and stores intended for our use were either destroyed or taken off by the Americans. We have sent several messengers to inform your excellency of these proceedings of the Americans, but they have never returned to us with an answer. Three of our red brethren have lately been killed by the Americans, while hunting on our own lands; and they threaten to attack the towns of Mickasuky and Suwanee, the only two large towns left us in the Creek nation; and, without aid from your excellency, we cannot repel their attack. We are, therefore, deputed to demand of your excellency the assistance of troops and ammunition, that we may be able effectually to repel the attack of the Americans, and prevent their further encroachments; and if we return without assistance, the Americans, who have their spies among us, will the more quickly come upon us. We most humbly pray your excellency will send such a force as will be respected and make us respectable.‡

[The following endorsed on the foregoing.]

Charles Cameron, Esq., Governor, Commander-in-chief, &c.

I beg leave to represent to your excellency the necessity of my again returning to the Indian nation with the deputies from the chiefs; and as my trouble and expense can only be defrayed by permission to take goods to dispose of among them, I pray your excellency will be pleased to grant me such letter or license as will prevent me from being captured, in case of meeting with any Spanish cruiser on the coast of Florida.

No. 5.

B. Moodie to A. Arbuthnot.

Sir: British Consulate, Charleston, S. C., *February* 7, 1817.

I duly received your letter, dated 8th January, with an enclosure, which I forwarded to His Majesty's envoy, the honorable Charles Bagot, at Washington; since that time I have received a few lines from him, under date 29th ultimo, and at his desire I transmit you a copy of it annexed. I am, &c.

BENJAMIN MOODIE.

To A. Arbuthnot, Esq., *Nassau.*

* See this letter, (No. 66,) and Governor Coppinger's answer.
† For the remainder of this letter see No. 6.
‡ The paper following (No. 71) is supposed to be the answer to this petition.

Mr. Bagot to Mr. Moodie.

WASHINGTON, *January* 29, 1817.

SIR:

I duly received your letter of the 20th instant, enclosing one from Nassau. I shall be obliged to you if you will take an immediate opportunity of writing to the gentleman from whom you received that letter, acquainting him from me that the expenses of postage are so considerable that I must request, if he has occasion to write to me again upon the same subject, he will forward his letters by private opportunities *only*.

I am, sir, your obedient, humble servant,

CHARLES BAGOT.

B. MOODIE, Esq.

No. 6.

Copy of a letter from A. Arbuthnot to General Mitchell, (enclosed by Col. Brearly, 27th February, 1818.)

[The last paragraph is the extract referred to in page 590. No. 3 appears to be the rough draught of the other paragraphs.]

SIR: SUWANEE, LOWER CREEK NATION, *January* 19, 1818.

Kenhagee, head chief of the Lower Creek nation, had called on me to request I would represent to you the cruel and oppressive conduct of the American people living on the borders of the Indian nation, and which he was in hopes, from a talk you were pleased to send him some weeks since, would have been put a stop to, and peace restored between the Indians and the American people; but far from any stop being put to their inroads and encroachments, they are pouring in by hundreds at a time, not only from the land side, but both troops and settlers ascending the Appalachicola river in vessel-loads. Thus, the Indians have been compelled to take up arms to defend their homes from a set of lawless invaders.

Your known philanthropy and goodwill towards the Indians in general induce the chiefs to hope that you will lose no time in using your influence to put a stop to those invasions of their lands and paternal birthright, and also order that those who have already seized on their fields may retire therefrom.

The Indians have seized two persons known to have been greatly instrumental in bringing the Americans down on their lands, and they are now in their possession as prisoners; and they have it in report that sales of their lands have been made by those two people without the consent, approbation, or knowledge of the chiefs; and from their long residence in the nation, and the one having enjoyed great confidence in the nation, and with the chiefs, as English interpreter, there is some reason to believe those reports, when leagued with the swarms of Americans coming from Mobile and other places, seizing the best of the Indian lands. Such improper sales have actually been made.

In taking this liberty of addressing you, sir, in behalf of the unfortunate Indians, believe me I have no wish but to see an end put to a war which, if persisted in, I foresee must eventually be their ruin, and, as they were not the aggressors, if, in the height of their rage, they committed any excesses, that you will overlook them as the just ebullition of an indignant spirit against an invading foe.

I have the honor to be, sir, with great respect, your most obedient and humble servant,

A. ARBUTHNOT.

By order of Kenhagee and Bowlegs, acting for themselves and the other chiefs.

To General MITCHELL, *Agent for Indian Affairs.*

CAMP BEFORE ST. MARK'S, *April* 8, 1818.

The foregoing letter was produced to A. Arbuthnot, on his examination before me, and acknowledged by him to have been written by him to General Mitchell, agent for the Creek nation.

ANDREW JACKSON.

Present: Mr. FULTON.

K.

DEFENCE.

May it please this Honorable Court:

The prisoner arraigned before you is sensible of the indulgence granted by this honorable court in the examination of the case now before them. It is not the wish of the prisoner, in making his defence, to tire the patience of the court by a minute reference to the voluminous documents and papers, or to recapitulate the whole of the testimony which has come before this honorable court in the course of this investigation. Nor is it the intention of the prisoner to waste the invaluable time of this court by appeals to their feelings or sympathy, though I am persuaded that sympathy nowhere more abounds than in a generous American breast. My only appeal is to the sound and impartial judgment of this honorable court, the purity and uprightness of their hearts, that they will dispassionately and patiently weigh the evidence which they have before them, apply the law, and on these, and these alone, pronounce their judgment.

If this honorable court please, I shall now proceed to examine the law and evidence that is relied on by this honorable court in support of the first charge and specification.

Winslett, a witness on the part of the prosecution, says: The Little Prince showed him a letter written in June last, signed A. Arbuthnot, requesting his friendship with the lower nation of Indians. The same witness stated he believed the letter to be now in the possession of the Little Prince. Here, may it please this honorable court, I would call their attention to the law relating to evidence; first premising that the rules of evidence are the same, whether in civil or military tribunals. (McCom. 99.) This point being conceded, the next inquiry is, what are the rules of evidence with respect to the admission of letters or papers of private correspondence in a court of criminal jurisdiction? May it please this honorable court, must you not produce the original letters and papers, if they are not lost or mislaid so that they cannot be obtained? And, in case they are lost, proof must be made of the handwriting being the same as that of the original, before they can be received as evidence. (McCom. on Courts-Martial. Peake's Evidence. Gilbert's Law of Evidence.) No instance can be cited where a copy of a letter was read as evidence when the original could be obtained, much less the giving in evidence the contents of such letter from bare recollection. The only proof that this honorable court has of the existence of such a letter being in the hands of any person, or its contents being known, is the vagrant memory of a vagrant individual. Make this a rule of evidence, and I ask you where would implication, construction, and invention stop? Whose property, whose reputation, or whose life would be safe? Here I would beg leave to mention a remark made by the president of this court in the course of this investigation, which was, that, notwithstanding the letter was proved by the witness

to be in the possession of the Little Prince, this court could not notice that circumstance, because there was no means by which it could be obtained. I would ask the honorable court what means have they adopted, or what exertions have they made to procure this letter? If the honorable court please, I shall here close the defence on the first charge and specification, believing that they are neither supported by law nor evidence.

May it please the honorable court, I will now come to the second charge, and first specification of that charge. In support of this charge and specification, the evidence before the court is a letter written to my son. If the court please, this letter was written in consequence of the situation of my property at Suwanee, and the large debts that were due me from Bowlegs and his people. Nothing, I believe, of an inflammatory nature can be found on reading the document marked A, authorizing the opinion that I was prompting the Indians to war. On the contrary, if the honorable court will examine the document marked A, they will see that I wish to lull their fears, by informing them that it was the negroes and not the Indians that the Americans were principally moving against.

If the honorable court please, I will make a few remarks upon the second specification, and then close my defence. In proof of this charge, the court have before them the evidence of Hambly, Cook, and sundry letters purporting to be written by myself to different individuals. May it please the court, what does Cook prove? Why, that I had ten kegs of powder at Suwanee. Let me appeal to the experience of the court, if they think that this quantity of powder would supply one thousand Indians, and an equal number of blacks, more than two months for hunting. As to the letters named in this specification, may it please the court, the rules of evidence laid down in the first part of this defence will apply with equal force in the present case. It remains now, may it please the court, to say something as to Hambly's testimony. And may it please this honorable court, the rule laid down in this case as to hearsay evidence will be found without a precedent. A strong case was stated by an intelligent member of this court, on the examination of this part of the evidence; that is, "would you receive as testimony what a third person had said, who, if present, you would reject as incompetent?" Apply this principle to the present case; could an Indian be examined on oath in our courts of judicature? If, then, the testimony of savages is inadmissible, Hambly proves nothing.

Here, may it please the honorable court, I close my reply to the charges and specifications preferred against me; being fully persuaded that, should there be cause for censure, my judges will, in the language of the law, lean to the side of mercy.

Continuation of the minutes of the proceedings of a special court, whereof Major General Gaines is president, convened by order of the 26th April, 1818.

FORT ST. MARK'S, *April* 27, 1818.

The court proceeded to the trial of Robert C. Ambrister, a British subject, who, being asked if he had any objections to any one of the members of the court, and replying in the negative, was arraigned on the following charges and specifications, viz:

Charges against Robert C. Ambrister, now in custody, who says he is a British subject.

CHARGE 1. Aiding, abetting, and comforting the enemy, supplying them with the means of war, he being a subject of Great Britain, at peace with the United States, and lately an officer in the British colonial marines.

Specification 1. That the said Robert C. Ambrister did give intelligence of the movements and operations of the American army between the 1st and 20th March, 1818, and did excite them (the negroes and Indians) to war against the army of the United States, by sending their warriors to meet and fight the American army, whose Government was in peace and friendship with the United States, and all her citizens.

CHARGE 2. Leading and commanding the Lower Creek Indians in carrying on war against the United States.

Specification 1. That the said Robert C. Ambrister, a subject of Great Britain, which Government was in peace and amity with the United States and all her citizens, did, between the 1st of February and 20th of March, 1818, levy a war against the United States, by assuming command of the Indians in hostility and open war with the United States, and ordering a party of them to meet the army of the United States, and give them battle, as will appear by his letters to Governor Cameron, of New Providence, dated 20th March, 1818, which are marked A, C, and D; and the testimony of Mr. Peter B. Cook, and Captain Lewis, of the schooner Chance.

By order of the court:

J. M. GLASSELL, *Recorder.*

To which charges and specifications, the prisoner pleaded as follows, viz:
To the first charge and specification, *not guilty.*
To the second charge and specification, *guilty*, and *justification.*
The court adjourned until to-morrow morning, at seven o'clock.

FORT ST. MARK'S, *April* 28, 1818.

The court met pursuant to adjournment. Present:

Major General GAINES, *President.*

Members.

Colonel King,	Colonel Dyer,
Colonel Williams,	Lieutenant Colonel Lindsay,
Lieutenant Colonel Gibson,	Lieutenant Colonel Elliott,
Major Muhlenberg,	Major Fanning,
Major Montgomery,	Major Minton,
Captain Vashon,	Captain Crittenden.

Lieutenant J. M. Glassell, *Recorder.*

The recorder then read to the court the following order, viz:

HEAD-QUARTERS, DIVISION OF THE SOUTH,
ADJUTANT GENERAL'S OFFICE, NEAR ST. MARK'S, *April* 28, 1818.

GENERAL ORDER.

Captain Allison, of the 7th infantry, is detailed to form a supernumerary member of the special court now sitting at Fort St. Mark's.

By order: ROBERT BUTLER, *Adjutant General.*

Pursuant to the above order, the supernumerary member took his seat.

JOHN LEWIS PHENIX, a witness on the part of the prosecution, being duly sworn, stated that, about the 5th or 6th of April, 1818, his vessel and himself having been captured by the prisoner, and he brought to Suwanee as a prisoner, there was an alarm among the negroes and Indians, created by learning some news from Mickasuky, at which time the prisoner appeared active in giving orders and sending a detachment to meet the American army. The witness also stated that the prisoner appeared to be a person vested with authority among the negro leaders, and gave orders for their preparation for war, procuring ammunition, &c., and that the leaders came to him for orders; the prisoner furnished them with powder and lead, and recommended to them the making of balls, &c. very quickly. The witness also stated that the prisoner occasionally dressed in uniform, with his sword, and that on the first alarm, which he understood was from Mickasuky, by a negro woman, he put on his uniform. The witness further stated that, some time about the 20th of March, 1818, the prisoner, with an armed body of negroes (twenty-four in number) came on board his vessel, and ordered him to pilot them to Fort St. Mark's, which he stated he intended to capture before the Americans could get there, threatening to hang the witness if he did not obey.

Question by the court. Did you ever understand by whose authority and for what purpose the accused came into the country?

Answer. I have frequently heard him say that he came to attend to Mr. Woodbine's business at the bay of Tampa.

Question by the prisoner. Did I not tell you, when I came on board the schooner Chance, I wished you to pilot me to St. Mark's, as I was informed that two Americans, by the names of Hambly and Doyle, were confined there, and I wished to have them released from their confinement?

Answer. You stated you wanted to get Hambly and Doyle from St. Mark's; I do not know what were your intentions in so doing.

Question. Did I not tell you that I expected the Indians would fire on me when I arrived at St. Mark's?

Answer. You did not; you stated that you intended to take the fort in the night by surprise.

Question. Did you see me give ammunition to the negroes and Indians; if so, how much, and at what time?

Answer. I saw you give powder and lead to the negroes when you came on board, and advised them to make balls; and I saw you give liquor and paint to the Indians.

Question. Have you not often heard me say, between the 1st and 20th of April, that I would not have any thing to do with the negroes and Indians in exciting them to war with the United States?

Answer. About the 15th of April I heard you say you would not have any thing to do with the negroes and Indians; I heard nothing about exciting them to war.

Question. Can you read writing?

Answer. Not English writing.

Question. Did you not hear me say, when arriving at Suwanee, that I wished to be off immediately for Providence?

Answer. I did not; after the alarm, you said you wished to be off for Tampa.

Question. Did you not say to the accused you wished to visit Mr. Arbuthnot at his store on Suwanee, and get provisions yourself?

Answer. I did not; I stated I wanted provisions.

Question. Did I send or command any Indians to go and fight the Americans?

Answer. I do not exactly know that you sent them; the Indians and negroes were crowding before your door, and you were dividing the paint, &c. among them; and I understood a party was going to march.

Question. Did I not give up the schooner in charge to you as captain?

Answer. After our return from Suwanee town, you directed me to take charge of her to go to Tampa.

JOHN J. ARBUTHNOT, a witness on the part of the prosecution, being duly sworn, stated that, some time about the 23d of March, the prisoner came with a body of negroes, partly armed, to his father's store, on Suwanee river, and told the witness that he had come to do justice to the country, by taking the goods and distributing them among the negroes and Indians, which the witness saw the prisoner do; and that the prisoner stated to him that he had come to the country on Woodbine's business, to see the negroes righted. The witness has further known the prisoner to give orders to the negroes; and that, at his suggestion, a party was sent from Suwanee to meet the Americans to give them battle; which party returned on meeting the Mickasuky Indians in their flight. The witness also testified to the handwriting of the letter marked A, and referred to in the specification of the second charge as the writing of the prisoner.

Question by the prisoner. Did you hear me say that I came on Woodbine's business?

Answer. I did.

Question by the prisoner. Were not the negroes alluded to at Arbuthnot's store before I arrived?

Answer. No, you came with them.

PETER B. COOK, a witness on the part of the prosecution, being duly sworn, stated that he never heard the prisoner give any orders to Indians or negroes; that the prisoner did distribute Arbuthnot's goods, and also paint, to the negroes and Indians; also, that some powder was brought from Suwanee by the prisoner, and distributed among the negroes by Nero. Some time in March the prisoner took Arbuthnot's schooner, and, with an armed party of negroes, about twenty-four in number, set out for St. Mark's for the purpose of taking Arbuthnot's goods at that place, and stated that he would compel the commandant to give them up. On hearing of the approach of the American army, the prisoner told the negroes it was useless for them to run; for, if they ran any farther, they would be driven into the sea.

The prisoner told the witness that he had been a lieutenant in the British army under Colonel Nicholls. The prisoner was sent by Woodbine to Tampa to see about those negroes he had left there. The prisoner told the witness that he had written a letter to Governor Cameron for ammunition for the Indians some time in March, and also told the witness that he had a commission in the patriot army under McGregor, and that he expected a captaincy. The witness testified that the letters marked A, B, C, and D, and referred to in the specification to the second charge, were in the handwriting of the prisoner; also one marked E.

Question by the prisoner. Did you not frequently hear me say that I would have nothing to do with the Indians in exciting them to war with the United States?

Answer. I do not recollect.

Question. Are you acquainted with Lewis Phenix, and have you not heard him express ill-will against me in consequence of my wishing him to pilot me to St. Mark's?

Answer. I never did.

Question. Do you know of my sending troops at any time to fight against the United States; and have I not been constantly with you, so that you would have had an opportunity of knowing if there had been any sent by me?

Answer. I have not. They might have been sent without my knowledge.

JACOB HARMON, a witness on the part of the prosecution, being duly sworn, stated that, some time in the latter end of March, or 1st of April, the prisoner took possession of the schooner Chance, with an armed party of negroes, and stated his intentions of taking St. Mark's. On his way thither, on going ashore, he learned from some Indians that Arbuthnot had gone to St. Mark's, which induced him to return. The witness also stated that while the prisoner was on board, he had complete command of the negroes, who considered him as their captain. The prisoner took the cargo of the vessel up towards Suwanee, which consisted of, with other articles, nine kegs of powder and five hundred pounds of lead.

The evidence on both sides being closed, the prisoner was allowed until five o'clock this evening to make his defence.

The time allowed the prisoner for the preparation of his defence having expired, he was brought before the court, and made the defence marked M, which is attached to these proceedings.

The court was then cleared, and the proceedings read over by the recorder, when, after due deliberation on the testimony brought forward, the court found the prisoner, Robert C. Ambrister, *guilty* of so much of the specification to the first charge as follows, viz: "And did excite them to war with the United States, by sending their warriors to meet and fight the American army, he being a subject of Great Britain, which Government was at peace and friendship with the United States and all her citizens;" but *not guilty* of the other part of the specification; *guilty* of the first charge; *guilty* of the specification of the second charge, and *guilty* of the second charge; and do therefore sentence the prisoner, Robert C. Ambrister, to suffer *death*, by being *shot*, two-thirds of the members of the court concurring therein.

One of the members of the court requesting a reconsideration of his vote on the sentence, the sense of the court was taken thereon, and decided in the affirmative; when the vote was again taken, and the court sentenced the prisoner to receive fifty stripes on his bare back, and be confined with a ball and chain to *hard labor* for twelve calendar months.

The court adjourned *sine die*.

EDMUND P. GAINES,
Maj. Gen. by brevet, President of the court.
J. M. GLASSELL, *Recorder.*

A.

From Robert C. Ambrister to His Excellency Charles Cameron, Governor of Bahamas.

SIR: SUWANEE, NEAR FORT ST. MARK'S, *March* 20, 1818.

I am requested particularly by all our Indian chiefs to acquaint your excellency that the Americans have commenced hostilities with them two years ago, and have advanced some considerable distance in their country, and are now making daily progress. They say they sent a number of letters to your excellency by Mr. Arbuthnot, but have never received one answer, which makes them believe that he never delivered them, and you will oblige them much if you will let them know whether he did or not. The purport of the letters was, begging your excellency to be kind enough to send them down some gunpowder, muskets, balls, lead, cannon, &c., as they are now completely out of those articles. The Americans may march through the whole territory in one month, and, without arms, &c., they must surrender. Hillis Hadjo, or Francis, the Indian chief, the one that was in England, tells me to let your excellency know that the Prince Regent told him that whenever he wanted ammunition your excellency would supply him with as much as he wanted. They beg me to press upon your excellency's mind to send the above-mentioned articles down by the vessel that brings this to you, as she will sail for this place immediately, and let the Prince Regent know of their situation. Any letters that your excellency may send down be good enough to direct to me, as they have great dependence in my writing. Any news that your excellency may have respecting them and America, you will be doing a great favor to let me know, that I may send among them.

There is now a very large body of Americans and Indians, which I expect will attack us every day, and God only knows how it will be decided; but I must only say that this will be the last effort with us. There has been a body of Indians gone to meet them, and I have sent another party. I hope your excellency will be pleased to grant the favor they request. I have nothing further to add,

But am, sir, with due respect, your obedient, humble servant,

ROBERT C. AMBRISTER.

B.

From Robert C. Ambrister to Brevet Major Edward Nicholls.

DEAR SIR: SUWANEE, NEAR RIVER APPALACHICOLA.

Francis and all the Indian chiefs have requested me particularly to acquaint you that the Americans have commenced hostilities with them these two years past, and are making daily progress in their territory, and say they will proceed; that you are the only friend they have in that part of the world, and hope you will exert yourself in their behalf, and ask for as much assistance as can be had; that the Americans are at the forks of the river Appalachicola; they have written a number of times to England and Providence, but have never received one answer; they expect the man never delivered the letters, but they have full hopes in my writing; they request you will make the Prince Regent acquainted with their deplorable situation. The Americans have been very cruel ever since they have commenced, and hope you will not lose a single moment in forwarding their views; they say they will be extremely happy to see you out; nothing would give them greater pleasure than to see you out at this present time. If they should not see you, send them out all news and directions, that they may be guided by them. There are about three hundred blacks at this place, and a few of our bluff people; they beg me to say they depend on your promises, and expect you are on the way out; they have stuck to the cause, and will always believe in the faith of you, and any directions you may give. Send to me at this place, and I will do what I can.

I remain, my dear sir, most truly yours,

ROBERT C. AMBRISTER.

N. B. Francis says you must bring the horses when you come out that you promised, and that his house has been burnt down, and with it his uniform clothes.

R. C. A.

C.

Robert C. Ambrister to Governor Cameron.

SIR: MARCH 20, 1818.

I am requested particularly by the Indian chiefs to acquaint your excellency that the Americans have commenced hostilities with them a long time since, and have advanced some distance in their territory, and are still

continuing to advance; that they, the chiefs of Florida, have sent repeatedly to your excellency, and have never received one answer; they suspect Mr. Arbuthnot has never delivered the papers to your excellency; they wish me to state to you that they are completely out of ammunition, muskets, &c., begging your excellency will be pleased to send them the articles above mentioned, with a few cannon, as the Americans build their boats so strong that their rifle balls cannot penetrate their sides. To the captain of the vessel, who will come down again, I have given an order to make your excellency acquainted with what time the vessel will sail for this place. Your excellency will, I hope, be good enough to make the Prince Regent acquainted with their situation, and ask for assistance, which they have pressed me very hard to press on your excellency's mind, and likewise to send them down what news may be respecting them and the country, which will be a great satisfaction to them.

I have the honor to be, sir, with due respect, your most obedient, humble servant,

ROBERT C. AMBRISTER.

N. B. They beg your excellency will be as expeditious as possible. Your excellency is the only dependence they have, and who the Prince Regent told them would give them every assistance that lay in your power.

R. C. A.

His Excellency Governor CAMERON, &c.

D.

Robert C. Ambrister to Governor Cameron.

SIR: SUWANEE, NEAR FORT ST. MARK'S, *March* 20, 1818.

I am requested by Francis, and all the Indian chiefs, to acquaint your excellency that they are at war with the Americans, and have been some time back; that they are in great distress, for the want of ammunition, balls, arms, &c., and have written by Mr. Arbuthnot several times, but they suppose he never delivered them to your excellency. You will oblige them much to let them know whether he did or not. I expect the Americans and Indians will attack us daily. I have sent a party of men to oppose them.

They beg me to press on your excellency's mind to lay the situation of the country before the Prince Regent, and ask for assistance. All news respecting them your excellency will do a favor to let me know by the first opportunity, that I may make them acquainted. I have given directions to the captain to let your excellency know when the vessel will sail for this place.

I hope your excellency will be pleased to send them the ammunition. I expect, if they don't procure some very shortly, that the Americans will march through the country. I have nothing further to add,

But am, dear sir, your most obedient, humble servant,

ROBERT C. AMBRISTER.

His Excellency Governor CAMERON.

E.

Robert C. Ambrister to Peter B. Cook.

DEAR COOK: MOUTH OF THE RIVER, *Tuesday*, 3 *o'clock.*

The boat arrived here about three o'clock on Thursday. The wind has been ahead ever since I have been down; the rudder of the vessel is in a bad condition, but I will manage to have it done to-night. The wind, I am in hopes, will be fair in the morning, when I will get under way, and make all possible despatch. I will make old Lewis pilot me safe. If those Indians do not conduct themselves strait, I would use rigorous measures with them. Beware of Mr. Jerry; I found him on board when I came; keep a good look out. I have sent two kegs of powder, and a bar of lead.

Yours, &c. R. C. A.

M.

DEFENCE.

FORT ST. MARK'S, *April* 28, 1818.

The United States of America *vs.* Robert Christie Ambrister,

Who being arraigned before a special court-martial upon the following charges, to wit:

CHARGE 1. Aiding, abetting, and comforting the enemy, supplying them with the means of war, he being a subject of Great Britain, at peace with the United States, and lately an officer in the British colonial marines.

CHARGE 2. Leading and commanding the Lower Creek Indians in carrying on war against the United States.

To the first charge, the prisoner at the bar pleaded not guilty; and as to the second charge, he pleaded guilty, and justification. The prisoner at the bar feels grateful to this honorable court for their goodness in giving a sufficiency of time to deliberate and arrange his defence on the above charges.

The prisoner at the bar here avails himself of the opportunity of stating to this court, that, inasmuch as the testimony which was introduced in this case was very explicit, and went to every point the prisoner could possibly wish, he has nothing further to offer in his defence, but puts himself upon the mercy of this honorable court.

ROBERT C. AMBRISTER.

HEAD-QUARTERS, DIVISION OF THE SOUTH, ADJUTANT GENERAL'S OFFICE,

Camp four miles north of ST. MARK'S, *April* 29, 1818.

GENERAL ORDERS.

At a special court-martial, commenced on the 26th instant, at St. Mark's, and continued until the night of the 28th, of which Brevet Major General E. P. Gaines is president, was tried A. Arbuthnot, on the following charges and specifications, viz:

CHARGE 1. Exciting and stirring up the Creek Indians to war against the United States and her citizens, he, A. Arbuthnot, being a subject of Great Britain, with whom the United States are at peace.

CHARGE 2. Acting as a spy, aiding, abetting, and comforting the enemy, and supplying them with the means of war.

CHARGE 3. Exciting the Indians to murder and destroy William Hambly and Edmund Doyle, confiscate their property, and causing their arrest, with a view to their condemnation to death, and the seizure of their property, they being citizens of Spain, on account of their active and zealous exertions to maintain peace between Spain, the United States, and the Indians.

To which charges the prisoner pleaded *not guilty*.

The court, after mature deliberation on the evidence adduced, find the prisoner, A. Arbuthnot, guilty of the first charge, and guilty of the second charge, leaving out the words "acting as a spy;" and, after mature reflection, sentence him, A. Arbuthnot, to be suspended by the neck until he is dead.

Was also tried Robert C. Ambrister, on the following charges, viz:

CHARGE 1. Aiding, abetting, and comforting the enemy, and supplying them with the means of war, he being a subject of Great Britain, at peace with the United States, and late an officer of the British colonial marines.

CHARGE 2. Leading and commanding the Lower Creek Indians in carrying on war against the United States.

To which charges the prisoner pleaded as follows, viz:

To the first charge, not guilty. To the second charge, guilty, and justification.

The court, on examination of the evidence, and on mature deliberation, find the prisoner, Robert C. Ambrister, guilty of the first and second charges, and do, therefore, sentence him to suffer death, by being shot. One of the members requesting a reconsideration of the vote on this sentence, and it being had, they sentence the prisoner to receive fifty stripes on his bare back, and be confined with a ball and chain to hard labor for twelve calendar months.

The commanding general approves the finding and sentence of the court in the case of A. Arbuthnot; and approves the finding and first sentence of the court in the case of Robert C. Ambrister; and disapproves the reconsideration of the sentence of the honorable court in his case; it appearing, from the evidence and pleading of the prisoner, that he did lead and command within the territory of Spain (being a subject of Great Britain) the Indians in war against the United States, these nations being at peace. It is an established principle of the law of nations, that any individual of a nation, making war against the citizens of another nation, they being at peace, forfeits his allegiance, and becomes an outlaw and pirate. This is the case of Robert C. Ambrister, clearly shown by the evidence adduced.

The commanding general orders that Brevet Major A. C. W. Fanning, of the corps of artillery, will have, between the hours of 8 and 9 o'clock A. M., A. Arbuthnot suspended by the neck with a rope until he is *dead;* and Robert C. Ambrister to be shot to *death*, agreeably to the sentence of the court.

John James Arbuthnot will be furnished with a passage to Pensacola by the first vessel.

Captain R. K. Call, of the 1st regiment of infantry, is appointed volunteer *aid-de-camp* to the commanding general, until further orders.

The special court, of which Brevet Major General E. P. Gaines is president, is dissolved.

By order of Major General A. JACKSON:

ROBERT BUTLER, *Adjutant General.*

No. 50.

[Extracts from Message of 25th March, 1818.]

Extract of a letter from the Governor of Georgia to General Gaines, dated

MILLEDGEVILLE, *February* 5, 1817.

You no doubt have already been informed that the notorious Woodbine has recently made his appearance again, at the mouth of the Appalachicola, and that he has an agent now among the Seminole Indians and negroes in that quarter, stirring them up to acts of hostility against this country; and that Woodbine himself has gone, in an armed vessel, to some part of the West Indies for supplies. Connected with this fact is another, which may serve as an intimation of the future conduct of these people, when once in the possession of the supplies which it is said they expect on the return of Woodbine. About ten or twelve days ago, a small party of those Indians entered the frontier of Wayne county, and stole two horses and some cattle; they were pursued by some of the inhabitants, who peaceably demanded a restoration of the stolen property; and, instead of a compliance on the part of the Indians, they immediately fired upon the whites, who retired without returning a shot. One of the whites was mortally wounded.

Extract of a letter from George Perryman to Lieutenant Sands, dated

FEBRUARY 24, 1817.

The charge given me by Colonel Clinch and yourself, and other officers of the United States, induces me to believe there is a confidence placed in me which I ought not to deceive; I therefore think it my duty as well as my inclination to give you the following information: There was a friend of mine, not long since, in the Fowl Town on Flint, and he saw many horses, cattle, and hogs, that had come immediately from the State of Georgia; and they are bringing them away continually. They speak in the most contemptuous manner of the Americans, and threaten to have satisfaction for what has been done—meaning the destruction of the negro fort. There is another of my acquaintances returned immediately from the Seminole towns, and saw the negroes on parade there; he counted about six hundred that bore arms; they have chosen officers of every description, and endeavor to keep up a regular discipline, and are very strict in punishing violators of their military rules. There is said to be about the name number of Indians belonging to their party, and there are both negroes and Indians daily going to their standard. They say they are in complete fix for fighting, and wish for an engagement with the Americans, or McIntosh's troops; they would let them know they had something more to do than they had at Appalachicola. They have chosen Bowlegs for their head, and nominated him King, and pay him all kind of monarchial respect, almost to idolatry, keeping a picket guard at the distance of five miles. They have a number of the likeliest American horses. But there are one or two chiefs that are not of the choir; Kenhagee, the Mickasuky chief, is one that is an exception.

Extract of a letter from Archibald Clarke, Intendant of St. Mary's, Georgia, to General Gaines, dated

FEBRUARY 26, 1817.

On the 24th instant the house of Mr. Garret, residing in the upper part of this county, near the boundary of Wayne county, was attacked during his absence, near the middle of the day, by this party, consisting of about fifteen, who shot Mrs. Garret in two places, and then despatched her by stabbing and scalping. Her two children, one about three years, the other two months, were also murdered, and the eldest scalped; the house was then plundered of every article of value, and set on fire.

Extract of a letter from Richard M. Sands, 4th infantry, commanding at Fort Gaines, Georgia, to Colonel William King, or officer commanding the 4th regiment of infantry, dated

MARCH 15, 1817.

I enclose, for your information, two letters which I received a few days since. Yesterday William Perryman, accompanied by two of the Lower chiefs, arrived here; he informs me that McQueen, the chief mentioned in one of the enclosed letters, is at present one of the heads of the hostiles; that they are anxious for war, and have lately murdered a woman and two children. He likewise says that he expects the news in George Perryman's letter is true, for there are talks going through the towns that the English are to be at Ochlochnee river in three months.

Extracts of a letter from David B. Mitchell, Indian agent, to the Secretary of War, dated

MILLEDGEVILLE, GEORGIA, *March* 30, 1817.

By yesterday's mail I received a letter from Mr. Timothy Barnard, who resides at Flint river, in the Indian country, a considerable distance below the agency, in which he observes: "I have been informed two days past, from below, where the Red Stick class reside, that a party has been down near St. Mary's, and murdered a woman and two children, and brought off some horses." "I will further state that I have received information from other persons at and near Fort Gaines, that a British agent is now among these hostile Indians, and that he has been sending insolent messages to the friendly Indians and white men settled above the Spanish line; he is also charged with stimulating the Indians to their present hostile aspect; but whether he is an acknowledged agent of any foreign Power, or a mere adventurer, I do not pretend to determine, but am disposed to believe him the latter."

Extract of a letter from General Gaines to the Secretary of War, dated

CAMP MONTGOMERY, M. T., *April* 3, 1817.

I received by the last mail a letter from Archibald Clarke, Esq., intendant of the town of St. Mary's, by which it appears that another outrage, of uncommon cruelty, has recently been perpetrated by a party of Indians upon the southern frontier, near the boundary of Wayne county. They have massacred a woman, (Mrs. Garret,) and two of her children; the mother and eldest child were scalped; the house plundered and burnt.

Extract of a letter from A. Culloh to General Gaines, written at Fort Gaines.

We are hourly told by every source of information, by the friendly Indians, by letters from William Hambly and Edmund Doyle, who reside low down on the Appalachicola, that all the lower tribes of Indians have embodied, and are drying their meats to come on to the attack of this post. The British agent at Ochlochnee Sound is giving presents to the Indians. We have among us Indians who have been down and received powder, lead, tomahawks, knives, and a drum for each town, with the royal coat of arms painted on it. We have at this time at least five hundred Indians skulking in this neighborhood, within three or four miles of us, who will not act for themselves, and who are evidently waiting for the signal to strike an effectual blow. They have stolen almost every horse belonging to the citizens. They have scared them from the fields which they have cleared, and have taken possession of their houses. They are now stealing horses, cattle, and hogs from the Georgia lines, and have killed one or two families on the Satilla.

Extract of a letter from General Gaines to Major General Andrew Jackson, dated

FORT SCOTT, GEORGIA, *November* 21, 1817.

The first brigade arrived at this place on the 19th instant. I had previously sent an Indian runner, to notify the first town chief, E-me-he-mant-by, of my arrival, and, with a view to ascertain whether his hostile temper had abated, requesting him to visit me. He replied that he had already said to the commanding officer here all he had to say, and he would not come.

Among the articles found in the house of the chief was a British uniform coat (scarlet) with a pair of gold epaulets, and a certificate signed by a British captain of marines, "Robert White, in the absence of Colonel Nicholls," stating that the chief had always been a true and faithful friend to the British.

The reports of friendly Indians concur in estimating the number of hostile warriors, including the Red Sticks and Seminoles, at more than two thousand, besides the blacks, amounting to near four hundred men, and increasing by runaways from Georgia. They have been promised, as several Indians inform me, assistance from the English at New Providence. This promise, though made by Woodbine, is relied on by most of the Seminole Indians. I have not a doubt but they will sue for peace as soon as they find their hopes of British aid to be without a foundation.

No. 51 *a*.

General Gaines to the Secretary of War—with a Talk.

SIR: HEAD-QUARTERS, FORT SCOTT, GEORGIA, *December* 2, 1817.

I had the honor to receive, on the 26th ultimo, your communication of the 30th October.

I am very happy to find that the President approves of my movement, but I much regret that his just expectations as to the effect there was reason to believe would be produced on the minds of the Indians by this movement have not been realized. I am now quite convinced that the hostility of these Indians is, and has long since been, of so deep a character as to leave no ground to calculate upon tranquillity, or the future security of our frontier settlements, until the towns south and east of this place shall receive a signal proof of our ability and willingness to retaliate for every outrage. It is now my painful duty to report an affair of a more serious and decisive nature than has heretofore occurred, and which leaves no doubt of the necessity of an immediate application of force, and active measures on our part. A large party of Seminole Indians on the 30th ultimo formed an ambuscade upon the Appalachicola river, a mile below the junction of the Flint and Chatahoochee, attacked one of our boats ascending near the shore, and killed, wounded, and took the greater part of the detachment, consisting of forty men, commanded by Lieutenant R. W. Scott, of the 7th infantry. There were also on board, killed or taken, seven women, the wives of soldiers. Six men of the detachment only escaped, four of whom were wounded. They report that the strength of the current at the point of attack had obliged the lieutenant to keep his boat near the shore; that the Indians had formed along the banks of the river, and were not discovered till their fire had commenced, in the first volley of which Lieutenant Scott and his most valuable men fell.

The lieutenant and his party had been sent from this place some days before to assist Major Muhlenberg in ascending the river with three vessels laden with military stores brought from Montgomery and Mobile. The major, instead of retaining the party to assist him, as I had advised, (see enclosure No. 2,) retained only about twenty men, and in their place put a like number of sick, with the women, and some regimental clothing. The boat, thus laden, was detached alone for this place. It is due to Major Muhlenberg to observe that, at the time he detached the boat, I have reason to believe he was not apprized of any recent hostilities having taken place in this quarter. It appears, however, from Lieutenant Scott's letter, received about the hour in which he was attacked, (see enclosure No. 3,) that he had been warned of the danger. Upon the receipt of this letter, I had two boats fitted up with covers and port-holes for defence, and detached Captain Clinch with an officer and forty men, with an order to secure the movement of Lieutenant Scott, and then to assist Major Muhlenberg.

This detachment embarked on the evening of the 30th, and must have passed the scene of action below at night, and some hours after the affair terminated. I have not yet heard from Captain Clinch. I shall immediately strengthen the detachment under Major Muhlenberg with another boat, secured against the enemy's fire. He will, therefore, move up with safety, keeping near the middle of the river. I shall, moreover, take a position with my principal force at the junction of the river, near the line; and shall attack any vessel that may attempt to intercept our vessel and supplies below, as I feel persuaded the order of the President, prohibiting an attack upon the Indians below the line, has reference only to the past, and not to the present or future outrages, such as the one just now perpetrated, and such as shall place our troops strictly within the pale of natural law, where self-defence is sanctioned by the privilege of self-preservation. The wounded men who made their escape concur in the opinion that they had seen upwards of five hundred hostile Indian warriors at different places below the point of attack. Of the force engaged they differ in opinion; but all agree that the number was very considerable, extending about one hundred and fifty yards along the shore, in the edge of a swamp or thick woods. I am assured by the friendly chief that the hostile warriors of every town upon the Chatahoochee prepared canoes and pushed off down the river to join the Seminoles as soon as the account of my movement from the Alabama reached them.

The Indians now remaining upon the Chatahoochee, I have reason to believe, are well disposed. One of the new settlers, however, has recently been killed; but it has been clearly proved that the murderer had belonged to the hostile party. The friendly chiefs in the neighborhood, when apprized of the murder, assembled a party, and sent in pursuit of the offender, and followed him to the Flint river, on the route to Mickasuky, whither he escaped. Onishajo and several other friendly chiefs have offered me their services, with their warriors, to go against the Seminoles. I have promised to give them notice of the time that may be fixed for my departure, and then to accept their services. The enclosure No. 1 contains the substance of what I have said to the chiefs who have visited me; several of whom reside south of the Spanish line, and west of Appalachicola river. It was expected by the chiefs that I should communicate to them my views and wishes. I felt authorized to say but little, and I deemed it necessary, in what I should say, to endeavor to counteract the erroneous impressions by which they have been misled by pretended British agents.

I hope the President will see in what I have said nothing to disapprove. I feel persuaded a report of the various talks which I received from the chiefs would show the propriety of what I have said to them; such a report I have not a moment's time now to make. The Indians are at this moment firing at our camp from the opposite side of the river.

I have the honor to be, most respectfully, your obedient servant,

EDMUND P. GAINES, *Major General commanding.*

Talk enclosed in 51 *a*, (No. 1.)

CHIEFS AND WARRIORS:

The President of the United States has been informed of the murders and thefts committed by the hostile Indians in this part of the country. He has authorized General Jackson to arrest the offenders, and cause justice to be done. The Indians have been required to deliver up the murderers of our citizens and the stolen property, but they refused to deliver either. They have had a council at Mickasuky, in which they have determined upon war; they have been at war against helpless women and children; let them now calculate upon fighting men. We have long known that we had enemies east of this river; we likewise know we have some friends, but they are so mixed together we cannot always distinguish the one from the other. The President, wishing to do justice to his red friends and children, has given orders for the bad to be separated from the good. Those who have taken up arms against him, and such as have listened to the bad talks of the people beyond the sea, must go to Mickasuky, Suwanee, where we wish to find them together. But all those who were our friends in the war will sit still at their homes in peace. We will pay them for what corn and meat they have to sell us. We will be their friends, and when they are hungry we will give them meat. The hostile party pretend to calculate upon help from the British! as well look for soldiers from the moon to help them. Their warriors were beaten and driven from our country by American troops. The English are not able to help themselves; how, then, should they help the old "Red Sticks," whom they have ruined by pretended friendship?

No. 51 *b*, (No. 2.)

General Gaines to Major Muhlenberg.

FORT SCOTT, *November*, 1817.

SIR:

The waters having risen sufficiently high to enable you to ascend the river with all the vessels, I wish you to do so, though it should take longer than I had anticipated. You can avail yourself of the aid of Lieutenant Scott's detachment to expedite your movement hither. Keep your vessels near to each other; and, should you meet any insuperable obstacle, endeavor to apprize me thereof, and you shall have additional relief. Wishing to see you soon, with your fleet,

I remain, with great regard, your obedient servant,

E. P. GAINES.

To Major MUHLENBERG, *Commanding the U. S. troops ascending Appalachicola river.*

No. 51 *c*, (No. 3.)

Lieutenant Scott to General Gaines.

SPANISH BLUFF, *November* 28, 1817.

SIR:

Enclosed you will receive Major Muhlenberg's communication, which he directs me to forward to you by express from this place. Mr. Hambly informs me that Indians are assembling at the junction of the river, where they intend to make a stand against those vessels coming up the river. Should this be the case, I am not able to make a stand against them. My command does not exceed forty men, and one-half sick and without arms. I leave this immediately.

I am, respectfully, your obedient servant,

R. W. SCOTT,

Lieutenant 7th Infantry, commanding detachment.

NOTE.—The bearer of this is entitled to three dollars on delivering this letter. The Indians have a report here that the Indians have beaten the white people.

No. 51 *d*.

General Gaines to Captain Clinch.

HEAD-QUARTERS, FORT SCOTT, *November* 30, 1817.

SIR:

You will embark with the party assigned you on board the two covered boats; descend the river until you meet with Lieutenant Scott; deliver to him a cover for his boat, and give him such assistance as, in your judgment, shall be necessary to secure his party, and expedite his movement to this place. You will then proceed, with the residue of your command, down the river, until you meet with Major Muhlenberg; report to him, and act under his orders. You will, in no case, put your command in the power of the Indians near the shore. Be constantly on the alert. Remember that United States troops can never be surprised by Indians without a loss of honor, to say nothing of the loss of strength that might ensue.

To Captain CLINCH, *7th Infantry.*

No. 52.

General Jackson to the Secretary of War.

HEAD-QUARTERS, DIVISION OF THE SOUTH, BOWLEGS' TOWN,

SUWANEE RIVER, *April* 20, 1818.

SIR:

My last communication, dated Camp before St. Mark's, 8th April, and those to which it referred, advised you of my movements and operations up to that date, and, as I then advised you, I marched from that place on the morning of the 9th. On the evening of the 10th I was joined by the rear of the Tennessee volunteers, also by the Indians under General McIntosh, whom I had left at Mickasuky to scour the country around that place. Although the weather has been dry and pleasant, and the waters had subsided in a great degree, our march might be said to have been through water, which kept the infantry wet to the middle; and the depth of the swamps, added to the want of forage, occasioned the horses to give out daily in great numbers. On the morning of the 12th, near Econfinnah, or Natural Bridge, a party of Indians were discovered on the margin of a swamp, and attacked by General McIntosh and about fifty Tennessee volunteers, who routed them, killing thirty-seven warriors, and capturing six men and ninety-seven women and children; also recapturing a white woman who had been taken at the massacre of Scott. The friendly Indians also took some horses and about five hundred head of cattle from the enemy, who proved to be McQueen's party. Upon the application of an old woman of the prisoners, I agreed that if McQueen was tied and carried to the commandant of St. Mark's, her people should be received in peace, carried to the upper tribes of the Creek nation, and there provisioned until they could raise their own crops. She appeared much pleased with those terms, and I set her at liberty, with written instructions to the commandant of St. Mark's to that effect. Having received no further intelligence from McQueen, I am induced to believe the old woman has complied with her part of the obligation.

From St. Mark's I marched with eight days' rations, those that joined me having but five; this was done under the expectation of reaching this place in that time, founded on the report of my faithful Indian guide, which I should have accomplished but for the poverty of my horses and the continued sheets of water through which we had to pass. On the morning of the 15th my scouts overtook a small party of Indians, killing one man and capturing the residue, consisting of one man and woman and two children, and on that evening I encamped, as my guide supposed, within twelve miles of Suwanee. I marched very early on the 16th, under the hope of being able to encompass and attack the Indian and negro towns by one o'clock P. M., but, much to my regret, at three o'clock, and after marching sixteen miles, we reached a remarkable pond, which my guide recollected, and reported to be distant six miles from the object of my march; here I should have halted for the night, had not six mounted Indians, (supposed to be spies,) who were discovered, effected their escape: this determined me to attempt, by a forced movement, to prevent the removal of their effects, and, if possible, themselves from crossing the river, for my rations being out it was all-important to secure their supplies for the subsistence of my troops. Accordingly, my lines of attack were

instantly formed and put in motion, and about sunset my left flank column, composed of the second regiment of Tennessee volunteers, commanded by Colonel Williamson, and a part of the friendly Indians, under Colonel Kanard, having approached the left flank of the centre town and commenced their attack, caused me to quicken the pace of the centre, composed of the regulars, Georgia militia, and my volunteer Kentucky and Tennessee guards, in order to press the enemy in his centre, whilst the right column, composed of the first regiment of Tennessee volunteers, under Colonel Dyer, and a part of the friendly Indians, headed by General McIntosh, who had preceded me, were endeavoring to turn his left and cut off his retreat to the river; they, however, having been previously informed of our force, by a precipitate retreat soon crossed the river, where, it is believed, Colonel Kanard, with his Indians, did them considerable injury. Nine negroes and two Indians were found dead, and two negro men made prisoners.

On the 17th foraging parties were sent out, who found a considerable quantity of corn and some cattle. The 18th, having obtained some small craft, I ordered General Gaines across the river with a strong detachment and two days' provision to pursue the enemy. The precipitancy of their flight was soon discovered by the great quantity of goods, corn, &c. strewed through the swamps, and convinced General Gaines that pursuit was in vain. Nine Indians and five negro prisoners were taken by our Indians. The evidence of haste with which the enemy had fled induced the general to confine his reconnoissance to search for cattle and horses, both of which were much wanted by the army. About thirty head of cattle were procured; but, from the reports accompanying General Gaines's, which will in due time be forwarded to you, and the disobedience of his orders by the Indians, not one pound was brought into camp.

As soon as time will permit, I shall forward a detailed account of the various little affairs with the enemy, accompanied with reports of the commanding officers of the detachment. Suffice it for the present to add, that every officer and soldier under my command, when danger appeared, showed a steady firmness, which convinced me that, in the event of a stubborn conflict, they would have realized the best hopes of their country and general.

I believe I may say that the destruction of this place, with the possession of St. Mark's, having, on the night of the 18th, captured the late Lieutenant Ambrister, of the British marine corps, and, as represented by Arbuthnot, successor to Woodbine, will end the Indian war for the present; and, should it be renewed, the position taken, which ought to be held, will enable a small party to put it down promptly.

I shall order, or take myself, a reconnoissance west of the Appalachicola at Pensacola point, where, I am informed, there are a few Red Sticks assembled, who are fed and supported by the Governor of Pensacola. My health being impaired, as soon as this duty is performed, the positions taken, well garrisoned, and security given to the southern frontiers, (if the Government have not active employment for me,) I shall return to Nashville to regain my health. The health of the troops is much impaired, and I have ordered the Georgia troops to Hartford to be mustered, paid, and discharged; the general having communicated his wishes, and that of his troops, to be ordered directly there, and reporting that they have a plenty of corn and beef to subsist them to that point. I have written to the Governor of Georgia to obtain from the State the necessary funds to pay General Glasscock's brigade when discharged, and that the Government will promptly refund it. I am compelled to this mode to have them promptly paid, Mr. Hogan, the paymaster of the seventh infantry, (for whom I received from Mr. Brent an enclosure said to contain $50,000,) not having reached me.

From the information received from Ambrister and a Mr. Cook, who was captured with him, that A. Arbuthnot's schooner was at the mouth of this river, preparing to sail for the bay of Tampa, my aid-de-camp, Lieutenant Gadsden, volunteered his services with a small detachment to descend the river and capture her. The importance of this vessel to transport my sick to St. Mark's as well as to destroy the means used by the enemy, induced me to grant his request; he sailed yesterday, and I expected to have heard from him this morning. I only await his report to take up the line of march on my return for St. Mark's. The Georgia brigade, by whom I send this, being about to march, compels me to close it without the report of Lieutenant Gadsden.

I have the honor to be, very respectfully, sir, your most obedient servant,

ANDREW JACKSON, *Major General commanding.*

Hon. JOHN C. CALHOUN, *Department of War.*

No. 53.

General Jackson to the Secretary of War.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: FORT ST. MARK'S, *April* 26, 1818.

I wrote you from Bowlegs' Town on the 20th instant. On the night of the same day I received the expected despatch from my aid-de-camp, Lieutenant Gadsden, communicating the success of his expedition; and, on the next day, as soon as the sick of my army were despatched down the Suwanee river, to be conveyed in the captured schooner to St. Mark's, I took up the line of march for that fort. I arrived at this place last evening, performing a march of one hundred and seven miles in less than five days. Lieutenant Gadsden had reached it a few hours before me. He communicates having found, among the papers of Arbuthnot, Ambrister, and Cook, letters, memorials, &c., all pointing out the instigators of this savage war, and, in some measure, involving the British Government in the agency. These will be forwarded you in a detailed report I purpose communicating to you as early as practicable.

The old woman spoken of in my last communication to you, who promised to use her influence in having McQueen captured and delivered up, has not been heard of. From signs discovered on the opposite shore of the St. Mark's river, I am induced to believe that the Indian party is still in this neighborhood. A detachment will be sent out to reconnoitre the country, to receive them as friends if disposed to surrender, or inflict merited chastisement if still hostile.

I shall leave this in two or three days for Fort Gadsden, and, after making all necessary arrangements for the security of the positions occupied, and detaching a force to scour the country west of the Appalachicola, I shall proceed direct for Nashville. My presence in this country can no longer be necessary. The Indian forces have been divided and scattered, cut off from all communication with those unprincipled agents of foreign nations who had deluded them to their ruin; they have not the power, if the will remains, of again annoying our frontier.

I remain, &c.

ANDREW JACKSON.

No. 54.

General Jackson to the Secretary of War.

HEAD-QUARTERS, DIVISION OF THE SOUTH,
FORT GADSDEN, *May* 5, 1818.

SIR:

I returned to this post with my army on the evening of the 2d instant, and embrace an early opportunity of furnishing you a detailed report of my operations to the east of the Appalachicola river. In the several communications addressed you from Hartford, Fort Scott, and this place, I have stated the condition of the army on my assuming the immediate command, the embarrassment occasioned from the want of provisions, the privations of my troops on their march from the frontiers of Georgia, and the circumstances which compelled me to move directly down the Appalachicola river to meet with and protect the expected supplies from New Orleans. These were received on the 25th March, and on the next day I was prepared for active operations. For a detailed account of my movements from that period to this day, you are respectfully referred to the report prepared by my adjutant general, accompanied with Captain Hugh Young's topographical sketch of the route and distance performed. This has been principally a war of movements. The enemy, cut off from their strongholds, or deceived in the promised foreign aid, have uniformly avoided a general engagement. Their resistance has generally been feeble; and in the partial rencontres into which they seem to have been involuntarily forced, the regulars, volunteers, and militia, under my command, realized my expectations; every privation, fatigue, and exposure was encountered with the spirit of soldiers, and danger was met with a degree of fortitude calculated to strengthen the confidence I had reposed in them.

On the commencement of my operations, I was strongly impressed with a belief that this Indian war had been excited by some unprincipled foreign or private agents. The outlaws of the old Red Stick party had been too severely convinced, and the Seminoles were too weak in numbers to believe that they could possibly alone maintain a war with even partial success against the United States. Firmly convinced, therefore, that succor had been promised from some quarter, or that they had been deluded into a belief that America dare not violate the neutrality of Spain by penetrating to their towns, I early determined to ascertain these facts, and so direct my movements as to undeceive the Indians. After the destruction of the Mickasukian villages, I marched direct for St. Mark's. The correspondence between myself and the Spanish commandant, in which I demanded the occupancy of that fortress with an American garrison, accompanies this. It had been reported to me, direct from the Governor of Pensacola, that the Indians and negroes unfriendly to the United States had demanded of the commandant of St. Mark's a supply of ammunition, munitions of war, &c., threatening, in the event of a non-compliance, to take possession of the fort. The Spanish commandant acknowledged the defenceless state of his fortress, and his inability to defend it; and the Governor of Pensacola expressed similar apprehensions. The Spanish agents throughout the Floridas had uniformly disavowed having any connexion with the Indians, and acknowledged the obligations of His Catholic Majesty, under existing treaties, to restrain their outrages against the citizens of the United States. Indeed, they declared that the Seminole Indians were viewed as alike hostile to the Spanish Government, and that the will remained, though the power was wanting, to inflict merited chastisement on this lawless tribe. It was, therefore, to be supposed that the American army, impelled by the immutable laws of self-defence to penetrate the territory of His Catholic Majesty, to fight his battles, and even to relieve from a cruel bondage some of his own subjects, would have been received as allies, hailed as deliverers, and every facility afforded to them to terminate speedily and successfully this savage war. Fort St. Mark's could not be maintained by the Spanish force garrisoning it. The Indians and negroes viewed it as an asylum, if driven from their towns, and were preparing to occupy it in this event. It was necessary to anticipate their movements, independent of the position being deemed essential as a depot, on which the success of my future operations measurably depended. In the spirit of friendship, therefore, I demanded its surrender to the army of the United States until the close of the Seminole war. The Spanish commandant required time to reflect. It was granted. A negotiation ensued, and an effort was made to protract it to an unreasonable length. In the conversations between my aid-de-camp, Lieutenant Gadsden, and the Spanish commandant, circumstances transpired convicting him of a disposition to favor the Indians, and of having taken an active part in aiding and abetting them in this war. I hesitated, therefore, no longer; and as I could not be received in friendship, I entered the fort by violence. Two light companies of the 7th regiment of infantry, and one of the 4th, under the command of Major Twiggs, were ordered to advance, lower the Spanish colors, and hoist the star-spangled banner on the ramparts of Fort St. Mark's. The order was executed promptly. No resistance was attempted on the part of the Spanish garrison. The duplicity of the Spanish commandant of St. Mark's, in professing friendship towards the United States while he was actually aiding and supplying her savage enemies, throwing open the gates of his garrison to their free access, appropriating the King's stores to their use, issuing ammunition and munitions of war to them, and knowingly purchasing of them property plundered from the citizens of the United States, is clearly evinced by the documents accompanying my correspondence. In Fort St. Mark's, as an inmate in the family of the Spanish commandant, an Englishman, by the name of Arbuthnot, was found. Unable satisfactorily to explain the objects of his visiting this country, and there being a combination of circumstances to justify a suspicion that his views were not honest, he was ordered into close confinement. The capture of his schooner, near the mouth of Suwanee river, by my aid-de-camp, Mr. Gadsden, and the papers found on board, unveiled his corrupt transactions, as well as those of a Captain Ambrister, late of the British colonial marine corps, taken as a prisoner near Bowlegs' town. Those individuals were tried, under my orders, by a special court of select officers, legally convicted as exciters of this savage and negro war, legally condemned, and most justly punished for their iniquities. The proceedings of the court-martial in this case, with the volume of testimony justifying their condemnation, present scenes of wickedness, corruption, and barbarity, at which the heart sickens, and in which, in this enlightened age, it ought not scarcely to be believed that a Christian nation would have participated; and yet the British Government is involved in the agency. If Arbuthnot and Ambrister are not convicted as the authorized agents of Great Britain, there is no room to doubt but that that Government had a knowledge of their assumed character, and was well advised of the measures which they had adopted to excite the negroes and Indians in East Florida to war against the United States. I hope the execution of these two unprincipled villains will prove an awful example to the world, and convince the Government of Great Britain, as well as her subjects, that certain (if slow) retribution awaits these unchristian wretches, who, by false promises, delude and excite an Indian tribe to all the horrid deeds of savage war.

Previous to my leaving Fort Gadsden, I had occasion to address a communication to the Governor of Pensacola on the subject of permitting supplies to pass up the Escambia river to Fort Crawford. This letter, with a second from St. Mark's, on the subject of some United States' clothing, shipped in a vessel in the employ of the Spanish Government, to that post, I now enclose, with his reply. The Governor of Pensacola's refusal of my demand cannot but be viewed as evincing a hostile feeling on his part, particularly in connexion with some circum-

stances reported to me from the most unquestionable authority. It has been stated that the Indians at war with the United States have free access into Pensacola; that they are kept advised from that quarter of all our movements; that they are supplied from thence with ammunition and munitions of war; and that they are now collecting in large bodies, to the amount of four or five hundred warriors, in that city; that inroads from thence have lately been made on the Alabama, in one of which eighteen settlers fell by the tomahawk. These statements compel me to make a movement to the west of the Appalachicola; and, should they prove correct, Pensacola must be occupied with an American force, the governor treated according to his deserts, or as policy may dictate. I shall leave strong garrisons in Fort St. Mark's, Fort Gadsden, and Fort Scott; and in Pensacola, should it become necessary to possess it.

It becomes my duty to state it as my confirmed opinion that, so long as Spain has not the power or will to enforce the treaties by which she is solemnly bound to preserve the Indians within her territory at peace with the United States, no security can be given to our southern frontier, without occupying a cordon of posts along the seashore. The moment the American army returns from Florida, the war hatchet will be again raised, and the same scenes of indiscriminate murder with which our frontier settlers have been visited will be repeated. So long as the Indians within the territory of Spain are exposed to the delusions of false prophets, and the poison of foreign intrigue; so long as they can receive ammunition, munitions of war, &c. from pretended traders, or Spanish commandants, it will be impossible to restrain their outrages. The burning of their towns, the destroying of their stock and provisions, will produce but temporary embarrassments; resupplied by Spanish authorities, they may concentrate or disperse at will, and keep up a lasting predatory warfare against the frontiers of the United States, as expensive as harassing to her troops. The savages, therefore, must be made dependant on us, and cannot be kept at peace without being persuaded of the certainty of chastisement being inflicted on the commission of the first offence.

I trust, therefore, that the measures which have been pursued will meet the approbation of the President of the United States. They have been adopted in pursuance of your instructions, under a firm conviction that they alone were calculated to insure "peace and security to the southern frontier of Georgia."

The army will move on the 7th from hence, crossing the Appalachicola river at the Ochesee bluff, about thirty miles above.

With respect, your most obedient servant,

ANDREW JACKSON, *Maj. Gen. com'dg.*

Hon. JOHN C. CALHOUN, *Secretary of War, Washington.*

No. 55.

General Jackson to the Secretary of War.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: FORT MONTGOMERY, *June* 2, 1818.

In a communication to you of the 5th of May, I detailed at length the operations of my army up to that period. Leaving a strong garrison of regulars in Forts Scott and Gadsden, I resumed my march, with a small detachment of the 4th regiment of infantry, one company of artillery, and the effectives of the Tennessee volunteers, the whole not exceeding twelve hundred men, to fulfil my intentions, communicated to you, of scouring the country west of the Appalachicola river. On the 10th of May, my army crossed that river at the Ochesee village, and, after a fatiguing, tedious, and circuitous march of twelve days, misled by the ignorance of our pilots, and exposed to the severest of privations, we finally reached and effected a passage over the Escambia. On my march, on the 23d of May, a protest from the Governor of Pensacola was delivered me by a Spanish officer, remonstrating in warm terms against my proceedings, and ordering me and my forces instantly to quit the territory of His Catholic Majesty, with a threat to apply force in the event of a non-compliance. This was so open an indication of a hostile feeling on his part, after having been early and well advised of the object of my operations, that I hesitated no longer on the measures to be adopted. I marched for and entered Pensacola, with only the show of resistance, on the 24th of May. The governor had previously fled to Fort Carlos de Barrancas, where, it was said, he had resolved upon a most desperate resistance. A correspondence ensued between us, (accompanying this, marked A,) detailing at length my motives for wishing and demanding that Pensacola and its dependencies be occupied with an American garrison. The package marked B are documents substantiating the charges, in part, against the conduct of the Spanish governor, having knowingly and willingly admitted the savages, avowedly hostile to the United States, within the town of Pensacola. The peaceable surrender of the fort at the Barrancas was denied. I marched for and invested it on the evening of the 25th of May, and on the same night pushed reconnoitering parties under its very guns. On the morning of the 26th, a military reconnoissance was taken; and on the same night, a lodgement was made, under a fire from the Spanish garrison, by Captain Gadsden of the engineers, aided by Captains Call and Young, on a commanding position, within three hundred and eighty-five yards of the Spanish works, and a nine-pounder mounted. A howitzer battery was simultaneously established on the capitol, and within seven hundred and sixty yards of the fort. At daylight on the 27th, the Spanish garrison opened their artillery on our batteries; a parley was sounded, a flag sent in, and the surrender of Fort Carlos de Barrancas again demanded; the favorable positions obtained were pointed out, and the inutility of resistance urged. Anxious to avoid an open contest, and to save the effusion of blood, the same terms previously offered were again tendered. These were rejected, and offensive operations recommenced. A spirited and well-directed fire was kept up the greater part of the morning, and at intervals during the afternoon. In the evening a flag was sent from the Spanish commandant, offering to capitulate, and a suspension of hostilities was granted until eight o'clock next day, when the enclosed articles of capitulation (marked C) were signed and agreed to. The terms are more favorable than a conquered enemy would have merited; but, under the peculiar circumstances of the case, my object obtained, there was no motive for wounding the feelings of those whose military pride or honor had prompted to the resistance made. The articles, with but one condition, amount to a complete cession to the United States of that portion of the Floridas hitherto under the government of Don José Mazot.

The arrangements which I have made to secure Pensacola and its dependencies are contained in the general orders, marked D. I deemed it most advisable to retain, for the present, the same government to which the people had been accustomed, until such time as the Executive of the United States may order otherwise. It was necessary, however, to establish the revenue laws of the United States, to check the smuggling which had been carried on successfully in this quarter for many years past, and to admit the American merchant to an equal participation in a trade which would have been denied under the partial operations of the Spanish commercial code. Captain Gadsden was appointed by me collector, and he has organized and left the department in the charge of officers on whom the greatest confidence may be reposed.

Though the Seminole Indians have been scattered, and literally so divided and reduced as no longer to be viewed as a formidable enemy, yet, as there are still many small marauding parties supposed to be concealed in the swamps of the Perdido, Choctawhatchy, and Chapouley who might make occasional and sudden inroads on our frontier settlers, massacreing women and children, I have deemed it advisable to call into service for six months, if not sooner discharged, two companies of volunteer rangers, under Captains McGirt and Boyles, with instructions to scour the country between the Mobile and Appalachicola rivers, exterminating every hostile party who dare resist, or will not surrender and remove with their families above the thirty-first degree of latitude.

The Seminole war may now be considered as at a close, tranquillity again restored to the southern frontier of the United States; and, as long as a cordon of military posts is maintained along the Gulf of Mexico, America has nothing to apprehend from either foreign or Indian hostilities. Indeed, sir, to attempt to fortify or protect an imaginary line, or to suppose that a frontier on the thirty-first degree of latitude, in a wilderness, can be secured by a cordon of military posts while the Floridas lay open to an enemy, is visionary in the extreme.

Under this firm belief, I have bottomed all my operations. Spain had disregarded the treaties existing with the American Government, or had not power to enforce them; the Indian tribes within her territory, and which she was bound to keep at peace, had visited our citizens with all the horrors of savage war; negro brigands were establishing themselves when and where they pleased; and foreign agents were openly and knowingly practising their intrigues in this neutral territory.

The immutable principles, therefore, of self-defence justified the occupancy of the Floridas, and the same principles will warrant the American Government in holding it until such time as Spain can guaranty, by an adequate military force, the maintaining her authority within the colony.

A topographical sketch of the country from the Appalachicola to Pensacola accompanies this. Captain Young will prepare, as soon as practicable, a topographical memoir of that part of the Floridas in which my army has operated, with a map of the country.

Captain Gadsden is instructed to prepare a report on the necessary defences of the country, as far as the military reconnoissance he has taken will permit, accompanied with plans of existing works, what additions or improvements are necessary, and what new works should, in his opinion, be erected to give permanent security to this important territorial addition to our republic.

As soon as this report is prepared, Captain Gadsden will receive orders to repair to Washington City with some other documents which I may wish to confide to his charge.

At the close of a campaign which has terminated so honorably and happily, it gives me pleasure to express my approbation generally of the officers and soldiers of every species of corps which I have had the honor to command. The patience with which they endured fatigue and submitted to privations, and the determination with which they encountered and vanquished every difficulty, are the strongest indication of the existence of that patriotic feeling which no circumstances can change, and of that irresistible ardor in the defence of their country which will prove her strength and bulwark under any exposure. I should do violence to my feelings if I did not particularly notice the exertions of my quartermaster general, Colonel George Gibson, who, under the most embarrassing circumstances, relieved the necessities of my army, and to whose exertions I was indebted for the supplies received. His zeal and integrity in this campaign, as well as in the uniform discharge of his duties since his connexion with my staff, merit the approbation and gratitude of his country.

With respect, your most obedient servant,

ANDREW JACKSON, *Major General commanding.*

The Hon. J. C. CALHOUN, *Secretary of War.*

No. 56.

Extract of a letter from Thomas Wayne, Esquire, purser on board the United States brig Saranac, to Benjamin Homans, dated

ST. MARY'S RIVER, *September* 27, 1817.

"On our arrival here we found General McGregor in command of Amelia island. A few days afterwards he decamped, and embarked on board the privateer McGregor, formerly the San Josef."

"The noted Woodbine, of infamous memory, arrived here from Nassau, with a view, as was said, to join the patriots; but his friend McGregor having left the cause, he was disappointed, and embarked with McGregor, who sailed a few days since for Nassau, to commence some new expedition, which, it is generally supposed, will be to the bay of Espiritu Santo, or bay of Tampa, in latitude 28 degrees 15 minutes north, and longitude 76 degrees 30 minutes west. This is an extensive bay, and capable of admitting ships of any size, contiguous to which are the finest lands in East Florida, which Woodbine pretends belong to him by virtue of a grant from the Indians. He says he has surveyed the whole of the Gulf of Mexico, and Tampa bay is the only place into which large ships can enter."

No. 57 *a.*

[Extracts from Message of 26th March, 1818.]

Extracts of a letter to the Secretary of State, dated

DECEMBER 24, 1817.

"My informants, I have no doubt, are possessed of as much information of the views and plans of McGregor and Woodbine as any person in the United States." "They sailed from Amelia in September, in company with a schooner belonging to Woodbine, he being on board. Some time after they had got to sea, General McGregor and family were put on board the schooner with Woodbine, and steered for New Providence."

"From what has been written, it may readily be supposed that my friends had an opportunity of learning something of the plan of the future operations of McGregor and Woodbine, and they believe it to be as follows: Woodbine persuaded McGregor that he could find friends and funds in New Providence, and that a British regiment had lately been disbanded there; that they would pick up as many of the soldiers as possible, and, with what negroes and others they could gather, would make a tolerable force. They were then to sail for Tampa bay, a fine harbor to the northwestward of Cape Florida, where they were to be joined by 1,500 Indians, already engaged to Woodbine, and invade Florida from that point; they were then to march across, and attack St. Augustine."

No. 57 *b*.

Instructions for sailing in Tampa bay, in McGregor's handwriting.

[Enclosed in letter of December 24, 1817.]

The vessels must be at Tampa bay, commonly called Espiritu Santo. I calculate to be at Tampa bay by the latter end of April, or 1st day of May, 1818. There are three bars: the northernmost bar is best, having five fathom water; keep on the larboard shore going in. There is a small sandy key between the northern and middle channels; upon this sandy key there will be a flag-staff, and, on hoisting your signal, you will be answered by the Florida flag, and a pilot will come off.

No. 57 *c*.

Extracts of a letter to a gentleman in the District of Columbia.

BALTIMORE, *July* 30, 1817.

Allow me now to relate, in detail, the particulars of my intercourse with General McGregor whilst in this city, in regard to his objects. He declared his object to be, in the first place, to take possession of Amelia; thence to wrest the Floridas from Spain, when he should immediately call on the inhabitants, by proclamation, to designate some of their most respectable fellow-citizens to form a constitution on the model of some of the adjoining States; that, so far as it might depend on him, he would encourage the existing disposition of the people in that section to confederate with the United States; leaving it to the will and policy of this [our] Government, and to political circumstances, as they might arise, to indicate the most favorable time for their admission into the Union.

No. 57 *d*.

From G. McGregor to the writer of the above, dated

NASSAU, *December* 27, 1817.

"You know my objects." "On the other side, you have the extract of a proclamation about to be published by the person in charge of making the settlement. I leave this to-day for England, to arrange my private affairs, which, from the many years that I have been in South America, have not improved by my absence: my family remain here until my return."

No. 57 *e*.

Extract from proclamation.

"Inhabitants of the Floridas! I expect soon to see General McGregor among you again. He was animated by a sincere wish for your happiness, and only desired to see you free from the yoke of Spain, in order that you might legislate for yourselves."

No. 58.

Extracts from the minutes of the proceedings of the court-martial in the trial of Ambrister.

From the examination of JOHN LEWIS PHENIX, a witness on the part of the prosecution:

Question by the court. Did you ever understand by whose authority, and for what purpose, the accused came into the country?

Answer. I have frequently heard him say he came to attend to Mr. Woodbine's business at the bay of Tampa.

From the examination of JOHN J. ARBUTHNOT, a witness on the part of the prosecution:

"And that the prisoner stated to him that he had come to the country on Woodbine's business, to see the negroes righted."

Question by the prisoner. Did you hear me say that I came on Woodbine's business?

Answer. I did.

From the examination of PETER B. COOK, a witness on the part of the prosecution:

"The prisoner told the witness that he had been a lieutenant in the British army, under Colonel Nicholls. The prisoner was sent by Woodbine to Tampa, to see about those negroes he had left there. The prisoner told the witness that he had written a letter to Governor Cameron for ammunition for the Indians, some time in March; and also told the witness that he had a commission in the patriot army, under McGregor, and that he expected a captaincy."

No. 59.

Ambrister's memorial to the Duke of York.

BAHAMA ISLAND:

To His Royal Highness Frederick, Duke of York, Commander-in-chief, &c., the memorial of Robert Christie Ambrister, of the island of New Providence, gentleman, humbly showeth:

That your memorialist, a British subject, and son of James Ambrister, Esquire, lieutenant colonel, and commanding the militia of New Providence, having served for nearly four years past as midshipman in the British navy, on board His Majesty's ships Sparrow, Captain Edward Burt, Rhodean, Captain George Mowbray, Reindeer, Captain J. P. Douglass, and Bramble, Captain William P. Poyson; from which last-mentioned ship he obtained his discharge in England in 1813, and returned to the island of New Providence, where his friends reside; that Major Nicholls, of the royal marines, having shortly after arrived at the said island of New Providence, in His Majesty's ship Hermes, in company with His Majesty's ship Carron, for the purpose of raising recruits for a corps denominated the corps of colonial marines, destined to serve during the American war in such parts of the Indian territory bordering upon the United States of America, or in the States themselves, as circumstances should render it necessary, your memorialist applied for, and obtained, a commission of auxiliary second lieutenant in that regiment, which he

immediately joined, and proceeded, under the command of the said Major Edward Nicholls, to Appalachicola, from whence he proceeded to the Creek nation, where he served until those forces were disbanded upon the termination of hostilities with the Americans, when he returned to the said island of New Providence.

And your memorialist further showeth, that, having been assured by the said Major Nicholls, at the time of his accepting the above-mentioned commission, (a copy of which he begs leave to annex,) that he had no doubt but he would be placed upon half-pay when his services were no longer required, your memorialist is desirous either of obtaining half-pay, or of being more actively employed, and of obtaining a commission either in one of His Majesty's West India regiments, or in such other of His Majesty's regiments as to your Royal Highness shall seem fit.

Your memorialist, therefore, humbly prays your Royal Highness to take into your consideration this his memorial, and he shall ever pray.

ROBERT C. AMBRISTER.

No. 60.

Ambrister's commission as auxiliary second lieutenant.

By the honorable Sir Alexander Cochrane, knight of the bath, vice admiral of the red, and commander-in-chief of His Majesty's ships and vessels employed, and to be employed, on the North American station, &c., to Mr. Robert C. Ambrister, hereby appointed auxiliary second lieutenant of the corps of colonial marines to be raised upon the continent of North America:

Whereas I have thought fit to send a detachment of the royal marine corps to the Creek nations for the purpose of training to arms such Indians and others as may be friendly to, and willing to fight under the standard of His Majesty, I do, by these presents, constitute and appoint you an auxiliary second lieutenant of such corps of colonial marines as may be raised upon the continent of North America, to hold such local rank while actually employed upon the said continent, until further orders. You are therefore carefully and diligently to discharge the duty of auxiliary second lieutenant, by exercising and well-disciplining both the inferior officers and marines of the said corps; and I do hereby command them to obey you as their second auxiliary lieutenant. And you are to observe and follow such orders and directions from me, or any other of your superior officers, according to the rules and discipline of war, in pursuance of the trust hereby reposed in you.

Given under my hand and seal, at Bermuda, this 25th day of July, 1814, in the fifty-fourth year of His Majesty's reign.

[L. S.] ALEXANDER COCHRANE.

By command of the Vice Admiral: W. BALHETCHET, *Secretary.*

No. 61.

P. B. Cook to Elizabeth A. Carney.

MY DEAR AMELIA: SUWANEE, *January* 19, 1818.

I have embraced this opportunity of writing you, hoping to find you well, as it leaves me at present; and I am very sorry to inform you of the times at present. We are threatened every day by the d——d Americans; not threatened only, but they have made an attempt, which we have stopped. On 1st December I marched with thirty men to go against them. After seven days' march we arrived at the fort; and, after our men got rested, I went against it. We had an engagement for four hours, and seeing that we could do no good with them, we retreated and came off. The balls flew like hail-stones; there was a ball that had like to have done my job; it just cleared my breast. For six days and six nights we had to encamp in the wild woods, and it was constantly raining night and day; and as for the cold, I suffered very much by it; in the morning the water would be frozen about an inch thick. There was a boat that was taken by the Indians, that had in it thirty men, seven women, and four small children; there were six of the men got clear, and one woman saved, and all the rest of them got killed; the children were taken by the heels, and their brains dashed out against the boat. We have got Mr. Hambly and Doyle prisoners, and we are going to send them to Nassau to stand their trial, as they have caused all this disturbance. Hambly told me that it was published in the American newspapers that they were to take possession of the nation in March, and if that be the case, you will see us sooner than you expected. If they should come when the vessel is away, we shall have to take to and run in our canoes, as we have some very fine ones here. One knows not hardly what to do for those d——d puppies, as we may call them, for they are no better.

We find that what I have mentioned is all d—d lies. But Arbuthnot has threatened my life once or twice; but, on my return, I will punish him by the law. You must excuse my bad writing, as I am in a hurry. Give my love to your mother and your sister, and Mrs. Roberts, and all inquiring friends. I have nothing more to say at present, as times will not admit.

I remain yours, forever,

PETER B. COOK.

[Addressed on the back to]
Miss E. A. CARNEY, *Nassau, New Providence.*

No. 62.

A. Arbuthnot to W. Hambly.

SIR: OCHLOCHNEE SOUND, *May* 3, 1817.

On my return here this day, I received a letter signed by you, and dated the 23d March last. As you have taken the trouble of advising me, you will, of course, expect my reply; and I embrace the opportunity of doing it at length. First let me premise, sir, that, when you lived at Prospect Bluff, a clerk to Messrs. Forbes & Co., you did not consider Cappachimico, McQueen, or any other of the chiefs of the Lower Creek nation, as outlaws. Does the man whom the attachment of Cappachimico has saved from the hands of retributive justice presume to call him an outlaw? For shame, sir. The most hardened villain would not thus calumniate the savior of his life. Your generous friend, sir, and the other chiefs, have called me to this country. They insist on the fulfilment of my promise; and, as an *honest man*, I will endeavor to do it. Let *your* arm of justice fall on the guilty. An honest and upright man, who harms no man, and endeavors to do all the good he can, fears no man or judge; his acts are open to inspection, and will bear the test of scrutiny. Thus, sir, I answer your insinuation that, since my arrival in this country, I have instigated persons to steal and murder. Ask the lieutenant commanding at Fort Gaines if the letter I wrote him bears the features of an instigator to murder. Ask Opoy Hatcho if the recommendatory note I sent

him, by order of Opony, breathes the strains of a murderer. Ask Opony himself if my language and advice to him was that of a murderer. Ask Mappalitchy, a chief residing on the Ockmulgee, among the Americans, what my advice was. All those will contradict your vile insinuation. But Mappalitchy informed me the Cowetas were all pleased with the letter and my note Opony sent them, and perfectly accorded with my sentiments of living as brethren, and as one large family, respecting their neighbors, but, at the same time, at all times ready to protect their property. Yet several of them, a few days afterwards, (no doubt influenced by *some humane and good man*,) recanted their promise, and ordered a letter to be written me; which letter, I presume, I have this day received, signed by you. Now, sir, if your principles were as humane as mine—if you took as much pleasure in fostering any spark of friendship the upper Indians may show to their brethren of the lower nation as you do in fomenting the quarrels between them, you would then be their friend and benefactor. You, sir, that speak their language fluently, have much in your power; but I fear you use that power to the injury of all, and, eventually, to your own ruin. Let me advise you to change your tone and mode of acting. How much more creditable would it be for you to propagate friendly actions, and create an attachment among the Indians of all nations one to the other, than to endeavor to foment quarrels, and have your emissaries in every quarter of the nation spreading false reports, tending to harass and disturb them. Now, sir, with regard to your and Mr. Doyle's reporting that I am no Englishman, and only one of those wild adventurers who risk life and property for *lucre*, be pleased to come down to Ochlochnee, and I will show you a letter written by Earl Bathurst to Governor Cameron, (and which I received from him to read to the chiefs of the Creek nation,) an answer to a letter, I believe, written by you, early in the spring of 1816.

I shall not reflect on the part you took in blowing up the fort at Prospect Bluff; it is not my business. I know the blacks used you shamefully, as they did all that went near them, yet I think the revenge you took savors much of a savage.

Do not think, sir, that I am to be frightened away from this place while I have the protection of the Spaniards, and the support of honest men. An upright man is not easily daunted.

I keep a copy of this letter, and send a copy of yours, with my answer, to Opoy Hatcho, and, as I am in daily expectation of letters from New Providence, perhaps they may induce me to write you further.

I am, sir, your obedient servant,

A. ARBUTHNOT.

The murders and thefts you talk of I do not believe. There are a parcel of outlaws calling themselves Americans, who are continually coming into the nation, stealing cattle, &c., and lately, I hear, one was killed out of three, *and his horse taken and publicly sold* while in the act of stealing and driving off cattle. A. A.

To Mr. Wm. Hambly.

No. 63.

Indian Talk.

To our good brother the Chief Tustonaky Thlucco, the Big Warrior:

Your brothers, chiefs of the Creek nation, whose names are put to the talk we now send you, have found it necessary to hold the same, that their sentiments and opinions may be known to all their red brethren of the four nations, and stop the mouths of bad men who are continually sending false and bad talks to us as well as to our brethren, for the purpose of making ill-blood between us. Know, then, we have met at Ochlochnee Sound with our warriors and young chiefs, and have held our talk, which is this:

The red brethren of the four nations are all descended from the same fathers, and ought to live as brothers; and for this reason we now take them by the hand, to live henceforth at peace and united to each other, and let no bad talks be listened to, or come among us.

When Colonel Nicholls, the English officer who was last among us, went away, he gave us a good talk, desiring us to live well with all our brethren, and never permit ill-blood to be between us, and to respect the Americans that were our neighbors, and not molest them, or permit our people to steal. We have carefully kept this talk, followed his advice, &c.

It is nearly three years since we received a white bead from the Cherokees; we have held it sacred, and it has been in our ——— at all our talks; we now send you, that you may forward to their head, Minichico Mico, a pipe from his old friends; you will also send him the present talk, and from him let it be sent to the Chickasaws, and from them to the Choctaws.

Colonel Nicholls promised us to send people from England to keep stores in different parts of the nation to furnish us with goods; he had found people willing to come, but when they heard that the fort of Appalachicola was destroyed, they were fearful of coming, and withdrew their promise.

Let us protect all white men that give us good talks, but let us not regard or listen to those who give us bad ones, but rather send them from among us, for he must be a bad man who wishes ill-blood between brothers.

From this time, therefore, let us not listen to any bad talks; let us all hold each other fast by the hand of peace, and each brother hold the other in his heart.

This is sent with a good will, and will be kept by us.

Opoithlimico,	Imathluche,
Cappachimico,	Inhimathluchy, Palo Chipely,
Inhimathlo, Fowl Town,	Lahoe Himathlo,
Charle Tustonaky,	Homathlemico,
Otosmico,	Talmuches Hatcho,
Ochacona Tustonaky,	Hillis Hadjo.
Euchy Tustonaky,	

No. 64.

Mr. Arbuthnot to the Honorable Charles Bagot.

[Found with Arbuthnot's papers.]

Sir:

On my return to this from the Indian nation, about a month since, I received a letter from Mr. Moodie, annexing an extract from a letter of your excellency, and which in future shall be attended to, when I have occasion to write on Indian affairs.

As I am now especially authorized by the chiefs whose names I beg leave to annex to the present to make such representations as may be of service to the nation, and learning by the copy of a letter from the right honorable Earl Bathurst, handed me by his excellency Governor Cameron, that your excellency is instructed to watch over the interests of the four nations, I shall take the liberty to lay before your excellency such matters as have come under my own observation, and what has been reported to me by chiefs in whose veracity I can place some confidence. On my arrival at Ochlochnee Sound last January, I was met by several of the principal chiefs, who reiterated the complaints that were stated to your excellency in their letter of last November. On the Chatahoochee particularly, they stated the Americans were descending in numbers, driving the poor Indian from his habitation. The report was confirmed some weeks after by Otosmico, the chief of the town of Ecan Halloway, on the Chatahoochee, who informed me that the officer commanding at Fort Gaines had repeatedly sent messages to him, desiring he would submit to live under the American Government, and threatening that his non-compliance would force him to turn the guns of the fort against the town and drive them out. These threats, and swarms of American settlers descending, drove the poor Indians from their homes, and thirty-six fields in a state of cultivation were occupied by the new settlers, and where the houses stood the plough has passed over.

On the Choctawhatchy, which is far within the Indian territory, Americans have formed a large settlement, which, if persisted in, will soon drive the Indians to the extremity of the peninsula.

Agreeably to the treaty between Great Britain and America, the latter were to confine themselves to the same boundaries they enjoyed in 1811, prior to the war. This they have not done, but encroached on almost every point of the Indian territory. The chiefs think that it is impossible the conduct of the persons acting so contrary to the treaty can be known to the American Government; and, the more to blind the Government, and to mislead them as to the true state and disposition of the Indians, they are continually spreading reports in the public gazettes of Georgia, &c., of cruelty committed by the Seminole Indians on inhabitants living on the borders of the United States; whereas it is persons in the back settlements of Georgia who enter the Seminole territory in large parties to steal cattle, which they frequently drive off in gangs of 50 and 100 at a time; and if in these excursions the Indians meet them and oppose these predatory plunderers, blood sometimes has been spilt, which was the case in April last, when a party of Mickasuky Indians met three men driving off cattle, and attacked them, killing one, and retaking the cattle. But those bloodthirsty back-settlers of Georgia soon retaliated on the poor Indians, for early in June they returned to plunder, and meeting with an Indian encampment they killed one man; another making his escape, they pursued him to another encampment, where they killed two others and a boy; the boy they scalped. Early in July a headman of the town of Suwanee was killed on St. John's river, while hunting, but the chief does not reckon the persons who killed him true Americans. For the better showing your excellency how those poor Indians are abused, I beg leave to enclose you paragraphs taken from American papers, the whole of which are complete fabrications, tending to mislead the American Government. I also beg your excellency's attention to a letter from an American officer, dated at Fort Gaines, with Cappachimico, the head chief of the Seminoles' answer thereto; but notwithstanding it is stated to be by authority of the President of the United States, the gentleman waited no time to receive an answer, but, prior to the chief's messenger arriving at the fort, had continued his road for St. Mary's, leaving them ignorant of what talk he was authorized to give them; and I have since learned that Mr. Dinkins was an officer of General Jackson's staff, travelling through the nation.

The Hon. CHARLES BAGOT, *His Britannic Majesty's Ambassador, Washington.*

No. 65.

A. Arbuthnot to a person of rank in England.

[Taken from the (London) Times newspaper of 7th August, 1818.]

SUWANEE, LOWER CREEK NATION, *January* 30, 1818.

When I last took the liberty of writing to you, by the desire of the chiefs of the Creek nation, I little expected that war would so soon have commenced between the Americans and them. It is, however, actually begun, by the wanton aggressions of the former, in an attack on Fowl Town, during the night. Though this wanton attack has been disavowed by General Mitchell, the American agent for Indian affairs, and he has made reparation for the injury and loss sustained by Inhimathlo and his people, yet the continued aggressions of the Americans, and the numbers pouring into the nation, not from the land side alone, but from Mobile and elsewhere, by the Appalachicola river, have compelled the Indians to take arms as their only resource from oppression.

Your friend Hillis Hadjo has been called by his people to put himself at their head, and he is now encamped at Spanish Bluff, the residence of Doyle and Hambly, which is now in the possession of the Indians, with from one thousand to one thousand two hundred men; those men are principally Red Sticks, who are scattered about in the nation, and who have collected and put themselves under his command, with a few hundred Upper Indians, who have joined them.

I cannot allow myself to believe that those encroachments on Indian territory are made with the knowledge of the American Government, and General Mitchell's conduct and message to Kenhagee assure me it is not so. But there are persons who wish to get hold of the Indian lands, and they stick at no means, however cruel and oppressive, to obtain their ends. General Gaines's letter, of August last, to Kenhagee, clearly shows that he and General Jackson are determined, if possible, to get hold of the whole Indian lands. After falsely accusing them of murders, thefts, burning houses, &c., he says: "But there is something out in the sea, a bird with a forked tongue; whip him back before he lands, for he will be the ruin of you yet. Perhaps you do not know what or whom I mean—I mean the name of Englishman."

The other contents of this letter plainly show me that those two generals have formed a plan of possessing themselves of the whole Indian lands. That this plan has originated with Forbes, Innerarity's, or those of their subordinate agents, I have little doubt, as every part of the conduct of those inferior actors shows they have been employed for the express purpose of rooting out the poor Indian from his paternal inheritance. The report of Hambly having made sales, in the name of the chiefs, of all the lands from Pensacola to St. Augustine, comes from St. Mark's fort. I shall soon be there, and learn from what source they derive their information.

That false and improper sales have been made, I have no doubt; without such had been the case, the Americans would have never poured into the Indian nation by the Appalachicola.

It is reported that John Forbes has withdrawn from all Indian concerns; but the Innerarity's are enough, with their subordinate agents, to disturb the whole Indian nation; and I have not the least doubt that through them the present troubles come.

The chiefs have written to Governor Cameron for a supply of ammunition, and which Kenhagee informs me Hillis Hadjo, when in England, had orders to demand, in case of actual need. It is really necessary the English Gov-

ernment should do something for those people. In the late war they drew them into their quarrel against America; at the peace they agreed to see them protected in their rights and privileges, and placed on the same footing as before the war; since then they have never troubled themselves about them, thinking it enough that His Majesty's ambassador had orders to see that those people were protected in their rights and privileges. But how is his excellency the British ambassador to know if the Indian is righted, and permitted to live quietly on his own land? He interdicts the correspondence of any private individual on Indian affairs, unless it can be put into his hand without any expense. Does he expect a true account of what passes in the Indian nation from the American Government, or from the hireling gazettes of the towns of Upper Georgia? It is the interest of both to deceive, and, unless the door is opened for British subjects to speak what they know, and instruct his excellency of such matters respecting the Creek nation as they are certain to be true, he can never have the means of judging what is proper to be done.

I have, by desire of the chiefs, written to his excellency the honorable Charles Bagot on their affairs, and also Governor Cameron, with a demand for a small supply, [of arms, munitions, &c.] of which they stand greatly in need. I trust, sir, you will make such representations to His Majesty's Government as the circumstances of the case require, that those unfortunate people, *who look up to you as their friend*, may soon rest peaceably and quiet in their country.

You will pardon the liberty I take, which nothing but the pressing solicitations of Kenhagee would have induced me to take; and,

With much respect, I am, sir, your most obedient servant,

A. ARBUTHNOT.

No. 66.

Boleck to Governor Coppinger.

[Translation from the Spanish translation received from Governor Coppinger, and communicated by Mr. De Onis, enclosed in his letter of the 27th March, 1818, to the Secretary of State. For the original, in English, see No. 49, court-martial proceedings, No. 2.]

SIR: SUWANEE, *November* 18, 1816.

I had the honor of receiving your letter of September, but the impossibility of finding a person to write an answer is the cause of this apparent neglect.

I shall be very happy to keep up a good understanding and correspondence with you; and I hope you will, when occasion offers, advise me of such things as may be of service to myself and my people. My warriors and others who go to St. Augustine return with false reports, tending to harass and disturb my people, and prevent them attending to their usual avocations. At one time, the Americans, supported by a force of three thousand men, and such of our brethren as they have compelled to join them, are running lines far within our territory; at another, they are collecting a large force at Fort Mitchell, in the forks of the Flint and Chatahoochee rivers, to fall on the towns that may not join them. Now, sir, we know of no reason they can have for attacking an inoffensive and unoffending people, whose wish is to inhabit their woods, without disturbing or being disturbed by any one. We have none of their slaves; we have taken none of their property since they made peace with our good father, King George. We have followed the orders of the officer of our father who was among us, Colonel Edward Nicholls, and in nowise molested the Americans, though we daily see them encroaching on our lands, stealing our cattle, and murdering or carrying off our people. We were told by the same officer that, as allies of our father, we were included in the treaty of peace between our good father and the Americans, and that the latter were to give up all the territory that had been taken from us before the war; but, so far from complying with the ninth article of that treaty, they are making daily encroachments, and forging treaties (which they pretend are concluded with our people) for cessions and grants of lands which never were in existence, and the signatures of which are unknown to the chiefs of the Creek nation, who alone have a right to assign or transfer the common property. The want of a proper person among our people to acquaint us with these transactions is the cause of our long silence on them, and leads the world, as well as our friends, to think we are in league with the Americans.

The principal chiefs of the nation assembled lately at my town of Suwanee, and resolved to inform the minister of King George at Washington of our grievances, and of the conduct and usurpation of the Americans; which was accordingly done, and copies sent to England. Until we have one or more persons among our people to watch over our rights and interests, we shall continue to be exposed to the same conduct on the part of the Americans, whose system appears to be the destruction of our peace and tranquillity, and expelling us from our native land.

You desire that I would chase off those who steal my cattle, &c. Some of my people have lately driven away several Americans who were endeavoring to settle at Lachua; and I do not doubt they will represent that as an act of hostility, although you well know that Lachua is in the heart of my territory, and was, until the Americans killed my brother, our chief town. I return you my thanks for your letter,

And am, with great respect, your most obedient, humble servant,

BOLECK, his × mark,
Chief of the Seminole nation.

No. 67.

Governor Coppinger to the chief Boleck, (Bowlegs.)

FRIEND AND BROTHER BOLECK: ST. AUGUSTINE, IN FLORIDA, *December* 20, 1816.

Your letter of the 18th of November was delivered to me yesterday by one of your servants, in which you inform me of the receipt of mine of the 26th September last, and other circumstances which give you and your warriors uneasiness. I see with pain that the whole comes from the information of persons in whom you ought not to place the smallest confidence, it being their principle to employ such opportunities for the purpose of seducing you and your people from their daily labors. In consequence of this, and of what you tell me of your desire to keep up the best understanding and correspondence with me, and of your hope that the opportunities will not be wanting, let me give you such counsel as may be useful to you, your people, and warriors. I will do so from the sentiments of sincere friendship I bear towards you, fearful, however, that the sentiments of others, who come into the territory under the appearance of friendship, but with bad intentions, may influence your minds and obtain your confidence by their flattering representations. It is ascertained here that two persons have lately presented themselves as commissioners of the English nation, who have carried off several runaway negroes belonging to subjects of the King, my master, and your friend, among whom was one of Don Francisco Pellicer's, and another of Mr. Bunch's, both inhabitants of this province. This did not seem credible to me, as I could not suppose that so good

a friend to our nation as you are could consent to such proceedings; but, in case they have really happened, you will be sensible of their great impropriety, and of the just grounds of complaint on the part of the persons so injured, who are desirous, as well as myself, of assuring you of the sincere good-will and friendship we have for the Seminole tribe of Indians, of which you are the chief.

I am, with great respect, your most affectionate and faithful servant,

JOSÉ COPPINGER.

To Friend and Brother BOLECK, *Chief of the Seminole tribe of Indians.*

No. 68.

Copy of a sheet of Arbuthnot's journal, found among his papers.

October 23d (continued.) They had a long talk with Captain W., and stopped all night; this day, meridian, observed in latitude 29° 21′, Suwanee bearing northeast three miles. 24th. Started with two men in boat to survey if any entrance to the west branch of the river; found all shallow; pulled boat over the mud, and entered west branch; made poles to mark the easternmost outlet, and descended, but could not this day find the direct channel through the oyster bank, the tide having flowed too much. 25th, at 2 A. M., wind shifted to east, and by 8 A. M. to southeast, when we got under way, and stood off to sea, wind freshening and a nasty short sea rising; at 10 tacked in shore, three fathoms, Suwanee northeast seven miles; the north point of the bay north ten miles, Cedar Keys south seven miles; from sundown to midnight, heavy squalls, with rain and much thunder and lightning; at 0 anchored in four fathoms, no wind, and heavy swell. 26th. First part rainy and squally; at 10 A. M., got under way, Cedar Keys just in sight from deck; stood east-northeast, and at 2 P. M. hove to, to wait for canoes seen coming off; came to anchor in two fathoms; six canoes came on board full of Indians and blacks, Billy and Jack among them, with several negroes that were at the bluff; found that Bowlegs and Doherty had started in a canoe last night; this day at meridian observation good, latitude 29° 13′, Cedar Keys, the outermost, bearing east-southeast six miles. At 6 P. M. Bowlegs, with retinue, consisting of five canoes, came on board, and continued all night; had a very long talk with Captain W. 27th. The brother-in-law of Bowlegs desired Captain W. to listen to what he had heard from the Spaniards of the Americans' intention of attacking them; they wished to live quietly and attend to their cattle, &c., but could not for the Americans and revolted Spaniards, who daily killed their cattle, &c. &c. This day bought six deer skins, sixteen racoon skins, and three pounds wax, paid in taffia. Bowlegs and retinue left me at 2 P. M.; Captain W. had started about an hour before for Suwanee. At 8 P. M. began to blow fresh from southeast, continued blowing all night. 28th, at 2 P. M., got under way and stood to sea. 29th. Wind northwest, blowing hard and squally, all day beating off and on, double-reefed foresail, reefed mainsail, &c.; at 4 P. M. struck on a shallow bank six miles southeast from the mouth of the river; bore up and stood off; lowered jib and mainsail, and repaired latter, which had given way near the gaff; wore and stood in shore, and came to anchor in fourteen feet water, Great Cedar Key bearing southeast six miles. 30th, at 7 A. M., got under way, and stood for the entrance between the two large keys, luffing and bearing away so as to keep in two fathoms; came to anchor at 9 A. M., a mile and a half from islands. Captain went to sound channel; returned and reported channel to the southward, and that the large island must be brought to bear northeast. At 11 A. M. a canoe, two men, three women and their children, from Cape Anetole; got under way, rounded the bank, and grounded between two banks, where we lay all night. 31st October, warped into a deep channel, with much difficulty drawing her through the mud; wrote W. and Auchisee Indians, and also fishermen; cut poles to stake out channel. 1st November. Wind northeast, extremely cold, again warping, but did not succeed in getting into anchorage; observed meridian, latitude 29° 11′, the south end of the Great Cedar Key northwest by north, three-quarters of a mile; the outer or southwest point of the high or South Key southeast and by south one and a half mile; lay quite dry at low water; at 10 P. M. floated off, and stood into a good channel, but laying the warp too far out she tailed on the west side, where we lay for the night, after bowsing taught our best bower, laid in mid channel. 2d. Floated off at 10 A. M., and pulled up to good anchorage under the lee of the island; boat went to an inshore key to look for water, and returned two casks full. 3d. Self and captain on shore until half-past 11 A. M.; caught nothing; observation good, latitude 29° 11′; the high part of South Key due east two miles, the sandy beach of Great Cedar Key west half a mile. At sundown, Captain W. arrived from Suwanee; several canoes with negroes at the point; captain returned from fishing on point; some good fish. 4th. Idle all day; afternoon prepared rum, sugar, coffee, and molasses to send Robin Creighton, per colored lad named Charles, (*see note thereof;*) during the night the wind shifted to the north and north-northeast, drizzling rain and very cold. 5th. Wind north-northeast, rain, and very cold; cleared up before midday; at 4 P. M. two canoes from Suwanee; one came on board, reported Cappachimico and all the chiefs waited for Captain W.; prepared sundry articles for Suwanee, and sent a canoe off to get Frank's canoe to go with Captain W. and self. 6th, at 12 o'clock M., started for Suwanee, in Frank's canoe, camped for the night at the little island, mouth of the river; a canoe, with several men and women, with corn, camped at same place, bound for schooner, with corn, &c. 7th. At 4 o'clock A. M. started up the river; at 8 o'clock A. M., camped and breakfasted at Pine bluff, and at 2 o'clock P. M. arrived at Buera landing, took through the pine barren, and lost our way to Christophertown; again getting to the river, at half past 4 P. M. arrived at Robert's; Captain W. and guide had arrived a little before; visited Cappachimico and McQueen at Indiantown. 8th. A long talk with Indians; their complaints of the conduct of the Americans. McQueen mentioned they had taken one of his negroes and confined him in the fort at the forks. A chief from Chehaw said that they had killed three Indians in his neighborhood, on their own ground, and taken eleven horses; several others stated losses in cattle and horses, and the Seminole chiefs in particular; a chief —— of —— said that, in confidence of the treaty being faithfully fulfilled on the part of the Americans, a half-breed man, named Moses, before the war, settled near the forks, returned to take possession of his fields, and was murdered by the Americans. The chiefs ordered a letter, *in way of memorial*, to be written to our ambassador in America, and copies to be sent to England, representing the conduct of Americans; the same was done agreeably to the substance of their *talk*, read and interpreted to them by their own interpreters afterwards; each chief put his mark in my presence, which I certified. 9th. Cold and clear; Cappachimico, McQueen, and the other chiefs met, and had a long talk, more fully particularizing their particular grievances; they also stated the number of forts (seven) the Americans had built, and the roads they had cut, and were still continuing to cut, within their territory.

McQueen stated that McIntosh and the Coweta Indians were the cause of the Americans' conduct; that, after the peace, a deputation had been sent up to have a talk with the commander at Fort Mitchell, in the forks, who were instructed to inform him of what Colonel Nicholls had stated to them with regard to their rights to the territory prior to the war being guarantied by the treaty between England and the United States, and to request that he, the commandant, would refrain from further encroachments, and give orders that their lands should be respected.

The answer they received from the commander was, that it was all true they had told him, but that he had orders to act as he did. A chief of the Fowl Town Indians stated that the American troops, returning from the destruction of the fort at Prospect Bluff, burnt one entire town and murdered several of their people, because they would not join them when going down the river. The Tiger warrior, and two other men of note, spoke, stating the circumstances of aggression and cruelty that had come to their knowledge. Cappachimico, McQueen, and the others, further stated what reports they had from Doyle, Hambly, &c., and all were of opinion, and firmly believed, that Hambly, a clerk to and influenced by Forbes, was the cause of the destruction of the fort at the bluff; and that Hambly went down the river as a guide to the American army, and was particularly instrumental in its being blown up, as he pointed out to the American officers where the magazines were placed, that they might play their shells against them. Such few negroes as were saved from the explosion unhurt were carried off by the Americans, with cannon, ammunition, arms, &c. that were found in the fort.

N. B. I take no notice of Captain W.'s talk to the Indians, because I doubt much of what he stated was not founded in fact, and was only mentioned by him to strengthen the chiefs in their attachment to the British Government. I say no further on this head. Of his promises, I fear he has also gone too far; and, perhaps, at a future time, when the Indians find them unperformed, the rage for their disappointment may fall on me as a party aiding and abetting Captain W. in his deception. I have gone beyond my promise to Captain W.; I have been deceived in almost every thing; and yet he thinks *every thing* and person must be subservient to him. I have had himself and *aid-de-camp* on board since the 31st August; in any expedition, in canoe or boat, I have supplied his wants. I kept three negroes on board more than two months on his account. I presented the chiefs for him and on his account. I have seen my provisions taken and given away when we were on short allowance; for Captain W. gives liberally when it is not out of his own pocket, but is extremely costive when any thing is wanted from home.

10th. Cappachimico and McQueen gave me a note of the most necessary articles they wanted immediately, and which I promised them to bring, if possible, by the end of December, and land them as agreed. Gave them a card with seals, &c. &c., as a token that, when they received a messenger with the duplicate thereof in *R. W.*, he came with the straight talk from me; made each a present of rum, sugar, coffee, and one hundred segars; also, the Tiger warrior and two others and the rest had a good lot of segars each; gave them a parting glass; took leave at twelve, midday. They all started on horseback. The two deputies that go to Nassau with me left behind.

These men are children of nature; leave them in their forests to till their fields and hunt the stag and graze their cattle, their ideas will extend no farther; and the *honest* trader, in supplying their moderate wants, may make a handsome profit of them.

They have been ill-treated by the English, and robbed by the Americans; cheated by those who have dealt with them, receiving goods and other articles at most exorbitant prices for their peltry, which has been much undervalued. I say the English ill-treat them: after making them parties in the war with America, they leave them without a pilot, to be robbed and ill-treated by their natural and sworn enemies, the Americans. When the English officer, Colonel Nicholls, left Prospect Bluff, on the Appalachicola river, he left particular orders with Cappachimico and the other chiefs not on any account to enter on the territory of the Americans; while, at the same time, he informed them the Americans were to give up that territory they had taken possession of during the war; but, while he informed the Indians how they should act, and what the Americans were to do in compliance with the treaty, he left no person to guide them in their conduct in case the latter should not comply, or continue to extend their encroachments and commit aggressions. When such was the case, they had none to represent their case to the British Government but William Hambly, the clerk of John Forbes, and Doyle, another of his clerks, both of whom had long before the conclusion of the war sold themselves to the American Government, and, while they were receiving *British pay*, acted as spies to the Americans. These persons were not likely to represent the conduct and encroachment of the Americans in their true light. No, they attempted to influence the chiefs to join the Americans. Doyle stated, in a talk at St. Mark's, that in four years no Englishman durst set his foot in the Floridas; yet these were the only persons to whom the poor untutored Indian could apply to represent their grievances to the British Government, or any governor of their islands; and it was not likely they, the tools of the Americans, would give a just and true account of the Indian grievances. Hambly, the Indian interpreter, was ordered to write to the Governor of New Providence, demanding his interference; and, by an intercepted letter from his brother, dated at Regla, in February last, it appears he had written a letter to New Providence; but to whom?

No. 69.

Arbuthnot to the commanding officer at Fort Gaines.

SIR: OCHLOCHNEE SOUND, *March* 3, 1817.

I am desired by Peter McQueen, an unfortunate chief, who was some years since obliged to fly from his town of Tuckabatchee, on the Tallapoohatche river, to claim of your friendship the delivery of a negro man named Joe, (taken away from him since the peace,) whom he states to be in Fort Gaines. When McQueen left Tuckabatchee, his property was considerable, both in negroes and cattle; of the former, ten grown negroes were taken by a half-breed man named Barney; nine of whom he learns were sold, and one, a girl, is still in possession of said Barney. Twenty able negroes were taken by a chief named Colonel, *or* Auchi Hatche, who acts also as an interpreter; and, as he never had possession of any of those persons' property, nor ever did them any injury, to his knowledge, he claims a further proof of your friendship, that you will use your influence in procuring those negroes for him; and, should they be given up by the persons holding them, there is one faithful negro among them, named Charle, who will bring them to him at Ochlochnee river.

The American headmen and officers, that were accustomed to live near him, can testify to his civility and good fellowship with them; and there are none of them, he is convinced, that would not serve him if in their power. As he owes nothing, nor ever took any person's property, *none* have a right to retain his; and he hopes that, through your influence, those persons now holding his negroes will be induced to give them up.

While I am thus advocating the cause of one unfortunate individual, allow me to claim an extension of your philanthropy to all the Indians within your circle, by your representing to them the folly of their quarrels, and that they ought to live quietly and peaceably with each other.

The Lower Creeks seem to wish to live peaceably and quietly, and in good friendship with the others; but there are some designing and evil-minded persons, self-interested, who are endeavoring to create quarrels between the Upper and Lower Creek Indians, contrary to their interest, their happiness, and welfare. Such people belong to *no* nation, and ought not to be countenanced by any Government.

The head chiefs request I will inquire of you why American settlers are descending the Chatahoochee, driving the poor Indian from his habitation, and taking possession of his home and cultivated fields.

Without authority, I can claim nothing of you; but a humane and philanthropic principle guiding me, I hope the same will influence you, and, if such is really the case, and that the line marked out by the treaty of peace between Great Britain and the United States, respecting the *Indian nations*, has been infringed upon by the subjects of the latter, that you will represent to them their improper conduct, and prevent its continuance.

I hold in my possession a letter received from the Governor of New Providence, addressed to him by His Britannic Majesty's chief Secretary of State, informing him of the orders given to the British ambassador at Washington to watch over the interests of the Indian nations, and see that their rights are faithfully attended to and protected, agreeably to the treaty of peace made between the British and Americans.

I am in hopes that ere this there is arrived at New Providence a person from Great Britain with authority to act as agent for the Indian nations; and, if so, it will devolve on him to see that the boundary lines, as marked out by the treaty, are not infringed upon.

I hope you will not think these observations, *made by desire of the chiefs*, any improper interference; and requesting the favor of an answer, I am, respectfully, sir, your obedient servant,

A. ARBUTHNOT.

P. S. McQueen states that the offspring of the negroes when he left Tuckabatchee were seven of those taken by Barney, and nine of those taken by Auchi Hatche, and he supposes they have increased.

No. 70.

A. Culloh to Arbuthnot, (answer to No. 69,) found among Arbuthnot's papers.

DEAR SIR: FORT GAINES, *May* 1, 1817.

On being informed by the commanding officer that you had written, in behalf of Peter McQueen, for a negro man once in the possession of myself at this place, requiring the return of said negro to (as you said) the rightful owner, I take the liberty of informing you that the said negro is now at Fort Hawkins, Oakmulgee river, claimed by an American citizen by the name of Bowen White. He remained with us; he was a deposite of some of the Indians, to be given to the said Bowen when called for. Further of his origin, or manner in which he was claimed as property, I cannot tell any thing. You inquired why citizens were descending this river. In answer, I say in right of and conformably to a late treaty between the United States and the Creek nation; for this part of the territory was ceded to us as a compensation for expenses and aid furnished and incurred by the friendly Creek Indians against McQueen and his party, not having any reference or touching any article or part of the treaty between the United States and Great Britain. As to McQueen's having any claims on the good feeling and philanthropy of any citizen of the United States, it is a mockery and a farce; on the contrary, he has incurred both the ill-will and hatred of his own people and them, and has, in fact, been the cause of the destruction and loss of his native country.

Your obedient servant,

AM. CULLOH.

A. ARBUTHNOT, *Ochlochnee Sound, Florida Keys.*

No. 71.

Copy of a paper, without date or signature, found among Arbuthnot's papers; supposed to be the answer to No. 4, in the proceedings of the court-martial on the trial of Arbuthnot.

It is not in my power to comply with your wishes without the King's command, but you may be assured that I hall lose no time in submitting the representation you have now made to the consideration of His Majesty's Government.

No. 72.

A. Arbuthnot to General Mitchell, agent of Indian Affairs.

SIR: SUWANEE, LOWER CREEK NATION, *January* 19, 1818.

Kenhagee, head chief of the Lower Creek nation, has called on me to request I would represent to you the cruel and oppressive conduct of the American people living on the borders of the Indian nation, and which he was in hopes, from a talk you were pleased to send him some weeks since, would have been put a stop to, and peace restored between the Indians and the American people; but, far from any stop being put to their inroads and encroachments, they are pouring in by hundreds at a time, not only from the land side, but both troops and settlers ascending the Appalachicola river in vessel-loads. Thus, the Indians have been compelled to take up arms to defend their homes from a set of lawless invaders.

Your known philanthropy and good-will towards the Indians in general induce the chiefs to hope that you will lose no time in using your influence to put a stop to those invasions of their lands and paternal birthright, and also order that those who have already seized on their fields may retire therefrom. The Indians have seized two persons known to have been greatly instrumental in bringing the Americans down on their lands, and they are now in their possession as prisoners; and they have it in report that sales of their lands have been made by those two people, without the consent, approbation, or knowledge of the chiefs; and, from their long residence in the nation, and the one having enjoyed great confidence in the nation and with the chiefs, as English interpreter, there is some reason to believe those reports, when leagued with the swarms of Americans coming from Mobile and other places seizing the best of the Indian lands. Such improper sales have actually been made.

In taking this liberty of addressing you, sir, in behalf of the unfortunate Indians, believe me I have no wish but to see an end put to a war which, if persisted in, I foresee must eventually be their ruin; and as they were not the aggressors, if, in the height of their rage, they commit any excesses, that you will overlook them as the just ebullitions of an indignant spirit against an invading foe.

I have the honor to be, &c.

A. ARBUTHNOT,

By order of Kenhagee and Bowlegs, acting for themselves and the other chiefs.

CAMP BEFORE ST. MARK'S, *April* 8, 1818.

The foregoing letter was produced to A. Arbuthnot, on his examination before me, and acknowledged by him to have been written by him to General Mitchell, agent of the Creek nation.

ANDREW JACKSON.

Present: Mr. FULTON.

Supplementary documents received since the letter to Mr. Erving was forwarded.

[From the Public Ledger and Daily Advertiser (a London newspaper) of August 27, 1818.]

MR. ARBUTHNOT.

The following letters, in addition to those already made public, tend to show the deep interest which this unfortunate gentleman took in procuring redress for what he conceived to be the unprovoked aggressions of the American back settlers on the Indian boundary line.

A. Arbuthnot to the commanding officer at Fort Gaines.

[This is an extract from the letter No. 69 in this collection, page 610, consisting of the four paragraphs before the last, which is omitted. See the document No. 69, and the answer to it, No. 70.]

*Copy of a talk sent from the British agents in East Florida to the Big Warrior, head chief of the Creek nation of Indians.**

OCHLOCHNEE RIVER, *March* 3, 1817.

When the English made peace with the Americans, they included the whole of the Indian nations, viz: Creek, Choctaw, Chickasaw, and Cherokee. Those nations were guarantied in the quiet possession of their lands, and the Americans engaged to give up such lands of the Indians as they had taken possession of during the war.

If they have not done so, or if they have been making further encroachments, the chiefs have only to represent their complaints and the aggressions of the Americans to the Governor of New Providence, who will forward them to England, or get them conveyed to the British minister at Washington, who has orders from the King of England to see that the rights of the nations above mentioned are protected, and the stipulations contained in the treaty, *in their favor*, are faithfully carried into execution.

The Americans have no wish to go to war; they will not, therefore, do any thing contrary to the treaty; and what encroachments have been made must be without the knowledge of the chief of the American Government; and, so soon as he is informed thereof by the British minister at Washington, he will order the American people who have taken possession of Indian lands to draw back to their own possessions.

The Indian nations are all one great family; they possess lands their great forefathers handed down to them, and they ought to hand them down entire to their children. If they sell their land, what do they receive for it? Nothing that will last. It is wasted away in a few years. Whether, therefore, they sell, or give it away, they are robbing their children of the inheritance they had a right to expect. As a great family, they ought to live as such with each other. Let the four nations join in bonds of brotherly love; let them smoke the pipe of peace; let the cultivation of their lands be their chief object during spring and summer, and hunting their diversion during winter; and the produce of their labor will be bought by good people, who will come and deal with them when they know there is any thing to be purchased for goods or money.

If the Americans or other nations live near them, let them live in friendship with them, and keep up a good understanding, but on no account sell or give away any of their lands. I recommend this as a friend of humanity and of good order.

A. ARBUTHNOT.

The head chiefs of the Upper Creek nation have desired me, Opony, to get the straight talk for them; what is written in the foregoing I believe to be the true and straight talk received from an Englishman,† *who carried two deputies to New Providence, and has returned with them to Ochlochnee.* I, Opony, have been sent by you, the head chiefs of the Upper Creek nation, to see the Seminole Indians. I have done so; they live quietly and peaceably, and wish to do so, with all their red brethren, in every part of the nation.

Opoy Hatcho has desired me to see those things; I have done so; and see all quiet, and had the talk I now send you, and shaken hands with the friend who gave it me.

That the friend I have met came over with goods by desire of the chiefs of the lower towns, and is a true friend to the Indians. The various and untrue talks that you sent me from time to time must be made by some person an enemy to us all red brethren, and ought not to be listened to; let me know who they are, and send me an answer as soon as possible to the present talk.

OPONY, his × mark.

Written by order of the aforesaid Opony, the 11th of March, 1817.

A. ARBUTHNOT.

Witness: AARON MORRIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *December* 12, 1818.

I have had the honor to receive your note of the 30th ultimo, in reply to mine of the 24th of the same month, by which I perceive, with great concern, the failure of the flattering hope I had formed of seeing a speedy and amicable termination of the differences existing between our respective Governments. But I leave to those who may impartially inquire into the state of things, their origin, nature, and all the circumstances hitherto attending them—to those who form their judgments upon the principles of justice, the dictates of conscience, and the most established rules of human reason, whether, on my part, I have not done even more than could be hoped for at once to terminate a controversy no less unpleasant than it is injurious to the interests of both nations.

It was painful to His Catholic Majesty's Government to find that the differences which originated in the pretensions first formed by the United States in the year 1805 were not then definitively settled; but the tenaciousness

*This appears to be the same talk with the letter to the Little Prince, mentioned in the proceedings of the court-martial on Arbuthnot's trial.

†See Arbuthnot's Journal, No. 68, p. 609.

of the American plenipotentiaries in maintaining them, and their refusal to accede to those advanced by His Majesty, in conformity with the most inviolable duties of his royal crown, as a preliminary to the ratification of the convention of 1802, threw insurmountable obstacles in the way of both; these obstacles still existed on the part of the United States at the period of the revolution in Spain, in 1808. From that time, and until the latter part of 1815, you are aware, sir, that the Government of the United States declined to acknowledge His Catholic Majesty's minister, and that the diplomatic intercourse between the two Powers was interrupted. From the moment your Government resolved on changing its course, and receiving the minister of Spain, my Government has employed the most unceasing efforts to adjust all existing differences, and establish on a just and solid basis the most perfect harmony and lasting friendship. For this I appeal to the correspondence between His Catholic Majesty's minister of state and the plenipotentiaries of the United States at Madrid, and to that I have had the honor to carry on here with yourself and your predecessor. I leave it to the judgment of any impartial person who may be disposed to analyze it, rejecting whatsoever is irrelevant or unfounded, to determine who has reason and justice on his side, and decide whether it is possible that any nation in the world, similarly situated, could act with greater generosity and good faith than Spain, or offer greater sacrifices to meet the wishes of the United States, with a view to putting an end to the controversy between them.

As you stated to me, in your note of 31st of October last, that the proposals you then made me by order of your Government comprehended every thing which the President conceived it possible, within the compass of his powers and duty, to offer for the final arrangement of the pending differences, I endeavored, in my letter of the 16th of November last, to modify the proposals made in yours of the 31st October, and approximate them to yours to the utmost extent of my powers. I even expressed my earnest desire to conclude the negotiation, so far as to admit the removal of the boundary line from the Gulf of Mexico, on the river Sabine, as proposed by you; and I only added that it should run more or less obliquely to the Missouri, thereby still keeping in view the consideration of conciliating the wish that your Government might have of retaining such other settlement as might have been formed on the bank of that river, and observing, nevertheless, that it was not to pass by New Mexico, or any other provinces or dominions of the Crown of Spain. Notwithstanding this, and the further advantages offered in the said proposals, I now observe that they still appear insufficient to meet the wishes and views of your Government; which is the more a subject of regret to me, as the reasons and grounds on which I founded a hope of a different result were, and still are, of the greatest weight.

What you now state, namely, that your proposal relative to the western boundary between the two Powers involved a great sacrifice on the part of the United States in favor of Spain, appears incomprehensible to me. That proposal, even modified and adapted to that which I made to you on the 24th of last month, included in favor of the United States a considerable extent of territory to the right and left of the Mississippi, to which they neither had nor can have any right whatever; and that fact being, as assuredly it is, beyond all contradiction or doubt, I cannot conceive in what consists the sacrifice made by the United States to Spain in the proposal offered by you. In fact, how can it be denied that Spain has ever been in the peaceable possession of all the countries lying to the westward of the Mermento, the boundary between the Spanish dominions and those of France, in that quarter, being a line running due north from the said river to the Rio Roxo (Red river) between the Adaes and Natchitoches, and thence to the Missouri, although it was not exactly determined whether it was to ascend until that river emptied into the Mississippi, or to some other point? Has the Government of France, peradventure, ever taken any step, or contested with His Catholic Majesty's crown, or carried her pretensions beyond those limits? Is it not universally notorious that this dividing line was always respected by both nations; and that, even after the acquisition of Louisiana by the United States, the different governors of Louisiana and Texas, with a view to avoid disputes, came to an agreement to consider the territory between the Mermento and the Sabine as neutral, and that it should remain unsettled? Is there the least probability that the United States would propose such an arrangement if they conceived themselves to be the owners of the immense country lying between that river and the Rio del Norte? I cannot but think you must admit these facts. As to the other points of the frontier separating the possessions of both Powers, they are equally well known, being accurately determined and defined in solemn treaties, and particularly in that of 1795, between Spain and the United States. The dividing line between the dominions of the two Powers to the eastward of the Mississippi was fixed on that river at the northernmost part of the thirty-first degree of north latitude, running thence due east to the mid-stream of the river Appalachicola or Chatahoochee; thence along the mid-stream of that river to its junction with the Flint; thence in a right line to the head-waters of the St. Mary's river, and following the course of the same to the Atlantic ocean. On the side of the Gulf of Mexico the line has also been accurately determined, so as to prevent its ever being confounded or misunderstood. It follows the course of the Mississippi to the Iberville, running through it, and the lakes Maurepas, Pontchartrain, and Borgne, to the Gulf of Mexico. In opposition to facts of such notoriety, unfounded assertions can have no weight. The offer of the United States, made through the medium of the French Government, to acquire of Spain the territory lying between the Mississippi and the Perdido, at the time the United States were already in possession of Louisiana, is an additional proof tending to demonstrate the certainty and notoriety of the boundaries I have just alluded to; and the French Government, which sold Louisiana to the United States, solemnly declared to this Government, in a note addressed to Mr. Monroe, dated the 21st December, 1804, not only what was its extent, but that it had delivered that province to the United States, such as Spain had retroceded it to France; and that, so far from having sold to this republic any part of the territory east of the Mississippi, known and possessed by England and by Spain under the name of West Florida, His Imperial Majesty, with a full knowledge of what belonged to His Catholic Majesty, early in the 11th year of the republic, authorized General Bournonville, his ambassador at Madrid, to open a negotiation with Spain for the purchase or cession of the Floridas. From what I have just pointed out, as well as from what I have repeatedly stated in the course of our correspondence, it evidently follows that the real and unquestionable sacrifice was that made by His Catholic Majesty in favor of the United States, as expressed in the above-mentioned proposal.

The continued persistance of your Government in its pretensions to all the territory lying between the Mermento and the river Bravo del Norte is not sufficient to invalidate the titles of property and possession which establish the right and dominion of Spain therein, when the English colonies composing the republic of the United States were not yet in existence, nor the French settlements, which serve as the pretext for the amazing pretensions of your Government. For, what titles and proofs have been produced to justify them? The disastrous expedition of M. de la Salle; the absurd grant in favor of Crozat; and the erroneous narratives of travellers, with maps formed at pleasure, by uninformed or interested geographers, such as Melish and others, who ran their lines as they were dictated to them, and thus disposed of the dominions of Spain as suited their wishes. When did La Salle enter the Rio Bravo, and take possession of the extensive countries between it and the Sabine? Was not his expedition, the sole object of which was to discover the mouths of the Mississippi, lost on the coast of the province of Texas? Did not the Spanish troops immediately advance from Mexico to expel these adventurers? What establishment did France, or any other nation, ever hold on the Bravo or the Colorado? The grant of

Louis XIV., no less contemptible than the tales and fables of the missionary Hennepin—will it, perchance, name the river Bravo, the Colorado, or the Columbia? It only makes mention of the Mississippi, or river of St. Louis, and of the waters emptying therein; and if, under the sanction of that grant, it were allowable to include, without reserve, all the lands washed by those waters, or all those which might come in contact with them, it would, perhaps, be no difficult matter to extend that pretension to the remotest rocks of Patagonia, and even to the south pole.

I have demonstrated, by the most abundant evidence, what are the unquestionable boundaries which divide the Spanish possessions from those of this republic; and notwithstanding nothing has been produced by the United States to establish their pretensions, and that the rights of Spain have hitherto been acknowledged and notorious, without any Power ever having disputed the property which she has, and always has had, since the sixteenth century, in the aforesaid territories, the Government of His Catholic Majesty is, and at all times has been, ready to produce the titles and documents in support of its rights, for the greater conviction and satisfaction of your Government, and for the impartial comparison of them with those which may be presented by the United States. You have declined these, in consequence, as you inform me, of the order you have received from the President, which only requires that I should subscribe to what he has been pleased to decide on; and, in case I do not agree to this, nothing further is wished to be heard in support of the rights of Spain; and that your Government retracts the proposals it has made for the adjustment of the question of boundaries. In consequence of so peremptory and categorical a declaration, and of proposals which have never been advanced in the course of the present negotiation, until your letter of 31st October last, to which it is impossible I should yet have received an answer from my court, I had no other alternative than to transmit a copy of your letter to my sovereign, which I have done by the secretary of this legation; and it will be very satisfactory to me to learn that His Majesty, animated as he is by the most lively desire to terminate these matters amicably, and on being informed that we are already agreed upon all the other points, may, in his wisdom, find means to conciliate the wishes of the United States with the interests and dignity of his crown. In the mean while, it is necessary I should inform you that as the proposals made to me in the name of the President are, as you signify, no longer obligatory, in like manner do those cease to be obligatory which I have made to you by the order of my Government; and that, consequently, the rights of the Crown of Spain are entirely free as to whatsoever appertains to it.

I cannot, however, refrain from expressing to you my inability to comprehend upon what grounds the United States decline the proposal of submitting the pending differences, in their actual state, to the judgment and decision of one or more friendly Powers in whom the United States may place full confidence. I have read with the greatest attention the note referred to by you, and I candidly confess that I have continued in the same uncertainty. When two nations cannot meet on points upon which they may disagree, a spirit of equity and the love of justice require, and the law of nations points out, a recourse to the arbitrament of an impartial third party. This maxim, so deserving of respect, was adopted by the United States themselves on the occasion of their acceptance of the mediation of Russia in their differences with Great Britain; and also on that of their agreement with the latter Power to submit to arbitrament whatever difficulties might arise in the settlement of their boundaries. A similar course has been adopted by all nations under similar circumstances; and, in fact, what mode is there, when two nations (or two individuals in particular cases) cannot agree upon a certain point, each one conceiving they have reason and justice on their side, but to submit the question to the impartial judgment and decision of a third party, chosen to their mutual satisfaction? Spain, convinced that this mode was the fairest and most expeditious, was anxious to adopt it, with all the sincerity and good faith which have characterized her; and in the event of its not being adopted, through the unalterable opposition of your Government, there can be no room for apprehension or regret as to the opinion which will be formed by the impartial world on this point.

In reference to what you state respecting the transmission, by order of the President, to the minister of the United States at Madrid, of all the evidence and documents relative to the conduct of the Governor of Pensacola and the Commandant of St. Mark's, with instructions to lay them before His Catholic Majesty's Government; and the demand, in consequence of the nature of the facts therein exhibited, of the condign punishment of those officers, I abstain from offering further proofs in addition to those I have already presented of the good conduct, honorable proceeding, and strict discharge of duty, on the part of those individuals acting under the authority of the King, my master, and in conformity with the existing treaty between the two nations, as the opportunity will be afforded of examining and comparing at Madrid the evidence adduced by Mr. Erving with that which my Government has received, or may receive, from the authorities whose duty it is to transmit it. If, upon such examination and comparison, it should appear that the Governor of West Florida and his officers have conducted themselves improperly, I am confident that due punishment will be inflicted on them; and if, on the other hand, the American general and officers should be found to have acted in an unjustifiable manner, the United States cannot hesitate to proceed against them, nor to indemnify Spain for the losses and injuries sustained in consequence of the aggression complained of.

With respect to the conduct of General Jackson in the invasion of Florida, and the excesses committed there in violation of the sovereignty and dignity of a friendly Power, as they are public and notorious, and sufficiently reprobated by public opinion, and as they are identified with the subject which has just been referred to, I likewise abstain from answering the arguments by which you have endeavored to justify that officer in the note I have the honor to reply to. Whatever may be the causes which, in the view of your Government, justified the war against the Seminoles, you cannot fail to admit how improbable it is that those miserable Indians, feeble, and wholly destitute as they are, could have provoked it. In the letter of the chief Boleck to the Governor of St. Augustine, of 20th December, 1816, copy of which I had the honor to transmit to you on the 27th of March last, you must have remarked that he speaks of assassinations, carrying off of men and cattle, usurpations of his territory, and even forging of treaties for the cession of lands, signed or marked by the names of persons unknown to the chiefs of the Creek nation, who, he adds, are alone authorized to transfer the general property; of all which he accuses the Americans. Besides, the friendship and good understanding existing between the two nations, and the treaty itself, on the authority of which the measures of General Jackson are supported, decisively required that any complaints which there might be against the Indians should be laid before His Majesty's Government, or before his minister near this republic, previous to the adoption of violent measures; as it was scarcely possible that those excesses could be restrained by His Majesty so long as he remained ignorant of them, and was only informed of the complaints of the continual vexations exercised towards the miserable Indians by the citizens of this Union.

I refrain from attempting any refutation of your remarks on the admission, by the Spanish Governor of Florida, of two English traders into that province, without orders from His Catholic Majesty's Government, or without notifying General Jackson thereof. It is evident that, if he admitted them by order of the King's Government, he was under no obligation to notify the American general of it; and if he admitted them without the necessary order, he was solely responsible to his sovereign for his conduct. The unquestionable fact is, that General Jackson, at the head of his army, fell upon Florida as a haughty invader and conqueror, regardless of the laws of humanity and the feelings of nature, and put to a cruel death two foreigners, who there enjoyed the protection of Spain, and

an asylum which has ever been held sacred by all civilized nations; thereby offering an unexampled insult to the sovereignty and independence of Spain; trampling under foot the most solemn compacts, founded on the laws of nations; and contemptuously driving from that province the Spanish commandants and troops in garrison there. Your further remarks on the restrictive system of the Spanish Government are not strictly conformable to the fact; since you cannot be ignorant that explorators, travellers, and even American officers with troops, have, at different periods, traversed the provinces and territories of the Crown of Spain in that part of America; and that only such persons have been arrested as have been found violating the laws of the country, or aiding, with arms in their hands, banditti and rebels, for the purpose of subverting good order and public tranquillity.

Before I conclude this note, I have to state that, if the project of the definitive adjustment of all the differences pending between the two Governments, which I presented to you on the part of mine, also included the claims for American captures made by the French on the coasts of Spain, or carried by them into Spanish ports, and there condemned in the first instance by French consuls, it was a sacrifice agreed to by Spain, with a view to terminate, once for all, these unpleasant disputes, and, by this additional proof of her condescension and generous friendship for the United States, to conciliate a correspondent proceeding on the part of your Government, from a respect to national law and the solemn principles of justice and equity, as it regards Spain. But this sacrifice, as well as that offered by me on the subject of boundaries and the cession of the Floridas, ceased to have any effect or force from the moment your Government refused to admit the said project, and, consequently, His Catholic Majesty relinquishes to the United States all the rights they may have to claim of France for the said prizes condemned by her consuls and tribunals. Whilst that nation exists, no recourse can in equity be had on Spain for indemnity for those spoliations. The recourse on Spain can in nowise be considered but as secondary. France, being the aggressor, comes under the obligation as a principal. It was she who derived the benefit of those prizes, and on her devolves the responsibility for their amount; and Spain has only become accountable in this concern as the security or caution of France. In conformity with this principle, an opinion has been given by three of the most eminent advocates of this country, who were consulted on the subject. It is also in strict conformity with the principles of natural law, and the venerable canons of common justice. It is in vain that reference is had to the letter of the existing treaty to suppose and insist on the contrary. That treaty can never receive an interpretation contradictory of those principles and the dictates of human reason.

The obligation of Spain cannot extend farther than to claiming of France, in behalf of the United States, and employing her best endeavors to obtain for them a settlement and satisfaction from that nation; which, however, is to be understood only in case the United States have not already been indemnified by France, as has been repeatedly declared by the French Government, or may have adjusted or abandoned that right by the treaty of 1800, and in subsequent conventions, as I have seen it stated in several public writings in this country.

Until I receive fresh orders, it is my duty to insist on the adoption of such measures by your Government as will promptly and effectually put a stop to the piracies which, for a series of years, have been carried on in various ports of this Union against the commerce of Spain. This system of plunder has been carried to a height unexampled in history; and the clamors of the reflecting part of the people of the United States denounce it to the whole world as a public calamity.

As to the exchange of the ratifications of the convention of 1802, I am ready to proceed to execute it with you, whenever you will be pleased to name a time for that purpose.

In the mean while, I renew to you the assurance of my distinguished consideration, and I pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 11, 1819.

I have just received a courier extraordinary of my Government; and, by the despatches he has brought me, I am authorized by His Majesty to give a greater extent to the proposals which I made to you for adjusting and terminating amicably all the subjects in dispute between the two Powers.

As the great difficulty which has hitherto opposed this desirable arrangement is the exact demarcation of the line which divides, or should divide, the dominions of the Crown of Spain from the territory of the United States westward of the Mississippi, and as you were pleased to state to me, in your note of the 30th September last, that the principal motive which induced the President to withdraw the proposals which you had made to me by his direction, was the want of instructions authorizing me to extend the boundary line to the Pacific ocean, I have the honor to inform you that His Majesty, although then unacquainted with the proposals made by you to me in your note of the 31st October, with a view to give an eminent proof of his sincere and generous friendship for this republic, has been pleased to authorize me to settle this point and others embraced by former proposals. If the President should agree to your entering into an amicable arrangement of them, and also to modify, on his part, the proposals you have made to me, I do not doubt that, either by correspondence or in conference, we may speedily attain the desired object—the termination of this interesting affair. I flatter myself that the President, as well as the whole American people, cannot but fail to acknowledge, in this disposition of His Majesty, (before he had a knowledge of the exorbitant pretensions of your Government,) the good faith and generosity of his proceeding, and to admit that a measure at once so frank and so decided claims a correspondent feeling on the part of this republic; the maintenance of perfect amity and good correspondence between the two Powers being obviously calculated to promote the best interests of both.

In the expectation of being soon favored with the decision of the President, I beg leave to renew to you the assurances of my high respect; and I pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *January* 16, 1819.

In consequence of the wish expressed by you yesterday, in the interview to which you were pleased to invite me, that I would state the proposals for which I am authorized by the fresh instructions I have received by a special messenger from my Government, and relying on your assurances that, notwithstanding the proposals you

had made to me, the President would take those into consideration which I might make anew for the purpose of settling amicably all pending differences, I have the honor to confirm to you those which I made in my note of the 16th of November last, and to add thereto that His Majesty will agree that the boundary line between the two states shall extend from the source of the Missouri, westward, to the Columbia river, and along the middle thereof to the Pacific ocean. If this basis should be accepted by the President, (as I trust it will, inasmuch as it presents the means of realizing his great plan of extending a navigation from the Pacific to the remotest points of the Northern States and of the ocean, and of enlarging the dominions of the republic by the acquisition of both the Floridas,) I will have no hesitation in agreeing to an arrangement honorable and satisfactory to both nations, upon the point on which we differ, relating to the indemnity claimed for the injuries resulting from the occupation of the territories of the King by the forces of this Union.

I conceive that you, as well as the President and the whole American people, cannot but see, in this evidence of the spirit of conciliation by which His Catholic Majesty is actuated, a certain pledge of his desire to strengthen and cement the ties of friendship with this republic; and I trust that the answer of the President will correspond with the sacrifices made by His Majesty, as well with a view to the prompt satisfaction of the citizens of the United States for whatever injuries they may have sustained, as to the complete removal of every cause of future disagreement between the two nations. But if, contrary to my expectations, this should not be the case, I shall feel a sincere regret in seeing this desirable arrangement protracted until His Majesty, on being made acquainted with the extraordinary pretensions of your Government by the despatches of which Don Luis Noeli, the secretary of this legation, was the bearer, may transmit to me such orders as he may deem expedient.

I renew to you the assurances of my distinguished consideration, and I pray God to preserve you many years.

LUIS DE ONIS.

The Secretary of State to Don Luis de Onis.

SIR: DEPARTMENT OF STATE, WASHINGTON, *January* 29, 1819.

Your letter of the 16th instant has been submitted to the consideration of the President of the United States, by whose directions I have the honor of informing you that the proposal to draw the western boundary line between the United States and the Spanish territories on this continent, from the source of the Missouri to the Columbia river, cannot be admitted. I have to add, that, for the purpose of an immediate arrangement of affairs with Spain, this Government repeats the proposal contained in my letter to you of the 31st October last;* and if you are not authorized to agree to it, we are willing to adjust the other subjects of difference, leaving that to be settled hereafter. But if your powers are incompetent to accept either of these offers, the President thinks it useless to pursue the discussion any further of subjects upon which there can be no hope entertained of concluding an agreement between us.

Be pleased to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *February* 1, 1819.

I have received your note of the 29th January, in which you are pleased to state to me, that, having laid before the President my note of the 16th, he has directed you to inform me that my proposal to fix the boundary between the two states, by a line from the source of the river Missouri to the Columbia, and along the course of the latter to the Pacific, is inadmissible; but that, with a view to an immediate arrangement of affairs with Spain, you repeat to me the proposal contained in your note of the 31st October last, and add, that, if I am not authorized to agree to it, we may adjust the other subjects of difference, leaving that to be settled hereafter.

My powers authorize me to adjust all such differences as His Majesty was apprized of at the date of my last despatches, which are of the 4th November. The proposal referred to by you is of the 31st October preceding, and, in all probability, no answer to it can be expected before the middle or end of March. Taking into consideration, however, on the one hand, the earnest desire of His Catholic Majesty to terminate these matters before the rising of Congress, and thereby to avoid a further delay of a twelvemonth in settling the indemnities claimed by citizens of the Union, and, on the other, the probable anxiety of your Government to carry into execution the establishments contemplated in the Floridas, I am prepared to take upon myself the definitive settlement of the points in controversy, provided the President, animated by correspondent feelings, is willing to modify the proposals made to me, so as to render them consistent and compatible with the interests of both Powers.

I have proved to you, in the most satisfactory manner, that neither the Red river of Natchitoches, nor the Columbia, ever formed the boundary of Louisiana; but, as you have intimated to me that it is useless to pursue the discussion any further, I acquiesce with you therein; and I agree that, keeping out of view the rights which either Power may have to the territory in dispute, we should confine ourselves to the settlement of those points which may be for the mutual interest and convenience of both.

Upon this view, therefore, of the subject, and considering that the motive for declining to admit my proposal of extending the boundary line from the Missouri to the Columbia, and along that river to the Pacific, appears to be the wish of the President to include within the limits of the Union all the branches and rivers emptying into the said river Columbia, I will adapt my proposals on this point so as fully to satisfy the demand of the United States, without losing sight of the essential object, namely, that the boundary line shall, as far as possible, be natural and clearly defined, and leave no room for dispute to the inhabitants on either side.

Having thus declared to you my readiness to meet the views of the United States in the essential point of their demand, I have to state to you that His Majesty is unable to agree to the admission of the Red river to its source, as proposed by you. This river rises within a few leagues of Santa Fé, the capital of New Mexico; and, as I flatter myself the United States have no hostile intentions towards Spain, at the moment we are using all our efforts to strengthen the existing friendship between the two nations, it must be indifferent to them to accept the Arkansas instead of the Red river as the boundary. This opinion is strengthened by the well-known fact, that the intermediate space between those two rivers is so much impregnated with nitre as scarcely to be susceptible of improvement.

* Communicated to Congress, 14th December, 1818.

In consideration of these obvious reasons, I propose to you, that, drawing the boundary line from the Gulf of Mexico, by the river Sabine, as laid down by you, it shall follow the course of that river to its source; thence, by the ninety-fourth degree of longitude, to the Red river of Natchitoches, and along the same to the ninety-fifth degree; and crossing it at that point, to run by a line due north to the Arkansas, and along it to its source; thence, by a line due west, till it strikes the source of the river San Clemente, or Multnomah, in latitude 41°, and along that river to the Pacific ocean: the whole agreeably to Melish's map.

In case this basis, which not only approximates your proposals, but fulfils, in every essential point, the wishes you have stated to me, be admitted by the President, His Majesty, with a view to give the United States a more convincing proof of his generosity and his desire to strengthen the bonds of amity with this republic, consents to relinquish the claim of indemnity for the injuries sustained by his treasury in consequence of the invasion of the Floridas, reserving only to the inhabitants of the same their right to what may appear to be justly due to them for their losses by that event.

It is understood that the convention of 1802, lately ratified, is annulled as far as it relates to the indemnity for injuries and losses claimed by the United States or their citizens of Spain; inasmuch as full compensation for the same is to be made to them from the sales of the lands in the two Floridas, and of the immense possessions westward of the Mississippi, ceded by His Majesty in virtue of that treaty; and that the United States, actuated by the most sincere desire to remove every cause of difference between the two nations in future, will take into consideration the necessity of establishing such regulations as, in their wisdom, they may deem most expedient to prevent the evasion of the laws of the republic, to the injury of the commerce of the subjects of His Catholic Majesty.

I renew to you, sir, the assurances of my distinguished consideration, and I pray God to preserve you many years.

LUIS DE ONIS.

Projet of an article describing the western boundary, communicated to Don Luis de Onis by the Secretary of State, February 6, 1819.

ARTICLE.—It is agreed that the western boundary between the United States and the territories of Spain shall be as follows: Beginning at the mouth of the river Sabine, on the Gulf of Mexico; following the course of said river to the thirty-second degree of latitude, the eastern bank and all the islands in the river to belong to the United States, and the western bank to Spain; thence, due north, to the northernmost part of the thirty-third degree of north latitude, and until it strikes the Rio Roxo, or Red river; thence, following the course of said river, to the northernmost point of the bend, between longitude 101° and 102°; thence, by the shortest line, to the southernmost point of the bend of the river Arkansas, between the same degrees of longitude 101° and 102°; thence, following the course of the river Arkansas, to its source, in latitude 41° north; thence, following the same parallel of latitude 41°, to the South sea. The northern banks and all the islands in the said Red and Arkansas rivers, on the said boundary line, to belong to the United States, and their southern banks to Spain: the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818. But, if the source of the Arkansas river should fall south or north of latitude 41°, then the line from the said source shall run due north or south, as the case may be, till it meets the said parallel of latitude, and thence, as aforesaid, to the South sea. And it is further agreed that no Spanish settlement shall be made on any part of the said Red or Arkansas rivers, nor on any of the waters flowing into the same, nor any east of the chain of Snow mountains, between the latitudes 31° and 41°, inclusively; and that the navigation of said rivers shall belong exclusively to the United States forever.

Projet of a treaty delivered by Don Luis de Onis to the Secretary of State, February 9, 1819.

[Translation sent by Don Luis de Onis.]

His Catholic Majesty and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevail between the two parties, have determined to settle and terminate all their differences and pretensions by a treaty, which shall designate with precision the limits of the one and the other, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention, His Catholic Majesty has appointed the most excellent Don Luis de Onis Gonzales y Vara, lord of the town of Rayaces, perpetual regidor of the corporation of the city of Salamanca, knight grand cross of the royal American order of Isabella the Catholic, decorated with the lys of La Vendée, knight-pensioner of the royal and distinguished Spanish order of Charles the Third, member of the supreme assembly of the said royal order, of the council of His Catholic Majesty, his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America; and the President of the United States, with the advice and consent of their Senate, has appointed Mr. John Quincy Adams, Secretary of State of the United States. And the plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

ART. 2. His Catholic Majesty, desiring to give a distinguished proof of his friendship to the United States, cedes to them, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the names of East and West Florida, such as they were ceded to him by Great Britain in 1783, and with the limits by which they are designated in the treaty of limits and navigation concluded between Spain and the United States on the 27th October, 1795.

ART. 3. The adjacent islands dependant on said provinces, places, public squares, public edifices, fortifications, barracks, and other buildings which are not the property of some private individual, archives and documents which relate directly to the property and sovereignty of said provinces, are included in this article.

ART. 4. That at no time whatever there may be any dispute or mistake in the boundaries which shall separate in future the territories of His Catholic Majesty and those of the United States to the westward of the Mississippi, the two high contracting parties have agreed to fix them in the following manner: The boundary line between the two countries shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea; continuing north, along the middle of that river, to the thirty-second degree of latitude; thence, by a line due north, to the thirty-third degree of latitude, where it strikes the Rio Roxo of Natchitoches, *(Red river,)* following the course of the Rio Roxo, to the westward, to the one hundredth degree of longitude, and thirty-three and one-fourth degree of latitude,

where it crosses that river; thence, by a line due north, by the said one hundredth degree of longitude from London, according to Melish's map, till it enters the river Arkansas; thence, along the middle of the Arkansas, to the forty-second degree of latitude; thence, a line shall be drawn to the westward, by the same parallel of latitude, to the source of the river San Clemente, or Multnomah, following the course of that river to the forty-third degree of latitude; and thence, by a line due west, to the Pacific ocean. All the country belonging to His Catholic Majesty, included in said line to the eastward, His Majesty cedes to the United States, in full property and sovereignty, forever; as also the islands in the rivers Sabine, Red river of Natchitoches, Arkansas, and Multnomah, that may be situated within the limits which are here pointed out: both parties to maintain the navigation of all of them free as respects the parts thereof which constitute their frontiers.

ART. 5. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line in conformity to what is above agreed upon and stipulated; they shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to these persons, and also as to their respective escorts, should such be deemed necessary.

ART. 6. The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, without being subject in either case to duties.

ART. 7. The inhabitants of the two provinces aforesaid, and those in all the territories which His Catholic Majesty cedes to the United States by this treaty, shall be incorporated in the Union of the United States as soon as possible, agreeably to the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the other States.

ART. 8. The territories of the two Floridas, which, at the time of the delivery which is to be made of them to the United States, should be occupied by the troops or authorities of the republic, shall be delivered to the commissioners which His Catholic Majesty or the captain general of the Havana may send for that purpose, in order that the said territories may be delivered up in a regular manner to the commissioners or officers appointed by the United States to receive them.

ART. 9. All the grants of lands made by His Catholic Majesty, or by his legitimate authorities, in the aforesaid territories of the two Floridas, and others which His Majesty cedes to the United States, shall be confirmed and acknowledged as valid, excepting those grants which may have been made after the 24th January of last year, the date that the first proposals were made for the cession of these provinces, which shall be held null, in consideration of the grantees not having complied with the conditions of the cession.

ART. 10. The two contracting parties, animated by the most sincere desire of conciliation, and with a view of eradicating all the dissensions which have existed between them, and to secure that good harmony which they desire perpetually to maintain with each other, reciprocally renounce all claims for damages or injuries which they themselves, as well as their respective subjects and citizens, may have suffered until the time of signing this treaty.

The renunciation of the United States will extend—

1. To all the injuries mentioned in the convention of the 11th August, 1802.

2. To all claims of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of deposite at New Orleans.

4. And to all the claims of citizens of the United States upon the Government of Spain, in which the interposition of the Government of the United States may have been solicited before the date of this treaty, and since the date of the convention of 1802, and which may have been made to the Department of State of this republic, or to the minister of the United States in Spain.

The renunciation of His Catholic Majesty extends—

1. To all the injuries mentioned in the convention of the 11th August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, fitted out and equipped at New York.

4. To the revenue collected by the United States in the territories of Florida that have been occupied by their troops, and to the indemnities which His Catholic Majesty is entitled to for the injuries caused to his royal crown by those invasions.

Finally, to all claims of subjects of His Catholic Majesty upon the Government of the United States, in which the interposition of His Catholic Majesty's Government has been solicited before the date of this treaty, and since the date of the convention of 1802, or which may have been made to the Department of Foreign Affairs of His Majesty, or to his minister in the United States.

ART. 11. The convention entered into between the two Governments on the 11th August, 1802, the ratifications of which were exchanged on the 21st December, 1818, is annulled in that part which relates to the payment of the injuries which the United States and their citizens claim; it being agreed between the two high contracting parties that these injuries shall be paid integrally by the United States from the proceeds of the public or crown lands of the two Floridas and other territories ceded by His Catholic Majesty in this treaty; so that both Governments consider all their claims, and those of their subjects and citizens, as cancelled from this date, excepting those claims which the citizens of the United States may have against Spanish individuals, or which the latter may have upon the citizens of this republic.

ART. 12. The treaty of limits and navigation of 1795 remains confirmed in all and each one of its articles, excepting the second, third, fourth, twenty-first, and the second clause of the twenty-second article, which, having been altered by this treaty, are no longer valid.

With respect to the fifteenth article of the same treaty of friendship, limits, and navigation, of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this may be so understood with respect to those Powers who recognise this principle; but, if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

ART. 13. In order to avoid frauds, and the great evils which arise from concealing the destination of vessels by clearing out, in general terms, for the West Indies, Spanish main, Europe, &c., the two high contracting parties have agreed that, in future, all merchant vessels belonging to their respective subjects or citizens shall be cleared out for a specified port, either at their respective custom-houses or in those of other Powers, from whose ports said vessels may depart in continuation of their primitive voyage, or in case they should undertake a new one; and the

merchant vessels of either of the two nations that, in violation of their clearances, should enter other ports, without justifying the motives which induced them to it, or should be met with on the high seas by their vessels of war or privateers cleared out in violation of this article, shall be detained, proceeded against, and, upon conviction, forfeited.

ART. 14. In case there shall be just cause to suspect the character of the vessels, or which should not be cleared out for a specified port, as is stipulated in the preceding article, or that the cargo belongs to enemies of either of the contracting parties whose Governments do not recognise the principle that the flag covers the property, or which shall consist of articles contraband of war, such vessels may be detained and sent to the nearest and most convenient port to which the ship of war or privateer that may have detained such a vessel belongs, where she shall be adjudged agreeably to the law of nations, and the practice established by other maritime Powers. And it is agreed that adjudication shall be had with the least delay possible; and if it shall be proved that the detention or capture was unjust, it shall not only be the duty of the tribunal where the case was tried to release the vessel and cargo, but it shall decide the corresponding indemnity for the damages and injuries that may have been sustained, to be paid by the captors, and, in their defect, by the Government by whom they shall be commissioned.

ART. 15. Both contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other shall be arrested and delivered up at the instance of the consul, who shall prove, nevertheless, that the deserters belong to the vessels that claim them, exhibiting the document that is customary in their nation; that is to say, that the Spanish consul in an American port shall exhibit the roll of the vessel, and the American consul in a Spanish port the document known by the name of *articles;* and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ART. 16. His Catholic Majesty having condescended to make the cessions to the United States which are specified in the present treaty, in compliment to the United States, with the object of cancelling all the claims they have demanded of the royal crown, the United States will certify, in due form, that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain; and they will present an authentic statement of the prizes made, and of their true value, that Spain may claim from France the return of this amount.

ART. 17. It being mutually advantageous to the commerce of Spain and of the United States to facilitate the communication between both nations for a limited time in the territories ceded by this treaty, until they can agree upon the regulations relating to commerce which may be best adapted to favor the same, the two high contracting parties agree that Spanish vessels which may arrive loaded solely with the produce or manufactures of Spain, directly from the ports or colonies, shall be admitted into all the ports of the two Floridas that may be lawfully open to the trade of other nations, for the space of twelve years, without paying more duties for their produce or merchandise, or greater tonnage duty, than what are paid by vessels of the United States.

During said time no other nation shall be entitled to the same privileges in the ceded territories. The twelve years shall begin three months after exchanging the ratifications of the present treaty; at the expiration of said time, Spanish vessels shall be received in said territories on the same footing as the most favored nations.

ART. 18. The present treaty shall not be in force until ratified in due form by the contracting parties; and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we, the underwritten plenipotentiaries of His Catholic Majesty and of the United States of America, have signed, by virtue of our powers, the present treaty of friendship and limits, and have thereunto affixed our seals, respectively.

Done at Washington, this — day of February, 1819.

Counter-projet of a treaty, communicated by Mr. Adams to Don Luis de Onis the 13th of February, 1819.

The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevail between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate with precision the limits of their respective bordering territories in North America.

With this intention, the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the most excellent lord Don Luis de Onis Gonzales Lopes y Vara, lord of the town of Rayaces, perpetual regidor of the corporation of the city of Salamanca, knight grand cross of the royal American order of Isabella the Catholic, decorated with the lys of La Vendée, knight-pensioner of the royal and distinguished Spanish order of Charles the Third, member of the supreme assembly of the said royal order, of the council of His Catholic Majesty, his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America.

And the said plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens, and His Catholic Majesty, his successors and subjects, without exception of persons or places.

ART. 2. His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the names of East and West Florida. The adjacent islands, dependant on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissioners or officers of the United States duly authorized to receive them.

ART. 3. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico at the mouth of the river Sabine, in the sea; continuing north, along the western bank of that river, to the thirty-second degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or *Red river;* thence, following the course of the Rio Roxo westward, to the degree of longitude 102° west from London, and 25° from Washington; then, crossing the said Red river, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 41° north; and thence, by the parallel of latitude, to the South sea: the whole being as laid down in Melish's map of the United States, published in Philadelphia, improved to the 1st of January, 1818. But if the source of the Arkansas river should be found to fall north or south of latitude 41°, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 41°; and

thence, along the said parallel, to the South sea; the Sabine and the said Red and Arkansas rivers, and all the islands in the same, throughout the course thus described, to belong to the United States; and the western bank of the Sabine, and the southern banks of the said Red and Arkansas rivers, throughout the line thus described, to belong to Spain. And the United States hereby cede to His Catholic Majesty all their rights, claims, and pretensions to the territories lying west and south of the above-described line; and His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and, for himself, his heirs, and successors, renounces all claim to the said territories forever.

ART. 4. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet, before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated; they shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. 5. The inhabitants of the ceded territories shall be secured in the free exercise of their religion; without any restriction; and all those who desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, without being subject, in either case, to duties.

ART. 6. The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated into the Union of the United States as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ART. 7. The officers and troops of His Catholic Majesty in the territories hereby ceded by him to the United States shall be withdrawn, and possession of the places occupied by them shall be given, within six months after the ratification of this treaty, or sooner if possible, by the officers of His Catholic Majesty, to the commissioners or officers of the United States duly appointed to receive them.

ART. 8. All grants of land made by or in the name of His Catholic Majesty in the aforesaid territories, after the 24th of January, 1818, shall be held null, the conditions of the said grants not having been performed by the grantees. All grants made before that date by His Catholic Majesty, or by his legitimate authorities, in the said territories, the conditions of which shall have been performed by the grantees according to the tenor of the respective grants, and none other, shall be confirmed and acknowledged as valid.

ART. 9. The two contracting parties reciprocally renounce all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered, until the time of signing this treaty.

The renunciation of the United States will extend—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of deposite at New Orleans in 1802.

4. To all claims of citizens of the United States upon the Government of Spain, arising from the unlawful seizures at sea, and from the unlawful seizure of vessels or cargoes belonging to citizens of the United States in the ports and territories of Spain or the Spanish colonies.

The renunciation of His Catholic Majesty extends—

1. To all the injuries mentioned in the convention of the 11th August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

Finally, to all the claims of subjects of His Catholic Majesty upon the Government of the United States, in which the interposition of His Catholic Majesty's Government has been solicited before the date of this treaty, and since the date of the convention of 1802, or which may have been made to the Department of Foreign Affairs of His Majesty, or to his minister in the United States.

And the high contracting parties respectively renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

ART. 10. The convention entered into between the two Governments on the 11th August, 1802, the ratifications of which were exchanged on the 21st December, 1818, is annulled.

ART. 11. The United States, exonerating Spain from all demands in future on account of the claims of their citizens to which the renunciations herein contained extend, undertake to make satisfaction for the same to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of these claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate; which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such commissioner, his place may be supplied by the appointment as aforesaid, or by the President of the United States during the recess of the Senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same; and the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified when demanded at the instance of the said commissioners.

The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their Treasury, or by the creation of stock bearing an interest of six per centum per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

The records of the proceedings of the said commissioners, together with vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States, and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish minister in the United States.

ART. 12. The treaty of limits and navigation of 1795 remains confirmed in all and each one of its articles, excepting the second, third, fourth, twenty-first, and the second clause of the twenty-second article; which, having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the fifteenth article of the same treaty of friendship, limits, and navigation, of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those Powers who recognise this principle. But, if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

ART. 13. Both contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other shall be arrested and delivered up at the instance of the consul, who shall prove, nevertheless, that the deserters belong to the vessels that claim them, exhibiting the document that is customary in their nation; that is to say, the American consul in a Spanish port shall exhibit the document known by the name of *articles*, and the Spanish consul in an American port the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and be delivered to the vessel to which they shall belong.

ART. 14. The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same, in such manner as she may deem just and proper.

ART. 15. The present treaty shall be ratified, in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, the underwritten plenipotentiaries of the United States of America and of His Catholic Majesty have signed, by virtue of their powers, the present treaty of amity, settlement, and limits, and have thereunto affixed their seals, respectively.

Done at Washington, this — day of February, 1819.

[TRANSLATION.]

† *Paper received by the Secretary of State from Mr. Hyde de Neuville, 16th February, 1819.*

Remarks of the Chevalier de Onis.	*Remarks of the Secretary of State.*
ART. 1. Agreed.*	
ART. 2. Requires a more explicit explanation.*	
ART. 3. The Chevalier de Onis requires that the boundary between the two countries shall be the middle of the rivers, and that the navigation of the said rivers shall be common to both nations.	The Secretary of State maintains that the United States have always intended that the property of the river should belong to them. He insists on this point, as an essential condition, as the means of avoiding all collision, and as a principle adopted henceforth by the Union in its treaties with its neighbors. He agrees, however, that the navigation of the said rivers to the sea shall be common to both people. The Secretary of State conceives that in this clause there is nothing humiliating to Spain, as seemed to be thought; since it is not intended to impose on her an onerous stipulation, but to fix a territorial limit, which, in fact, might be extended beyond the rivers mentioned. He considers this clause as indispensable, and as eminently calculated to preserve a good understanding between the two people.
The minister of Spain agrees to the one hundredth degree of longitude, and, to remove all difficulties, to admit the forty-second instead of the forty-third degree of latitude, from the Arkansas to the Pacific ocean.	Agreed.
ART. 4. Agreed, as proposed by the Secretary of State.	
ART. 5. Agreed.	
ART. 6. Agreed.	
ART. 7. Agreed, with the addition that the United States shall furnish transports and the necessary escort for conveying the aforesaid troops of His Catholic Majesty, and their baggage, to the Havana.*	Agreed.*
ART. 8. This article cannot be varied from what is contained in the chevalier's projet, as the object of the last clause therein is merely to save the honor and dignity of the sovereignty of His Catholic Majesty.*	Agreed, with the following explanation: that all grants of land which shall not be annulled by this convention are valid to the same extent as they are binding on His Catholic Majesty.*

† Mr. De Onis being at this time confined by indisposition, at his request Mr. Hyde de Neuville had a personal interview with the Secretary of State on the 15th of February, at which there was a full and free discussion of the projet of Mr. De Onis, delivered February 9th, and of the counter-projet communicated by him to Mr. De Onis, February 13th. Immediately after this interview, Mr. De Neuville reduced to writing this paper, in which are noted the objections of Mr. De Onis to parts of the counter-projet, the replies to those objections by the Secretary of State, and the points to which both parties were agreed. He sent a copy of the paper the next morning to the Secretary of State, and another copy to Mr. De Onis. Being intended merely as a private minute, that both parties might be satisfied of the correctness in which their respective remarks were stated, it was drawn up partly in French, and partly in our own language. The passages here marked with asterisks are in English in the original paper. The rest is translated.

The minutes upon the eighth article, compared with the draught in the projet of Mr. De Onis, with that of the counter-projet by the Secretary of State, and with the article as finally expressed in the treaty, fully elucidate the understanding of the parties that the grants of land dated before, as well as after the 24th January, 1818, were annulled, excepting those upon which settlements had been commenced, the completion of which had been prevented by the circumstances of Spain, and the recent revolutions in Europe.

* The passages marked thus (*) are in English in the paper received from Mr. De Neuville.

REMARKS.—The Secretary of State observed to me that the Federal Government would most assuredly never entertain the idea of disturbing individuals who were vested with a *bona fide* title to their property; but, as a treaty ought not to cover fraudulent practices, so no more could be asked of the United States than could be offered by His Catholic Majesty; that, being in this case substituted for His Majesty, they would scrupulously fulfil their engagements; but that more could not be expected of them.

The Secretary of State even proposes, if Mr. De Onis wishes it, that the article shall be inserted in the treaty, as proposed by the minister of Spain, on condition that the above explanation shall be given in the form of a note. The Federal Government, unwilling to leave any thing in a state of doubt or uncertainty, only wishes to place on the most secure footing whatever is just and honorable, and is, at the same time, perfectly satisfied that His Catholic Majesty neither asks nor wishes more.

ART. 9. Mr. De Onis requires that the article should run thus:	
"To all claims of citizens of the United States upon the Government of Spain arising from [un]lawful seizures at sea, and in the ports or territories of His Catholic Majesty in Spain or in his colonies."*	Agreed.*
And the high contracting parties respectively renounce all claims to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.*	
To the above claim Mr. De Onis adds that the United States will satisfy all the just claims which the inhabitants and Spanish officers of the Floridas may have upon them in consequence of the damages they may have sustained by the operations and proceedings of the American army, as is customary with the citizens of the United States under similar circumstances.*	Agreed.*
ART. 10. Agreed, as it is proposed by the Secretary of State.*	Agreed.*
ART. 11. The chevalier desires that the stipulation of five millions of dollars contained in this article may be stricken out, for he is aware that the territories ceded are sufficient to pay triple that sum; and, by agreeing to that stipulation, it would appear that Spain, in consideration only of the said amount, has ceded the two Floridas and other territories, when she would not have ceded them for twenty millions were it not her desire to arrange and terminate all differences with the United States.	The Secretary of State does not appear to find a positive objection to agreeing to the alteration required. However, as he conceives this article to be more important to the United States than to Spain, he will examine the question, and see whether the request of the minister of Spain may or may not be agreed to.
The remaining parts of this article are agreed to.*	
ARTS. 12, 13, 14, and 15. Agreed.*	Agreed.*
ART. 16.	

REMARKS.—This article, which I have not before me, is, I believe, that in which Mr. De Onis requires that American vessels shall only receive clearances for a specified port. It appears that this article cannot be assented to by the Federal Government, and is, therefore, as observed by Mr. Adams, wholly inadmissible in the present treaty.

ART. 17. Mr. De Onis requires that Spanish vessels shall be admitted for twelve years into all the ports of the ceded territories upon the same footing as the vessels of the United States.	Agreed, as to the ports of St. Augustine and Pensacola.
2. That no nation shall enjoy the like privilege during the said term of twelve years.	Agreed.
3. That, at the expiration of the said term, Spanish vessels shall be received in said territories on the same footing as the most favored nations.	Refused.

N. B. It is agreed by both parties that the article stipulating the cession of the Floridas shall be so framed as to cover the honor of both countries, and prove that the treaty is an amicable transaction, divested of all mental reservations, disguise, or recrimination.

The writer of these hasty notes believes that he perfectly comprehended, and has faithfully stated, the conversation he had this morning with the Secretary of State.

He will be equally attentive in stating to-morrow the answer of the minister of Spain. He flatters himself that all obstacles are nearly removed, and he deems it no small satisfaction in having been invited, by the confidence manifested in him by both parties, to co-operate, however feebly, in an event which cannot fail to have a powerful influence on the peace and happiness of both hemispheres.

G. H. DE N.

WASHINGTON, *February* 15, 1819.

Mr. De Neuville to the Secretary of State.

WASHINGTON, *February* 16, 1819.

Mr. De Neuville has the honor to present his respects to Mr. Adams, and to enclose the statement hastily drawn up by him yesterday evening. Mr. De Neuville believes he has omitted nothing of what Mr. Adams did him the honor to communicate to him. He will see Mr. De Onis to-day at one o'clock, and afterwards, that is, between two and three, he will call at the office of the Department, and hand to Mr. Adams the projet sent by him to Mr. De Onis. Mr. De N. hopes that Mr. De Onis will remove the remaining unimportant difficulties, for which nothing on the part of Mr. De N. will be omitted. He avails himself with pleasure of this occasion to offer to Mr. Adams the renewed assurances of his high consideration.

JAMES MONROE, *President of the United States of America: To all whom these presents shall concern, Greeting:*

Know ye, that I have given and granted, and do hereby give and grant, to John Quincy Adams, Secretary of State of the United States, full power and authority, and also a general and special command, to meet and confer with the envoy extraordinary and minister plenipotentiary of His Catholic Majesty residing in the United States, being furnished with the like full powers of and concerning the limits between the territories of the United States and those of his said Catholic Majesty in North America, and any mutual cessions of part of the same; of and concerning all matters of difference between the said United States and His Catholic Majesty, and concerning the relations of navigation and commerce between the said United States and His Catholic Majesty; and to conclude a treaty touching the premises, for the final ratification of the President of the United States, by and with the advice and consent of the Senate thereof, if such advice and consent be given.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under [L. S.] my hand, at the city of Washington, the sixteenth day of February, A. D. 1819, and of the independence of the United States the forty-third.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

[TRANSLATION.]

Full power of the King of Spain to Don Luis de Onis.

Don Ferdinand, by the grace of God, King, &c. &c. &c., desiring to consolidate the friendship and good understanding which happily prevail between my kingdoms and the United States of America, through the mutual interests existing between the two Governments, and reposing full confidence in you, Don Luis de Onis, knight of the royal and distinguished order of Charles III., and my minister plenipotentiary to the United States of America, by reason of your fidelity, distinguished zeal, and approved capacity, in the arduous concerns committed to you, have granted, and by these presents do grant, to you full power, in the most ample form, to treat, of yourself, and without other intermediate authority, with such person or persons as may be authorized by the President of the United States, and on the principles of the most perfect equality and fitness, to conclude and sign a treaty of amity, whereby past differences may be adjusted, and a firm and lasting peace established between the two Governments: obliging ourselves, as we do hereby oblige ourselves and promise, on the faith and word of a King, to approve, ratify, and fulfil, and to cause to be inviolably observed and fulfilled, whatsoever may be stipulated and signed by you; to which intent and purpose I grant you all authority and full power, in the most ample form, thereby and of right required.

In faith whereof, we have given command to issue the present, signed with our royal hand, sealed with our privy seal, and countersigned by our underwritten first secretary of state and of universal despatch.

Given at Madrid, the 10th day of September, 1816.

[L. S.]

FERDINAND.
PEDRO CEVALLOS.

Treaty of amity, settlement, and limits, between the United States of America and His Catholic Majesty.

The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevail between the two parties, have determined to settle and terminate all their differences and pretensions by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention, the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the most excellent Lord Don Luis de Onis Gonsalez Lopez y Vara, lord of the town of Rayaces, perpetual regidor of the corporation of the city of Salamanca, knight grand cross of the royal American order of Isabella the Catholic, decorated with the lys of La Vendée, knight-pensioner of the royal and distinguished Spanish order of Charles the Third, member of the supreme assembly of the said royal order, of the council of His Catholic Majesty, his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America.

And the said plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens, and His Catholic Majesty, his successors and subjects, without exception of persons or places.

ART. 2. His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the names of East and West Florida. The adjacent islands dependant on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissioners or officers of the United States duly authorized to receive them.

ART. 3. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea; continuing north, along the western bank of that river, to the thirty-second degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red river; then, following the course of the Rio Roxo, westward, to the degree of longitude one hundred west from London, and twenty-three from Washington; then, crossing the said Red river, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude forty-two degrees north; and thence, by that parallel of latitude, to the South sea: the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818. But, if the source of the Arkansas river shall be found to fall north or south of latitude forty-two degrees, then the line shall run from the said source, due south or north, as the case may be, till it meets the said parallel of latitude forty-two degrees; and thence, along the said parallel, to the South sea: all the islands in

the Sabine and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations. The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line, that is to say: The United States hereby cede to His Catholic Majesty, and renounce forever, all the rights, claims, and pretensions to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and, for himself, his heirs, and successors, renounces all claim to the said territories forever.

ART. 4. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet, before the termination of one year from the date of the ratification of the treaty, at Natchitoches, on Red river, and proceed to run and mark the said line, from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude forty-two degrees, to the South sea; they shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also to their respective escorts, should such be deemed necessary.

ART. 5. The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, without being subject, in either case, to duties.

ART. 6. The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ART. 7. The officers and troops of His Catholic Majesty in the territories hereby ceded by him to the United States shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner if possible, by the officers of His Catholic Majesty, to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

ART. 8. All the grants of land made before the 24th of January, 1818, by His Catholic Majesty, or by his lawful authorities, in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which, the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

ART. 9. The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered, until the time of signing this treaty.

The renunciation of the United States will extend—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of deposite at New Orleans, in 1802.

4. To all claims of citizens of the United States upon the Government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of His Catholic Majesty extends—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the Government of the United States arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of His Catholic Majesty upon the Government of the United States, in which the interposition of His Catholic Majesty's Government has been solicited before the date of this treaty, and since the date of the convention of 1802, or which may have been made to the Department of Foreign Affairs of His Majesty, or to his minister in the United States.

And the high contracting parties respectively renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida.

ART. 10. The convention entered into between the two Governments on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled.

ART. 11. The United States, exonerating Spain from all demands in future, on account of the claims of their citizens, to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate; which commission shall meet at the city of Washing-

ton, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such commissioner, his place may be supplied by the appointment as aforesaid, or by the President of the United States during the recess of the Senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified when demanded at the instance of the said commissioners.

The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at at their Treasury, or by the creation of stock bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

The records of the proceedings of the said commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish minister in the United States.

ART. 12. The treaty of limits and navigation of 1795 remains confirmed in all and each one of its articles, excepting the second, third, fourth, and twenty-first, and the second clause of the twenty-second article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the fifteenth article of the same treaty of friendship, limits, and navigation, of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those Powers who recognise this principle; but, if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Government acknowledges this principle, and not of others.

ART. 13. Both contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other shall be arrested and delivered up, at the instance of the consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say, the American consul in a Spanish port shall exhibit the document known by the name of *articles*, and the Spanish consul in American ports the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ART. 14. The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ART. 15. The United States, to give His Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favor the commerce of the subjects of His Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain or of her colonies, shall be admitted for the term of twelve years to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term, no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

ART. 16. The present treaty shall be ratified, in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we, the underwritten plenipotentiaries of the United States of America and of His Catholic Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively. Done at Washington, this twenty-second day of February, one thousand eight hundred and nineteen.

JOHN QUINCY ADAMS. [SEAL.]
LUIS DE ONIS. [SEAL.]

Resolution of the Senate advising ratification.

IN SENATE OF THE UNITED STATES, *February* 24, 1819.

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty of amity, settlement, and limits, made and concluded at Washington, on the 22d day of February, 1819, between the United States and His Catholic Majesty.

Attest: CHARLES CUTTS, *Secretary.*

Ratification by the President of the United States.

JAMES MONROE, *President of the United States of America: To all and singular who shall see these presents, greeting:*

Whereas a treaty of amity, settlement, and limits, between the United States of America and His Catholic Majesty, was concluded and signed between their plenipotentiaries in this city, on the twenty-second day of the present month of February, which treaty is word for word as follows: [Here follows the treaty, as above.] And whereas the Senate of the United States, by their resolution of the twenty-fourth day of the same month, (two-thirds of the Senators then present concurring,) did advise and consent to the ratification of the said treaty:

Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by

these presents accept, ratify, and confirm the said treaty, and every clause and article thereof, as the same are hereinbefore set forth.

In faith whereof, I have caused the seal of the United States of America to be hereto affixed. Given under my hand, at the city of Washington, this twenty-fifth day of February, in the year of our Lord one [L. S.] thousand eight hundred and nineteen, and of the independence of the said States the forty-third.

JAMES MONROE.

16th CONGRESS.] No. 312. [1st SESSION.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES AT THE COMMENCEMENT OF THE FIRST SESSION OF THE SIXTEENTH CONGRESS.

COMMUNICATED TO CONGRESS, DECEMBER 7, 1819.

Fellow-citizens of the Senate and of the House of Representatives:

The public buildings being advanced to a stage that afford accommodation for Congress, I offer you my sincere congratulations on the recommencement of your duties in the Capitol.

In bringing to view the incidents most deserving attention which have occurred since your last session, I regret to have to state that several of our principal cities have suffered by sickness; that an unusual drought has prevailed in the Middle and Western States; and that a derangement has been felt in some of our moneyed institutions, which has proportionably affected their credit. I am happy, however, to have it in my power to assure you that the health of our cities is now completely restored; that the produce of the year, though less abundant than usual, will not only be amply sufficient for home consumption, but afford a large surplus for the supply of the wants of other nations; and that the derangement in the circulating paper medium, by being left to those remedies which its obvious causes suggested, and the good sense and virtue of our fellow-citizens supplied, has diminished.

Having informed Congress, on the 27th of February last, that a treaty of amity, settlement, and limits had been concluded in this city between the United States and Spain, and ratified by the competent authorities of the former, full confidence was entertained that it would have been ratified by His Catholic Majesty with equal promptitude, and a like earnest desire to terminate, on the conditions of that treaty, the differences which had so long existed between the two countries. Every view which the subject admitted of was thought to have justified this conclusion. Great losses had been sustained by citizens of the United States from Spanish cruisers more than twenty years before, which had not been redressed. These losses had been acknowledged and provided for by a treaty, as far back as the year 1802, which, although concluded at Madrid, was not then ratified by the Government of Spain, nor since, until the last year, when it was suspended by the late treaty, a more satisfactory provision to both parties, as was presumed, having been made for them. Other differences had arisen in this long interval, affecting their highest interests, which were likewise provided for by this last treaty. The treaty itself was formed on great consideration, and a thorough knowledge of all the circumstances, the subject-matter of every article having been for years under discussion, and repeated references having been made by the minister of Spain to his Government on the points respecting which the greatest difference of opinion prevailed. It was formed by a minister duly authorized for the purpose, who had represented his Government in the United States, and been employed in this long protracted negotiation several years; and who, it is not denied, kept strictly within the letter of his instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its ratification.

On the part of the United States, this treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injuries and losses so long before sustained, and now again acknowledged and provided for, was to be paid by them, without becoming a charge on the treasury of Spain. For territory ceded by Spain, other territory of great value, to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her. This cession was, nevertheless, received as the means of indemnifying our citizens in a considerable sum—the presumed amount of their losses. Other considerations of great weight urged the cession of this territory by Spain. It was surrounded by the territories of the United States on every side except on that of the ocean. Spain had lost her authority over it, and, falling into the hands of adventurers connected with the savages, it was made the means of unceasing annoyance and injury to our Union in many of its most essential interests. By this cession, then, Spain ceded a territory in reality of no value to her, and obtained concessions of the highest importance, by the settlement of long-standing differences with the United States, affecting their respective claims and limits, and likewise relieved herself from the obligation of a treaty relating to it, which she had failed to fulfil, and also from the responsibility incident to the most flagrant and pernicious abuses of her rights, where she could not support her authority.

It being known that the treaty was formed under these circumstances, not a doubt was entertained that His Catholic Majesty would have ratified it without delay. I regret to have to state that this reasonable expectation has been disappointed; that the treaty was not ratified within the time stipulated, and has not since been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances in my possession relating to it.

Anxious to prevent all future disagreement with Spain, by giving the most prompt effect to the treaty which had been thus concluded, and particularly by the establishment of a Government in Florida which should preserve order there, the minister of the United States, who had been recently appointed to His Catholic Majesty, and to whom the ratification by his Government had been committed, to be exchanged for that of Spain, was instructed to transmit the latter to the Department of State, as soon as obtained, by a public ship, subjected to his order for the purpose. Unexpected delay occurring in the ratification by Spain, he requested to be informed of the cause. It was stated, in reply, that the great importance of the subject, and a desire to obtain explanations on certain points which were not specified, had produced the delay, and that an envoy would be despatched to the United States to obtain such explanations of this Government. The minister of the United States offered to give full explanation on any point on which it might be desired; which proposal was declined. Having communicated this

result to the Department of State, in August last, he was instructed, notwithstanding the disappointment and surprise which it produced, to inform the Government of Spain that, if the treaty should be ratified, and transmitted here at any time before the meeting of Congress, it would be received, and have the same effect as if it had been ratified in due time. This order was executed; the authorized communication was made to the Government of Spain, and by its answer, which has just been received, we are officially made acquainted, for the first time, with the causes which have prevented the ratification of the treaty by His Catholic Majesty. It is alleged by the minister of Spain that this Government had attempted to alter one of the principal articles of the treaty, by a declaration which the minister of the United States had been ordered to present, when he should deliver the ratification by his Government in exchange for that of Spain, and of which he gave notice, explanatory of the sense in which that article was understood. It is further alleged that this Government had recently tolerated or protected an expedition from the United States against the province of Texas. These two imputed acts are stated as the reasons which have induced His Catholic Majesty to withhold his ratification from the treaty; to obtain explanations respecting which, it is reported that an envoy would be forthwith despatched to the United States. How far these allegations will justify the conduct of the Government of Spain, will appear on a view of the following facts, and the evidence which supports them.

It will be seen, by the documents transmitted herewith, that the declaration mentioned relates to a clause in the eighth article, concerning certain grants of land recently made by His Catholic Majesty in Florida, which, it was understood, had conveyed all the lands which, till then, had been ungranted. It was the intention of the parties to annul these latter grants, and that clause was drawn for that express purpose, and for none other. The date of these grants was unknown, but it was understood to be posterior to that inserted in the article. Indeed, it must be obvious to all that, if that provision in the treaty had not the effect of annulling these grants, it would be altogether nugatory. Immediately after the treaty was concluded and ratified by this Government, an intimation was received that these grants were of anterior date to that fixed on by the treaty, and that they would not, of course, be affected by it. The mere possibility of such a case, so inconsistent with the intention of the parties and the meaning of the article, induced this Government to demand an explanation on the subject, which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this Government had tolerated or protected an expedition against Texas, it is utterly without foundation. Every discountenance has invariably been given to any such attempt from within the limits of the United States, as is fully evinced by the acts of the Government and the proceedings of the courts. There being cause, however, to apprehend, in the course of the last summer, that some adventurers entertained views of the kind suggested, the attention of the constituted authorities in that quarter was immediately drawn to them, and it is known that the project, whatever it might be, has utterly failed.

These facts will, it is presumed, satisfy every impartial mind that the Government of Spain had no justifiable cause for declining to ratify the treaty. A treaty concluded in conformity with instructions is obligatory, in good faith, in all its stipulations, according to the true intent and meaning of the parties. Each party is bound to ratify it. If either could set it aside, without the consent of the other, there would be no longer any rules applicable to such transactions between nations. By this proceeding, the Government of Spain has rendered to the United States a new and very serious injury. It has been stated that a minister would be sent to ask certain explanations of this Government; but, if such were desired, why were they not asked within the time limited for the ratification? Is it contemplated to open a new negotiation respecting any of the articles or conditions of the treaty? If that were done, to what consequences might it not lead? At what time, and in what manner, would a new negotiation terminate? By this proceeding, Spain has formed a relation between the two countries, which will justify any measures on the part of the United States which a strong sense of injury and a proper regard for the rights and interests of the nation may dictate. In the course to be pursued, these objects should be constantly held in view, and have their due weight. Our national honor must be maintained, and a new and a distinguished proof be afforded of that regard for justice and moderation which has invariably governed the councils of this free people. It must be obvious to all, that, if the United States had been desirous of making conquests, or had been even willing to aggrandize themselves in that way, they could have had no inducement to form this treaty; they would have much cause for gratulation at the course which has been pursued by Spain. An ample field for ambition is opened before them; but such a career is not consistent with the principles of their Government, nor the interests of the nation.

From a full view of all the circumstances, it is submitted to the consideration of Congress whether it will not be proper for the United States to carry the conditions of the treaty into effect in the same manner as if it had been ratified by Spain, claiming, on their part, all its advantages, and yielding to Spain those secured to her. By pursuing this course, we shall rest on the sacred ground of right, sanctioned in the most solemn manner by Spain herself, by a treaty which she was bound to ratify, for refusing to do which she must incur the censure of other nations, even those most friendly to her; while, by confining ourselves within that limit, we cannot fail to obtain their well-merited approbation. We must have peace on a frontier where we have been so long disturbed; our citizens must be indemnified for losses so long since sustained, and for which indemnity has been so unjustly withheld from them. Accomplishing these great objects, we obtain all that is desirable.

But His Catholic Majesty has twice declared his determination to send a minister to the United States to ask explanations on certain points, and to give them respecting his delay to ratify the treaty. Shall we act, by taking the ceded territory, and proceeding to execute the other conditions of the treaty, before this minister arrives and is heard? This is a case which forms a strong appeal to the candor, the magnanimity, and honor of this people. Much is due to courtesy between nations. By a short delay we shall lose nothing; for, resting on the ground of immutable truth and justice, we cannot be diverted from our purpose. It ought to be presumed that the explanations which may be given to the minister of Spain will be satisfactory, and produce the desired result. In any event, the delay, for the purpose mentioned, being a further manifestation of the sincere desire to terminate in the most friendly manner all differences with Spain, cannot fail to be duly appreciated by His Catholic Majesty as well as by other Powers. It is submitted, therefore, whether it will not be proper to make the proposed law for carrying the conditions of the treaty into effect, should it be adopted, contingent; to suspend its operation upon the responsibility of the Executive, in such manner as to afford an opportunity for such friendly explanations as may be desired during the present session of Congress.

I communicate to Congress a copy of the treaty, and of the instructions to the minister of the United States at Madrid respecting it; of his correspondence with the minister of Spain; and of such other documents as may be necessary to give a full view of the subject.

In the course which the Spanish Government have on this occasion thought proper to pursue, it is satisfactory to know that they have not been countenanced by any other European Power. On the contrary, the opinion and wishes both of France and Great Britain have not been withheld either from the United States or from Spain, and have been unequivocal in favor of the ratification. There is also reason to believe that the sentiments of the Imperial Government of Russia have been the same, and that they have also been made known to the cabinet of Madrid.

In the civil war existing between Spain and the Spanish provinces in this hemisphere, the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. Our ports have continued to be equally open to both parties, and on the same conditions; and our citizens have been equally restrained from interfering in favor of either to the prejudice of the other. The progress of the war, however, has operated manifestly in favor of the colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has also lately attended Chili and the provinces north of the La Plata bordering on it, and likewise Venezuela.

This contest has from its commencement been very interesting to other Powers, and to none more so than to the United States. A virtuous people may and will confine themselves within the limits of a strict neutrality; but it is not in their power to behold a conflict so vitally important to their neighbors without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this Government to prevent that feeling leading to excess; and it is very gratifying to have it in my power to state, so strong has been the sense throughout the whole community of what was due to the character and obligations of the nation, that very few examples of a contrary kind have occurred.

The distance of the colonies from the parent country, and the great extent of their population and resources, gave them advantages which it was anticipated at a very early period it would be difficult for Spain to surmount. The steadiness, consistency, and success with which they have pursued their object, as evinced more particularly by the undisturbed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other nations. These sentiments on the part of the United States have not been withheld from other Powers with whom it is desirable to act in concert. Should it become manifest to the world that the efforts of Spain to subdue these provinces will be fruitless, it may be presumed that the Spanish Government itself will give up the contest. In producing such a determination, it cannot be doubted that the opinion of friendly Powers, who have taken no part in the controversy, will have their merited influence.

It is of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any who may be disposed to take advantage of it, to compromit the interest or the honor of the nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the laws with a view to this desirable result.

It is submitted, also, whether it may not be proper to designate, by law, the several ports or places along the coast at which only foreign ships of war and privateers may be admitted. The difficulty of sustaining the regulations of our commerce and of other important interests from abuse, without such designation, furnishes a strong motive for the measure.

At the time of the negotiation for the renewal of the commercial convention between the United States and Great Britain, a hope had been entertained that an article might have been agreed upon, mutually satisfactory to both countries, regulating, upon principles of justice and reciprocity, the commercial intercourse between the United States and the British possessions, as well in the West Indies as upon the continent of North America. The plenipotentiaries of the two Governments not having been able to come to an agreement on this important interest, those of the United States reserved for the consideration of this Government the proposals which had been presented to them as the ultimate offer on the part of the British Government, and which they were not authorized to accept. On their transmission here, they were examined with due deliberation, the result of which was a new effort to meet the views of the British Government. The minister of the United States was instructed to make a further proposal, which has not been accepted. It was, however, declined in an amicable manner. I recommend to the consideration of Congress whether further prohibitory provisions in the laws relating to this intercourse may not be expedient. It is seen with interest, that, although it has not been practicable as yet to agree in any arrangement of this important branch of their commerce, such is the disposition of the parties, that each will view any regulations which the other may make respecting it in the most friendly light.

By the fifth article of the convention concluded on the 20th of October, 1818, it was stipulated that the differences which had arisen between the two Governments with regard to the true intent and meaning of the fifth article of the treaty of Ghent, in relation to the carrying away by British officers of slaves from the United States after the exchange of the ratifications of the treaty of peace, should be referred to some friendly sovereign or state, to be named for that purpose. The minister of the United States has been instructed to name to the British Government a foreign sovereign, the common friend to both parties, for the decision of this question. The answer of that Government to the proposal, when received, will indicate the further measures to be pursued on the part of the United States.

Although the pecuniary embarrassments which affected various parts of the Union during the latter part of the preceding year have, during the present, been considerably augmented, and still continue to exist, the receipts into the Treasury, to the 30th of September last, have amounted to $19,000,000. After defraying the current expenses of the Government, including the interest and reimbursement of the public debt payable to that period, amounting to $18,200,000, there remained in the Treasury on that day more than $2,500,000, which, with the sums receivable during the remainder of the year, will exceed the current demands upon the Treasury for the same period.

The causes which have tended to diminish the public receipts could not fail to have a corresponding effect upon the revenue which has accrued upon imports and tonnage during the first three quarters of the present year; it is, however, ascertained that the duties which have been secured during that period exceed $18,000,000, and those of the whole year will probably amount to $23,000,000.

For the probable receipts of the next year I refer you to the statements which will be transmitted from the Treasury, which will enable you to judge whether further provision be necessary.

The great reduction in the price of the principal articles of domestic growth, which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufactures, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation have been no less adverse to our manufacturing establishments in several sections of the Union. The great reduction of the currency which the banks have been constrained to make, in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction in the prices of the raw materials and of labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid which has been refused by the banks has not been obtained from other sources, owing to the loss of individual confidence, from the frequent failures which have recently occurred in some of our principal commercial cities.

An additional cause for the depression of these establishments may probably be found in the pecuniary embarrassments which have recently affected those countries with which our commerce has been principally prosecuted.

Their manufactures, for the want of a ready or profitable market at home, have been shipped by the manufacturers to the United States, and, in many instances, sold at a price below their current value at the place of manufacture. Although this practice may, from its nature, be considered temporary or contingent, it is not on that account less injurious in its effects. Uniformity in the demand and price of an article is highly desirable to the domestic manufacturer.

It is deemed of great importance to encourage our domestic manufactures. In what manner the evils which have been adverted to may be remedied, and how far it may be practicable in other respects to afford them further encouragement, paying due regard to the other great interests of the nation, is submitted to the wisdom of Congress.

The survey of the coast for the establishment of fortifications is now nearly completed, and considerable progress has been made in the collection of materials for the construction of fortifications in the Gulf of Mexico and in the Chesapeake bay. The works on the eastern bank of the Potomac, below Alexandria, and on the Pea Patch, in the Delaware, are much advanced, and it is expected that the fortifications at the Narrows, in the harbor of New York, will be completed the present year. To derive all the advantages contemplated from these fortifications, it was necessary that they should be judiciously posted, and constructed with a view to permanence. The progress hitherto has, therefore, been slow; but as the difficulties in parts heretofore the least explored and known are surmounted, it will, in future, be more rapid. As soon as the survey of the coast is completed, which it is expected will be done early in the next spring, the engineers employed in it will proceed to examine, for like purposes, the northern and northwestern frontiers.

The troops intended to occupy a station at the mouth of the St. Peter's, on the Mississippi, have established themselves there, and those who were ordered to the mouth of the Yellow Stone, on the Missouri, have ascended that river to the Council Bluff, where they will remain until the next spring, when they will proceed to the place of their destination. I have the satisfaction to state that this measure has been executed in amity with the Indian tribes, and that it promises to produce, in regard to them, all the advantages which were contemplated by it.

Much progress has likewise been made in the construction of ships of war, and in the collection of timber and other materials for shipbuilding. It is not doubted that our navy will soon be augmented to the number, and placed, in all respects, on the footing provided for by law.

The board, consisting of engineers and naval officers, have not yet made their final report of sites for two naval depots, as instructed, according to the resolutions of March 18th and April 20th, 1818, but they have examined the coast therein designated, and their report is expected in the next month.

For the protection of our commerce in the Mediterranean, along the southern Atlantic coast, in the Pacific and Indian oceans, it has been found necessary to maintain a strong naval force, which it seems proper for the present to continue. There is much reason to believe that, if any portion of the squadron heretofore stationed in the Mediterranean should be withdrawn, our intercourse with the Powers bordering on that sea would be much interrupted, if not altogether destroyed. Such, too, has been the growth of a spirit of piracy, in the other quarters mentioned, by adventurers from every country, in abuse of the friendly flags which they have assumed, that not to protect our commerce there would be to abandon it as a prey to their rapacity. Due attention has likewise been paid to the suppression of the slave trade, in compliance with a law of the last session. Orders have been given to the commanders of all our public ships to seize all vessels navigated under our flag, engaged in that trade, and to bring them in to be proceeded against in the manner prescribed by that law. It is hoped that these vigorous measures, supported by like acts by other nations, will soon terminate a commerce so disgraceful to the civilized world.

In the execution of the duty imposed by these acts, and of a high trust connected with it, it is with deep regret I have to state the loss which has been sustained by the death of Commodore Perry. His gallantry in a brilliant exploit in the late war added to the renown of his country. His death is deplored as a national misfortune.

JAMES MONROE.

WASHINGTON, *December* 7, 1819.

15th CONGRESS.] No. 313. [1st SESSION.

DANISH BRIG HENRICK.*

COMMUNICATED TO CONGRESS, DECEMBER 28, 1819.

WASHINGTON, *December* 24, 1819.

To the Senate and House of Representatives of the United States:

On the 23d of February, 1803, a message from the President of the United States was transmitted to both Houses of Congress, together with the report of the then Secretary of State, Mr. Madison, upon the case of the Danish brigantine Henrick and her cargo, belonging to citizens of Hamburgh, recommending the claim to the favorable consideration of Congress. In February, 1805, it was again presented, by a message from the President, to the consideration of Congress, but has not since been definitively acted upon.

The minister resident† from Denmark and the consul general from Hamburgh having recently renewed applications in behalf of the respective owners of the vessel and cargo, I transmit, herewith, copies of their communications for the further consideration of the Legislature, upon whose files all the documents relating to the claim are still existing.

JAMES MONROE.

From the Consul General of Hamburgh to the Secretary of State.

SIR: HAMBURGH CONSULATE GENERAL, PHILADELPHIA, *November* 9, 1819.

On behalf of several of the citizens of Hamburgh, I have the honor to solicit your attention to the subject of their interests in the cargo of the Danish brigantine Henrick, Peter Scheelt, master, which was captured by a

* See vol. 3, page 344. † The application of the minister was verbal.

public armed vessel of the United States in the year 1799, with a request that you will be pleased to lay the case before the President of the United States, that, if he shall see proper, he may submit it to the consideration of Congress.

This vessel and cargo have been heretofore within the view of the Executive of the United States, and have been the subject of a very favorable representation from the Department of State. It will not, therefore, be necessary that I should enter into a minute detail of the circumstances attending it, as the public records of the Government contain a full and faithful statement of them.

I deem it proper at this time, sir, to present the case before you in this summary way. The vessel in question was Danish property; the cargo on board belonged exclusively to citizens of Hamburgh; and, of course, the whole was neutral in the then existing war. She sailed from Hamburgh, bound to Cape François, on the 3d of October, 1799. She was taken by a French privateer, and on the 8th of the same month was recaptured by the American public vessel called the Pickering, and carried into St. Christopher's. At this British island the vessel and cargo were libelled for salvage; one-half of the gross amount of sales was decreed to the recaptors, and the other half, after deducting costs and expenses, to the owners. Of the value of the cargo, amounting to upwards of thirty-four thousand dollars, nearly the whole was lost, as appears by the documents heretofore exhibited on this subject to the Department of State.

In the past consideration of this affair, it seems to have been plainly conceded that it was the duty of the American commander to have brought the property recaptured under the authority of the United States within their jurisdiction, and that if this duty had been performed the vessel and cargo would have been released either altogether, or upon payment of the most moderate rate of salvage. By a different line of conduct from that which should have been pursued, the property was involved in a sentence proceeding from a palpable misconception and misapplication of a law of the United States, and its almost total loss was the consequence. The owners, thus heavily suffering from the conduct of the American commander of a public vessel, had no remedy for the injury they had sustained but an appeal to the justice of the American Government. This appeal was made on behalf of the whole interest, and its justice was in various departments of the Government distinctly recognised; but the redress suited to the case has never yet been afforded.

It is supposed that the conduct of the Danes towards American property may have had its effect upon the American Government in postponing its just purposes towards the owners of the property in question. But it is respectfully submitted that this consideration, if it has any existence, ought not to affect the interests of the owners of the cargo, who are citizens of Hamburgh, and who now separately make their claim to retribution.

Most respectfully inviting your attention, sir, to the documents in the Department of State in relation to the brigantine Henrick and cargo, and to several reports of committees of the House of Representatives in Congress on the subject of this claim, I do earnestly submit the claim of the owners of the cargo to your consideration, and request that it may be laid before the President of the United States, in order that a just recompense may be had for the heavy injuries which have been thus sustained.

Permit me, sir, to assure you of my particular regard and consideration, wherewith I have the honor to remain,

Sir, your most obedient servant,

C. N. BUCK,

Consul General of Hamburgh to the United States of America.

To the Hon. JOHN QUINCY ADAMS,

Secretary of State of the United States.

[The following report on the same subject was made February 8, 1820.]

The Committee on Foreign Relations, to whom was referred the message of the President of the 24th of December last, recommending to Congress the consideration of the case of the Danish brigantine Henrick and her cargo, respectfully report:

That they have thought it right to present to the House that view of the circumstances of the case which is contained in the report made by Mr. Madison on the 22d of February, 1803.

"The Secretary of State has the honor to report to the President of th e United States upon the note of the minister of His Danish Majesty, dated on the 9th instant, as follows:

"That it appears that the Danish brigantine Henrick, Captain Peter Scheelt, sailing from Hamburgh, loaded with an assorted cargo, and bound to Cape François, was captured, on the 3d of October, 1799, by a French privateer, and, on the 8th of the same month, she was recaptured by an American public armed vessel called the Pickering, and carried to the British island of St. Christopher, where she arrived on the 10th.

"That, from an authenticated transcript of the proceedings in the case of the said vessel, had before the court of vice-admiralty at the said island, it appears that the said court took cognizance of the case, and awarded one-half of the gross amount of the sales of the brig and her cargo to be paid to the recaptors, and the other half, after deducting costs and expenses, to be restored to the owners. That this rate of salvage appears to have been adopted from the laws of the United States, as then applicable to recaptures of American property, and of such as belonged to belligerant Powers in amity with the United States; but it is believed that these laws had, according to decisions of our own courts, no reference to recaptures of neutral property. That admitting, what has received the sanction of some recent authorities, that, in certain peculiar cases of danger of a neutral being condemned by a belligerant, the recaptors are entitled to a proportionate salvage, there is much reason to believe this is not such a case, as the vessel was bound from a neutral to a French port, the whole of the property being neutral, and, according to the assurance of Mr. Lindemann, the Governor of the Danish West India islands, most of the Danish vessels carried into Guadaloupe, for a year before this capture, were released, and some of them with damages. That the courts of the United States have, in cases much more strongly marked by circumstances indicating a danger of a neutral being condemned, allowed much smaller rates of salvage.

"That the laws of the United States required vessels captured under their authority to be brought within their jurisdiction; and it is conceived that it was the duty of the American officers, in this case, to repel the attempt of the foreign judicatory to take cognizance, much less ought they to have directly submitted their recapture to its decision, which, as it could not be revised or rectified, in case of error, by the tribunals of their own country, might tend to involve it in claims on its responsibility from others.

"That, according to the representation of the agent for the owners of the Danish vessel, of the sum of $44,500, the value of the vessel, freight, and cargo, there remained, after satisfying the decree for salvage and expenses, no more than $8,374 41.

"That, as the policy and interest of the United States lead them, in a special manner, to respect and promote the rights and facilities of neutral commerce; as the sentence in this case was permitted, if not procured, by officers of the United States, to be made in a foreign, and therefore improper tribunal; as there remains no doubt but that a court of the United States, pronouncing thereon, would either have rejected the claim for salvage altogether, or reduced it to the most moderate scale, as the declared basis of the sentence; as the law of the United States was inapplicable to the case; and as it is understood that a remedy is now unattainable, in the ordinary judicial course, it is the opinion of the Secretary of State that, under all the circumstances, the case ought to be referred to the just provisions of Congress thereon.

"All which is respectfully submitted.

"JAMES MADISON.

"DEPARTMENT OF STATE, *February* 22, 1803."

The examination of the subject by the committee has led them to an entirely different conclusion, as to the obligations of the United States, from that which seems to be intimated in the foregoing report. The laws of the United States required that the French vessels of which it authorized the capture should be brought into the ports of the United States for condemnation. They provided for the restoration of American property which might be recaptured from a French captor, upon a salvage to be determined either upon the mutual agreement of the parties, or by a decree of a court of the United States, and they do not seem to have provided at all for the case of the capture from the French of property belonging to a third nation. The proceedings in the court of vice-admiralty in St. Christopher's, by which so large an allowance of salvage and costs was made as to absorb a very great proportion of the amount for which the vessel and cargo were sold, were submitted, in 1800, to three of the most distinguished lawyers of this country, who concluded, from the papers laid before them, that the sentence of the court was in consequence of proceedings exhibited on the part of the owners of the vessel and cargo, and not on the part of the recaptors. In this opinion, (which the committee have subjoined to their report,) it is suggested to be unadvisable for the Danish consul to apply either to the Government of the United States for indemnity, or to institute any suit in the courts of justice here against the captors.

This claim of indemnity against the Government is, indeed, of an unusual character. It is alleged that a foreign court, in a case to which an American officer was a party, awarded an unjust sentence, and that the costs of this legal proceeding were excessive. The claimants have abstained from the natural remedy for correcting the errors of an inferior court, which the justice of civilized nations provides, by constituting tribunals of appeal. They abstain, too, in conformity with sound legal advice, from prosecuting any legal remedy in our own courts against the officers of whose misconduct they complain, and *they choose* to prefer their claims to indemnity against the Government which, as they say, did not authorize, and whose laws, indeed, according to their construction, forbade the proceeding.

This claim has several times been recommended to the attention of Congress by the Executive. Committees have made reports in its favor, and a bill to provide for it passed the House of Representatives, January, 1804, by a majority of one hundred and eight to fifteen members.

The committee recommend to the House the following resolution:

Resolved, That it is not expedient to make provision to indemnify the owners of the Danish brigantine Henrick and her cargo for the injury alleged to have resulted from the sentence of a British court of vice-admiralty in the island of St. Christopher.

A.

Copy of a paper filed in the Navy Department, purporting to be the copy of an opinion given by Edward Tilghman, William Lewis, and Peter S. Duponceau.

On the case of the Danish brig Henrick, taken by a French privateer from Guadaloupe, on her voyage from Hamburgh to Cape François, retaken by the United States brig Pickering, after being more than ninety-six hours in the power of the French, carried into St. Christopher's, and there libelled by Peter Scheelt, master of the said Danish brig, on behalf of the owners, underwriters, and others concerned, in the court of vice-admiralty, who ordered the said brig Henrick and her cargo to be sold, and adjudged one moiety of the gross proceeds to the recaptors, for salvage; as far as we are able to judge from the papers laid before us, which do not contain the whole of the record, it appears to us that the sentence of the judge of the admiralty was in consequence of proceedings exhibited on the part of the owners of, and others concerned in the vessel and cargo, and not on the part of the recaptors; which proceedings, it is reasonable to conclude, were for restitution. Under these circumstances, we do not think it advisable for the Danish consul either to apply to the Government of the United States for indemnity or recompense for the great loss sustained, or to institute any process in the courts of justice here against the captain of the Pickering.

It must, we think, be left to the discretion of the owners, underwriters, and others who may happen to be interested, whether they will or will not prosecute an appeal to the courts in England.

EDWARD TILGHMAN,
WILLIAM LEWIS,
PETER S. DUPONCEAU.

FEBRUARY 21, 1800.

B.

Copy of a letter from Commodore Tingey, the commander of the United States squadron in the West Indies at the time the Danish brig was recaptured.

SIR: NAVY YARD, WASHINGTON, *January* 19, 1820.

In pursuance to your directions, I have endeavored to call to my remembrance as many of the facts as came to my knowledge relative to the *recapture* of the Danish brigantine Henrick from the French, by the United States brig Pickering, Captain Hiller, in the month of October, 1799, during the period of my having the command of our West India squadron. Captain Hiller, in the brig Pickering, pursuant to orders from the Secretary of the Navy, having joined my command, received my orders relative to what part of the station he should cruise in, so as to have the squadron distributed in such manner as should be most effectual in protecting our defenceless commerce, and annoying the enemy; when, some time in the month of October above mentioned, Captain Hiller fell in with the above-stated brig Henrick, in possession of a prize-master and crew from a French privateer, by which she had been captured some short time before; he, of course, recaptured the Henrick, as it was his duty to do, and

carried her to the port of Basseterre, in the island of St. Christopher, which was the general rendezvous of the squadron. At that time I was, as my duty strictly enjoined, cruising in the United States ship Ganges, for the purposes before mentioned. On my next meeting with the Pickering, some few days afterwards, Captain Hiller reported this recapture to me, merely as a part of his transactions, in his general report; but, in an interview with him on board my ship, (the Ganges,) I learned that *an adjudication for the salvage* (agreeably to the act of Congress) had been given at St. Christopher's, at the instance of the captain or agent of the Henrick, or of *a compromise with said captain or agent*—my memory, at this distant period, does not enable me to say which. Thus, the whole transaction had commenced and terminated without my having any view or knowledge thereof until it had passed.

From the celerity with which the business was conducted at St. Christopher's, I cannot entertain a doubt that the *adjudication* or *compromise* was effected with the assent, or, as more probable, at the *instigation* of the captain or agent for the Henrick; for Captain Hiller was too correct an officer (scrupulously so in regard to his duty) to have of himself commenced on any decisive measures *against* the recaptured vessel, until I should have arrived, (as commander-in-chief of the squadron,) to have decided on the most proper mode of procedure, in conformity with my instructions from our Government.

Had the captain or agent of the brig Henrick awaited my arrival at St. Christopher's, he could readily, on a proper representation of his case, have been convoyed to either of the Danish islands to leeward, as the time allotted for the cruise of the Ganges in those seas had expired; Commodore Morris, with the United States ship Adams, had already arrived to relieve me, and had brought my instructions from the Secretary of the Navy to return home; and it being my duty to touch at all the neutral ports in my way, to collect all our homeward-bound merchantmen, and take them under convoy, which duty I did perform; and, consequently, the Henrick could have been protected to either of the Danish islands, St. Croix or St. Thomas; from the latter of which I sailed with a large convoy a *very few days afterwards;* for, on the 10th of November, I was in the river Delaware, conformably with my instructions from the Secretary of the Navy.

I have the honor to be, very respectfully, &c.

THOMAS TINGEY.

The Hon. S. THOMPSON, *Secretary of the Navy.*

16th CONGRESS.] No. 314. [1st SESSION.

GREAT BRITAIN.

REPORTED TO THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1820.

The SECRETARY OF STATE, to whom, by a resolution of the House of Representatives of the 22d of last month, was referred the petition of Jacob and Henry H. Schieffelin, with direction to report to the House what measures have been taken, if any, to obtain redress from the British Government in the case of those petitioners, respectfully reports:

That the statement of the petitioners, and the documents supporting it, show that the property to which they refer was, on the 15th of December, 1813, by a decision of the British court of appeals in prize causes, condemned as prize of war, then belonging to enemies of Great Britain.

At the negotiation of the peace at Ghent, efforts were made by the plenipotentiaries of the United States, in conformity with their instructions, to obtain from the British Government a stipulation for restitution or indemnity for property which had been condemned, as this is understood to have been, contrary to the rules generally observed among civilized nations. When these efforts were found unavailing in regard to the general principle, they were reiterated in behalf of property under circumstances similar to that belonging to the petitioners, namely, of vessels and cargoes which, having accidentally been in British ports at the period when the war broke out, were considered by the United States as exempted, by the customary law of nations, from seizure and condemnation, at least during a period of time sufficient for their removal. The British Government were inflexible upon cases of this description as upon the others, and the discussion was not abandoned on the part of the United States until it became apparent that further perseverance in it could only terminate in the failure of the main object of the negotiation. It was distinctly understood that no retrospect was to be taken on either side of losses occasioned by the hostilities incident to war, and no discrimination admitted between such as had and such as had not been sanctioned by the ordinary usages of that relation. The British Government explicitly avowed their determination to make no restitution in any such case whatever, and declared their acquiescence in the same rule of rigor on the part of the United States. The treaty of peace having been signed with this mutual understanding, it would have been obviously useless to urge, after its conclusion, claims which had been thus unequivocally excluded before; and it is presumed this was the reason which eventually led to the conclusion that it would not be advisable to present to the consideration of the British Government any claim which it had been ascertained could prove to be no otherwise than ineffectual.

Respectfully submitted.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE, *January 6*, 1820.

16th CONGRESS.] No. 315. [1st SESSION.

JAMES WARREN.

REPORTED TO THE SENATE, JANUARY 26, 1820.

The Committee of Claims, to whom was referred the petition of James Warren, submit the following report:

The petitioner states that he was a lieutenant on board the Alliance frigate in the revolutionary war, commanded by Captain Peter Landais, which vessel took certain prizes, and carried them into the port of Bergen, in Norway, from whence they were given up to the enemy by the Danish Government. The petitioner prays the payment of his share of said prizes. The annexed report from the Department of State shows that, though the Government has never abandoned the claim on the Danish Government for the value of these prizes, there is no reasonable hope that any thing will be obtained. The committee think it unnecessary to remark further on this subject, and submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

SIR: DEPARTMENT OF STATE, *January* 22, 1820.

I have the honor of enclosing, for the information of the committee, copies of a letter from the Secretary of State (Mr. Monroe) to the Danish minister, Mr. Pedersen, dated the 14th of December, 1812, and of his answer, dated the 19th of the same month, since which there has been no further communication with the Danish Government relating to the claim upon which the petition of James Warren, herewith returned, is founded. The impression of this petitioner that the Danish Government ever ordered any part of this claim to be paid to the American claimants appears to be unfounded. It has never been, on the part of the United States, abandoned; but it has long since ceased to be an object upon which negotiation could offer any prospect of success.

I am, very respectfully, sir, your most humble and obedient servant,

JOHN QUINCY ADAMS.

JONATHAN ROBERTS, Esq., *Chairman Committee of Claims, Senate.*

SIR: DEPARTMENT OF STATE, *December* 14, 1812.

It is perhaps known to you that, in the year 1779, the United States frigate Alliance, Captain Landais, took three prizes, which were carried into the port of Bergen, in Norway, and were afterwards delivered up to the captured, upon the demand of the British minister at your court, on the ground that the King of Denmark "had not yet acknowledged the independence of the colonies associated against England."

The legal claimants have never ceased to expect from the Government of Denmark the payment of the value of these prizes, which was computed at fifty thousand pounds sterling, including the cargoes of the three captured vessels, viz: of the ships Betsey, Union, and Charming Polly.

Some of these claimants have lately heard that your Government has directed the payment of that money to them. I shall be glad to know of you whether such an order has been issued, and, in case it has, in what mode it will be executed. This Government takes much interest in obtaining for the parties a sum which is believed to be justly due to them, and I should be happy in being able to confirm to them the report of the favorable disposition of your Government in that respect which has reached them.

Should no step have been already taken, I have to request that you will have the goodness to bring the claim before your sovereign, and to obtain his decision on it.

I have the honor to be, &c.

JAMES MONROE.

PETER PEDERSEN, Esq., *Chargé d'Affaires from Denmark.*

SIR: PHILADELPHIA, *December* 19, 1812.

I have had the honor to receive your letter of the 14th, and observe that a report had reached you of my Government having directed the payment of the money claimed on account of three prizes, which, in the year 1779, were carried into the port of Bergen, in Norway, but afterwards delivered up to the captured, upon the demand of the British minister, on the ground that the King of Denmark had not acknowledged the independence of the then colonies associated against England.

In reply to your queries relating to this subject, I beg leave to observe that my Government, although perfectly ready at the time to enter into a friendly negotiation on the above-mentioned claim, has never admitted it as a fair and legal one, and it has for many years already considered it as a superannuated and abandoned affair.

When, in the year 1806, Captain Landais petitioned Congress for relief, and the above claim, in consequence thereof, was reported upon and exhibited to Congress, I considered it my duty to protest against it, (as will be seen by reference to my letter addressed to the then Secretary of State, dated February 17, 1806,) particularly so as it appeared to me that the renovation of that ancient pretended claim upon my Government then had, and I fear ever since has had, the unfortunate effect of retarding the favorable final decision of two acknowledged very fair claims upon the Government of the United States for the Danish vessels the Mercator and the Henrick; although these have not the most distant connexion with the above-mentioned, and therefore in equity ought not, and I hope will not much longer, thereby be affected.

In having the honor of submitting to you these observations, I must, however, acknowledge that I am without any late information from my Government. You will, in the mean time, perceive, sir, that the correctness of the rumor above alluded to is not very probable; and, although I regret extremely that the Government of the United States at this time should desire this claim to be renewed and examined into, I shall, in compliance with your request, avail myself of the first opportunity for submitting to my Government a copy of your letter, accompanied with such observations as the occasion may require.

I have the honor to be, with the most distinguished consideration and respect,

Sir, your most obedient and very humble servant,

P. PEDERSEN.

Hon. JAMES MONROE, *Secretary of State of the United States.*

16th Congress.] No. 316. [1st Session.

GOVERNMENT OF ST. DOMINGO.

COMMUNICATED FROM THE SECRETARY OF STATE TO THE HOUSE OF REPRESENTATIVES, MARCH 27, 1820.

The Secretary of State, to whom, by a resolution of the House of Representatives of the 7th of February last, the petitions of Samuel G. Perkins and others, merchants of Massachusetts, and of William Patterson and others, merchants of Baltimore, were referred, has the honor of submitting to the House the following report:

In the month of January, 1817, in consequence of a memorial to the President of the United States from sundry persons interested in the claims set forth in these petitions, Septimus Tyler was appointed an agent to proceed to the island of St. Domingo, for the purpose of claiming the indemnity which appears to be justly due to the petitioners for property so unjustly taken from them. He accordingly proceeded thither, but was denied access to the Government of Christophe upon the alleged ground of informality in the style of his powers. Mr. Tyler did not live to return to the United States.

In the spring of the year 1818, a second attempt was made to send an agent to make the demand, and authority was given him to present himself in a manner which there was reason to expect would have discarded every question of form. The result, however, was a refusal again to receive him. A formal recognition of the kingdom of Hayti not being deemed expedient, no further measures have been found practicable on the part of the Executive in the case; those suggested by the memorialists being within the exclusive authority of the Legislature.

JOHN QUINCY ADAMS.

Department of State, Washington, *March* 20, 1820.

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled: The petition of Samuel G. Perkins, Ezra Davis, Ebenezer Francis, Jonathan Low, Benjamin Smith, and others, whose names are undersigned, merchants dwelling in the commonwealth of Massachusetts, and citizens of the United States, respectfully represents:

That they and those whom they represent, and others, were, in the year of our Lord eighteen hundred and ten, engaged in a lawful commerce with the ports and places in the island of St. Domingo under the dominion of Henry Christophe; that, during that year, they shipped a large amount of property to Cape Henry and Gonaives, in the expectation of procuring return cargoes of the produce of the island, but, owing to the scarcity of crops that season, it was impracticable to procure return cargoes immediately; and, by the then existing laws of that Government, they were prohibited from reshipping the cargoes they had landed there, or from bringing away specie; that some of the persons having the charge of the cargoes thus situated sold the same on a credit, to be paid for in produce at the opening of the ensuing season, and directly returned home with their vessels in ballast, while other persons thus situated preferred to wait for their cargoes; that, during this period of delay, Christophe, perceiving a large amount of American property within his grasp, and tempted by the prospect of great plunder, under pretence of having an unsatisfied claim against certain merchants in Baltimore, in the month of October of the same year forcibly detained all the American vessels then in his ports, some of which had been brought in by his cruisers, and arrested their officers and crews, and held them thus under detention till the month of January following; and on the 3d day of the said month of January, passed a decree, (a copy whereof accompanies this petition, and which he immediately caused to be executed,) by which he seized and confiscated to his own use property belonging to your petitioners and other citizens of the United States, of the value, by his estimate, of one hundred and thirty-two thousand dollars, and upwards—a decree so manifestly wicked and unjust, that even Christophe, while he endeavors to shelter himself under his supposed necessity, acknowledges it to be as much against sound policy and good faith in him as it is arbitrary and contrary to the laws of all civilized nations. And your petitioners further state that, after unavailing attempts to procure a restitution of their property, or of some part thereof, from Christophe, they applied to the President of the United States for redress, setting forth the injuries they had sustained, and the outrage committed upon the Government of the United States itself. That, during the late war, the application of your petitioners was but partly acted upon, amidst the multiplicity of great and important business which then occupied the attention of that high officer of the Government; but that, on the return of peace, the President of the United States, after investigation of the facts, and having satisfied himself of the justice of the claims of your petitioners, sent out to Cape Henry an agent, in the name of the United States of America, and in one of the vessels of war (the Congress frigate) belonging to the United States, to demand restitution in behalf of your petitioners, and other sufferers by the same outrage; which said agent failed to accomplish the object of his mission. That the President of the United States, not unmindful of the great injuries sustained by your petitioners, and of the outrage committed against the Government of the United States, but nevertheless desirous of preserving peaceable dispositions towards Christophe, sent out to Cape Henry another agent of the United States, once more to demand of Christophe to make compensation to the sufferers under his decree aforesaid. That said agent was unable to procure any satisfaction from the said Christophe, and returned conclusively to establish the fact that all demands upon Christophe to do justice to your injured petitioners will continue to prove unavailing, unless such demands are enforced by the strong arm of the Government. And your petitioners would further respectfully state that they have been credibly informed that the commanders of the ships of war of the United States, since their visits to Cape Henry, are clearly of opinion that a blockade of that port by a single frigate even, or a demand of restitution accompanied by a power to enforce such demand, would be attended with the success so much desired by your petitioners, and so much an object heretofore with the head of our Government. In considering this case, your petitioners would respectfully suggest that no questions of doubtful rights present themselves for discussion or compromise, nor do they perceive such points of policy or expediency to arise as will suffer the Government to acquiesce and submit to so great injuries committed upon its faithful citizens. Relying on the energy of our Government and the wisdom of its councils, it cannot be necessary to urge the importance of protecting the rights and interests of every class of men in the community, and especially in times like the present, against every outrage committed by any Power, civilized, piratical, or barbarous; and your petitioners, submitting the remedy for their wrongs, and the mode in which it is to be pursued, to your wisdom, humbly request your aid, and, as in duty bound, will ever pray.

SAMUEL G. PERKINS, *and others*,
By their attorney, HENRY RICE.

16th Congress.] No. 317. [1st Session.

CLAIM AGAINST RUSSIA.

COMMUNICATED TO THE SENATE, ON THE 18TH OF APRIL, 1820.

DEPARTMENT OF STATE, *April* 17, 1820.

The SECRETARY OF STATE, to whom, by a resolution of the Senate of the 13th instant, was referred the petition of Eliphalet Loud and others, to consider and report thereon, has the honor of reporting:

That the facts relative to the representations made on the part of this Government to that of Russia, in behalf of the petitioners, are correctly stated by them; and that, since the 7th day of July, 1818, the latest date mentioned by them, another memorial has been addressed by the minister of the United States at St. Petersburg to the Minister of Foreign Affairs, a copy of which is herewith submitted. It does not appear, by any of the despatches from Mr. Campbell since received, that any answer to this memorial has been returned.

JOHN QUINCY ADAMS.

Mr. Campbell, Envoy Extraordinary and Minister Plenipotentiary from the United States to Russia, to Count Nesselrode, Minister of Foreign Affairs at St. Petersburg.

ST. PETERSBURG, *June* 6, 1819.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to inform his excellency Count de Nesselrode, Secretary of State, that he has it in special charge from his Government to invite the attention of the Government of His Imperial Majesty to two cases of individual claims thereon by citizens of the United States, of long standing.

Of these, one is that of the brigantine Hector, belonging to Israel Thorndike, of Boston, commanded by Captain Luke Thorndike, which was captured by His Imperial Majesty's frigate Venus, carried to the island of Tenedos, and there condemned with her cargo, as lawful prize, in June, 1807, by sentence of a Committee of Prizes, assembled on board His Imperial Majesty's ship of war the Iverday; the other, that of the ship Commerce, belonging to the Weymouth Importing Company, in the State of Massachusetts, commanded by Captain Joseph Penel, which was taken by a privateer under the flag of this empire, carried into Corfu, and there condemned with her cargo, as lawful prize, in ——, 1807, by a decree of the Committee of Prizes of that island.

These vessels with their cargoes belonging to citizens of the United States of high respectability, who were not only conscious of the purity of their own motives in the instructions given respecting their voyages, but also convinced, from the most satisfactory evidence, that in conducting those voyages no violation whatever of the laws and usages of nations had been committed, they applied to their Government, soliciting its aid in making their cases known to that of His Imperial Majesty; feeling entire confidence that to procure the reversal of those condemnatory decrees, and obtain that restitution to which they conceive themselves entitled, it was only necessary to have the circumstances under which those captures and condemnations took place so laid before the view of His Imperial Majesty that the merits and justice of their claims might fairly appear. For this purpose, full statements of those cases were laid before the Imperial Government in October, 1809, by Mr. Levett Harris, then consul general of the United States at St. Petersburg, with ample testimony to prove, it is conceived, the injustice and irregularity of the captures, as well as of the condemnations consequent thereon; and, at the same time, a due claim for indemnity was made in behalf of the respective claimants for the heavy losses they had sustained.

On reviewing these statements, and the evidence accompanying the same, they appear so ample, and to support so conclusively the justice of those claims, that the undersigned forbears entering into new details on the subject, and satisfies himself, for the present, by referring his excellency the Secretary of State to those documents already in possession of the Imperial Government.

He would not, however, fulfil his duty conformably to the instructions of his Government, if he did not bring to the recollection of his excellency on this occasion the length of time that has elapsed since the appeals in those cases were brought before the Imperial Government, being nearly ten years, during which the repeated applications in favor of the claimants, in the name of their Government, have been allowed to remain unanswered, and without procuring for them either that indemnity to which they conceive themselves so justly entitled, or a knowledge of the grounds upon which it has hitherto been considered proper to withhold it; and he is satisfied his excellency will duly appreciate the motives by which he is actuated in urging the revision and final determination of those cases with that zeal and earnestness which their obvious justice, as well as the hardships necessarily resulting from privations so long continued, appear to him imperiously to demand.

With the expression of the high and perfect confidence reposed in the justice, equity, and impartiality of the decisions the tribunals of His Imperial Majesty in the last resort shall pronounce, the undersigned has the honor to renew to his excellency the Secretary of State the assurance of his high and very distinguished consideration.

G. W. CAMPBELL.

16th Congress.] No. 318. [1st Session.

SWEDEN: INDEMNITY.

COMMUNICATED TO THE SENATE, APRIL 21, 1820.

To the Senate of the United States: WASHINGTON, *April* 18, 1820.

I lay before the Senate, in pursuance of their resolution of the 21st of last month, the accompanying report and documents from the Department of State.

JAMES MONROE.

DEPARTMENT OF STATE, *April* 17, 1820.

The Secretary of State, to whom a resolution of the Senate of the 21st of March has been referred, requesting the President to lay before that House copies of the correspondence between the ministers or other agents of the United States and the ministers or Government of Sweden, relative to the seizures, sequestration, or confiscation of the ships or other property of citizens of the United States, under the authority of Sweden, has the hono respectfully to submit to the President the copies of the papers desired by that resolution.

JOHN QUINCY ADAMS.

Mr. Russell to Count d'Engestrom, Minister of Foreign Affairs at Stockholm.

STOCKHOLM, *September* 3, 1816.

The undersigned, minister plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that the instructions which he has received make it his indispensable duty to call the serious attention of his excellency to the claims of American citizens for indemnity for their property sequestered, confiscated, and sold at Stralsund, a few years since, by the order and for the account of the Swedish Government.

It is believed that to present, without comment, a simple statement of the facts belonging to this transaction, such as they appear to have been from the documents left by Mr. Speyer with the American legation, will be quite sufficient to manifest the indubitable justice of these claims, and to prevail on His Swedish Majesty's Government to provide for their immediate liquidation.

The Swedish Government represented itself to have been compelled by the French Government to sequester, in the month of June, 1810, the American property at Stralsund; and afterwards repeatedly expressed its solicitude to obtain the termination of that sequestration, for the avowed purpose of restoring the property which it affected to the rightful owners.

This sequestration was, in fact, raised, with the consent of the French Government, about the beginning of August, 1811, and the property to which it attached placed at the sole disposition of His Swedish Majesty.

Immediately after it thus came within His Majesty's exclusive control, it was, notwithstanding all the assurances previously given, and the rights of the American owners, confiscated and sold by the order and for the sole account of the Swedish Government.

Since that time until the present day no indemnity whatever, although frequently promised, has ever been made by the Swedish Government to the injured citizens of the United States.

Such, according to the archives of the American legation, appear to be the simple facts belonging to this transaction, and with regard to the nature and consequences of which it is believed there can exist no diversity of opinion. These facts alone would have been amply sufficient to have secured the success of the American claims, had not the justice of these claims been already repeatedly acknowledged by the Swedish Government itself.

During the original sequestration by the Swedish Government, at the instance, as is stated, of that of France, the Baron de Wetterstedt, who was then charged with the affairs of Pomerania, assured Mr. Speyer that the participation of Sweden in that proceeding was for the purpose of protection, and not of confiscation; that more than thirty despatches had been transmitted to Paris in order to obtain the release of the sequestered property, or the permission to sell that property, either on Swedish account, or the joint account of Sweden and France; assuring Mr. Speyer, at the same time, that, in case such release or permission were obtained, a just proportion of the property, or its proceeds, should be restored to the rightful American owners.

Even after the confiscation and sale of the property, the Swedish Government, on its part, never urged any right in justification of the proceeding, nor even the pretext of foreign coercion for its palliation. The only question which appears to have been agitated at that time related not to the justice, but to the practicability of the indemnification. There was no controversy as to the principal; and even a proposition to give it effect, by the delivery of iron cannon, was suggested by the Baron de Wetterstedt.

The doctrine that the property of the citizens of a friendly state, lawfully imported into an ultramarine province of Sweden, was not entitled to the same protection from the Swedish Government as when imported into Sweden itself, (which, it seems, his excellency the Count d'Engestrom once permitted himself to intimate,) it is not necessary here to examine. The question now presented is not whether the Swedish Government was bound, in good faith, to protect the American property at Stralsund against the violence and injuries of foreign nations, but whether it was not bound to refrain, itself, from voluntarily confiscating that property, and converting it to its own use, without the form of a trial, or even the pretext of foreign compulsion.

The note which his excellency the Count d'Engestrom addressed to Mr. Speyer on the 22d of May, 1813, and which appears to be the last communication made on the subject, states that the sequestration took place upon the demand of the French Government, and in conformity to the treaty of Paris; but his excellency does not pretend that the final confiscation of this property, and the appropriation of its proceeds, were at the dictation or for the benefit of that Government. Such a pretext, indeed, would have been inconsistent with the previous declaration of his excellency himself; for, on the 12th of August, 1811, he informed Mr. Speyer, as appears from Mr. Speyer's note to his excellency of the 14th of that month, that "the sequestered property at Stralsund was then at the sole disposal of His Swedish Majesty." It is not of the original act of sequestration, whatever might have been its origin, or however unjust and injurious its operation, that the undersigned now specially complains; but it is for the final and voluntary confiscation and sale of the property by the Government of Sweden, for its own account, that he is instructed to demand an indemnity. In the note above referred to, his excellency does not even insinuate a doubt of the justice of such a demand; but, on the contrary, he implicitly admits it when he states that His Swedish Majesty had hoped to have been able to indemnify the American citizens from the revenues of his German provinces. In thus speaking of indemnity, the relative injury is certainly acknowledged: why the funds for this indemnity should have been exclusively sought for in the revenues of the German provinces, it is difficult to determine. The American citizens, who trusted their property in a port of Swedish Pomerania, had a full reliance not on the local authorities and resources only, but on the universal good faith and entire power of the Swedish Government for justice and protection. The impossibility, therefore, which his excellency suggests, on account of the then recent invasion of Pomerania by the French, to accord any indemnity whatever, appears to have been founded on a supposition erroneous and inadmissible. It still proves, however, that, even at that time, it was the ability and not the obligation to accord the indemnity which was wanting in the view of the Swedish Government.

What inference his excellency wished should be drawn from the fact which he stated, that even Swedish subjects had suffered, without indemnity, a participation in the evils of the act of sequestration, has not been discovered. It is not believed that his excellency intended to say that the sovereign of a country has the right to treat alien friends, who are transitorily within his jurisdiction, for the purposes of trade, in the same manner he might

think proper to treat his own subjects—to levy on them the same taxes, and to subject them to the same requisitions. Were such a doctrine to prevail, there would be an end to all international commerce. Whatever the sovereign of a state may deem fit to do, within his own jurisdiction, in relation to those who are within his allegiance, cannot, indeed, be found to be wrong by any other Government; but there certainly cannot be deduced from this principle a right to extend oppressive measures to the citizens of other independent states, nor can these citizens be supposed to find any alleviation of their own sufferings in the mere knowledge of the fact that they do not suffer alone.

If, contrary to all reason and usage, it could be admitted that the revenues and resources of Pomerania were alone to be regarded as responsible to the American claimants for the property there confiscated by Sweden, and the invasion by the French destroyed, at that time, those means of making indemnity, yet that invasion was of brief duration, and that province has since become an ample source of wealth and empire to the Swedish Government, in having not only furnished an equivalent at the treaty of Kiel for the acquisition of Norway, but, subsequently, a sufficient consideration for three millions and a half of dollars received from Prussia. It is, indeed, to be regretted that, while the Government of Sweden applied much of these funds to objects in no way connected with Pomerania, it should have totally neglected all satisfaction of the American claims, which it had before affected to consider as the special debt of that province.

The circumstance that the duties had been paid on the merchandise previous to its confiscation, and never returned, not only proves the lawfulness of the importation, but singularly aggravates the injury inflicted on the American proprietors.

From this view of the subject, it is believed that His Swedish Majesty's Government will no longer hesitate to afford that indemnity which the admitted justice of the case demands, and which the Government of the United States confidently expects from the known integrity and good faith of His Majesty. The inability of the Swedish Government, at any moment, to provide this indemnity, cannot be admitted; and, after its recent success and aggrandizement, it would be offensive to suggest the possibility of such a pretext being again urged on its part.

The value of the property, at the current price, when it was first sequestered, and which would furnish the just rule to measure the indemnity, is not precisely known to the undersigned. It was, however, considerably greater than that at which this property was afterwards either estimated or sold.

This property was estimated, when it came to the free disposal of the Swedish Government, at one hundred and ninety-two thousand rix-dollars, Pomeranian currency; and was actually sold to a single merchant for one hundred and fifty-one thousand dollars of the same money.

According to an estimate communicated by Mr. Speyer to the Baron de Wetterstedt on the 5th of October, 1811, the first cost of the property, in the United States, was one hundred and ten thousand Spanish dollars.

In whatever way, therefore, this property be valued, the amount is too small to embarrass the Swedish Government for an instant in providing the requisite funds for the indemnification of the American claimants. Small, however, as this amount may be, and little as it is calculated to justify a refusal of indemnity under the pretext of inability, it has, unfortunately, been found sufficient seriously to injure the American owners, and to reduce some of them to insolvency and ruin.

The undersigned believes it unnecessary to say more; and he confidently trusts that what he has said will not have been in vain. He trusts that, while the relations of the two countries are placed on so liberal a basis with respect to the future, the prospect they open may not be overshadowed by any disagreeable recollection of the past, which might perplex either party with doubts of the justice and good faith of the other.

The undersigned prays his excellency the Count d'Engestrom to accept the assurances of his highest consideration.

JONATHAN RUSSELL.

[TRANSLATION.]

The Count d'Engestrom to Mr. Russell.

STOCKHOLM, *September* 6, 1816.

The undersigned, Minister of State and of Foreign Affairs, has the honor to acknowledge the receipt of the note addressed to him by Mr. Russell, minister plenipotentiary of the United States, claiming an indemnity for certain property sequestered, confiscated, and sold some years back at Stralsund, by order and for the account of the Swedish Government.

Before giving a positive answer to that note, the undersigned considers it indispensably necessary to apply to the former Department of the Affairs of Pomerania for the required information on the subject in question. He will not fail, on receiving it, to lay the affair before the King, and to communicate immediately His Majesty's answer to the Government of the United States, either through Mr. De Kantzow, or by addressing it directly to Mr. Russell.

The undersigned seizes this occasion to renew to Mr. Russell the assurances of his most distinguished consideration.

THE COUNT D'ENGESTROM.

Mr. Russell to the Secretary of State.

SIR: STOCKHOLM, *October* 16, 1818.

Before making any further communication in relation to the Stralsund claims, I believed it to be proper to prepare the Swedish minister for its reception. I availed myself accordingly for this purpose of the interview which I obtained on the 3d instant.

Count d'Engestrom, as usual, approached the subject with much repugnance, and was evidently embarrassed in finding an apology for his extraordinary silence in relation to it. He did remind me, indeed, that the business was not originally of his department, but appeared to be aware that this circumstance could no longer account for his perseverance in avoiding all discussion. He therefore abandoned this ground, confessed himself in fault, and assured me of his prompt attention to any communication which I might now think expedient to make on the subject. With regard to the merits of the claims, he observed that the Swedish Government had much to say in its defence, but he acknowledged that he found great difficulty in getting over a *sort* of *promise* that had been given to accord an indemnity.

In reflecting on this conversation, I conceived it might be useful still to make one effort more, before I took leave of the subject, by communicating the declaration which you had prescribed to me in your last instructions. The expressions of the King, at the time I presented my credentials, were, as I have already informed you, more

precise against the justice of the claims than any I had before heard from him; and I had reason to believe that Count d'Engestrom had been instructed to take, in the conversation which I have mentioned above, that ground. To prevent, if possible, such a course, I believed it might be useful to anticipate the contemplated movement, and to interpret the silence in respect to our claims into a recognition of their justice, and to profit of the confession of Count d'Engestrom, "that there had been a sort of promise of indemnity." In this view, a strong and rather spirited note appeared to me alone calculated to have the desired effect. I therefore, on the 5th instant, presented to the Count d'Engestrom a note, of which the enclosed (A) is a copy.

I did not hear any thing in reply from the count until the 13th instant, when I received from him a note inviting me to repair to the Foreign Office on the day following.

When I waited on him, on the 14th, agreeably to his appointment, he began the conversation by observing that he had not yet been able to obtain a definitive decision on my propositions relative to commerce, although he was in daily expectation of being authorized to communicate to me such a decision. He then stated that he had been commanded to invite me to dine with the King the next day, as His Majesty desired to converse with me concerning the Stralsund claims; but he added, with evident embarrassment and much hesitation, "I dare not present your note to His Majesty, and I hope you do not wish to quarrel with us." I could not but be surprised at his alarm, and I assured him that if my note had been well translated he could have found nothing in it of a hostile character; on the contrary, it had been dictated by the most unqualified confidence in the justice and friendship of his sovereign. He rejoined, that it had caused him great affliction, and he hoped that I would not insist on his communicating that note to the King, as it would be the most disagreeable act that he had ever performed during the long period that he had been in office. He entreated me to allow him to return it, and to consent to address to him another, which should simply remind him of my previous communications, which, he remarked, had been *quite strong enough*, and he engaged that such a note should have a full and early answer. I replied that, as the note already delivered appeared entirely fitted to the occasion, I could not consent to withdraw it, nor abandon the ground that had been taken. If he found, contrary to what had been intended or expected, any thing harsh in that note, still it might be well for him to retain it, as a memorial of the feelings that had been excited by the conduct of the Swedish Government. Willing, however, to place him at his ease, I consented to write another note, in the manner he had requested. He acceded to these proposals, and agreed to keep the note which had occasioned so much inquietude. On my part, I addressed to him, on the same day, another note, of which the enclosed (B) is a copy.

It has appeared necessary to trouble you with these details, in order to explain to you the successive delivery of two notes, so different in character, in so short an interval of time.

My views in writing the first, and the circumstances under which the second was delivered, have been already stated; but I cannot forbear to acquaint you with the real reasons for my proceedings in relation to the latter.

It was not from any deference to the sensibilities of Count d'Engestrom, or to those of the King, (however reluctant I might be unnecessarily to wound them,) that induced me to acquiesce in the wishes which the minister had expressed to be saved from the painful necessity of acting on my note of the 5th instant. Notwithstanding his declarations, I was fully persuaded that the contents of that note had actually been communicated to the King. This persuasion was induced, not only by the time which had elapsed (a period of seven days) between the receipt of that note by Count d'Engestrom, and his discovery that he dared not deliver it to the King, but by the invitation for me to dine with the King the next day, in order to *converse* concerning these claims; for this invitation must have resulted from a knowledge of that note. From this fact, I was reluctantly obliged to infer that my note had failed in its main object—that of obtaining indemnity without further discussion. I was now reduced to the alternative of either delivering a new note, and listening to a tardy attempt at justification, or of running the risk, by pressing that already delivered, of furnishing a *pretext* for an abrupt termination of all discussion, and, perhaps, for a categorical rejection of the claims. The interest of the claimants appeared to recommend the former course, and I accordingly adopted it. And this I did the more willingly, as the stimulus already given had produced all the excitement of a favorable tendency that could be expected from it, and it seemed prudent to administer a palliative, in order to prevent consequences more violent than had originally been contemplated.

Agreeably to the invitation above mentioned, I dined yesterday with the King at his country palace of Rosendala. Immediately after dinner, he desired me and Count d'Engestrom to accompany him into his private apartments. He there at once introduced the subject of the claims, and expressed a regret that all the circumstances connected with that transaction had not hitherto been communicated to the American Government. He observed that these circumstances, he believed, would palliate, if not justify, the conduct of Sweden in that transaction, and that they should be immediately addressed to me. He then gave directions to Count d'Engestrom, in conformity with this declaration, and, in doing so, he alluded to an order of the French Government, designating the objects to which the proceeds of the American property were to be applied. He added that he was still disposed to do all he could for the relief of the American sufferers; but that, as he had nothing excepting military stores at his disposal for this object, he could furnish this relief in articles of that description only. I simply replied that we could not have expected that new facts would have been brought forward at this late day, after the earnest manner in which we had so long urged these claims; and that I could hardly believe—I might say hope—that these facts were of a nature to justify the Swedish Government, and exempt it from all responsibility. I was, however, entirely disposed to give to these facts, whatever they might be, a candid consideration.

I am now waiting, with much solicitude, for the communication which has been promised, and, until it be received, I must refrain from giving an opinion in relation to the final issue of this business.

After what I have written above, I ought to add, that the manner of the King, always gracious, was peculiarly so on this occasion; and, so far from his betraying any signs of displeasure at any thing I had done, he was unusually prodigal of his professions of friendship for the American Government and people, and of his attentions to their minister. There were several other topics introduced into this conversation, which, as they have no relation to the subject of this letter, I shall reserve for another communication.

I have the honor to be, with very great consideration and respect, sir, your faithful and obedient servant,

JONATHAN RUSSELL.

A.

Mr. Russell to Count d'Engestrom.

STOCKHOLM, *October* 5, 1818.

The undersigned, minister plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that it is not without surprise and pain that the American Government has learned that all the representations which have hitherto been made to the Government of Sweden concerning its voluntary seizure and sale of the *bona fide* property of citizens of the United States, at Stralsund, in 1811, have not only remained without effect in obtaining a just indemnity, but have not even been noticed with the common courtesy of an answer.

Reluctantly, indeed, would the Government of the United States be persuaded that this ungracious silence was intended to add indignity to injustice. The character of both Governments forbids such a construction; for it is believed that they are both equally incapable of offering or suffering an injury of this description.

It is now more than two years since the undersigned had the honor to present to his excellency, on the 3d of September, 1816, the facts on which the American claims are founded. If the interference of a private agent of the American claimants furnished good cause for suspending all communication between the two Governments on the subject, yet, when that interference had terminated without effect, (and it did so terminate more than a year since, as appears by a letter of that agent to the Baron de Wetterstedt, of the 3d of October, 1817,) the fitness of such communication between the two Governments was necessarily restored. It was in this conviction that the undersigned addressed a note to his excellency on the 16th of February last, referring to that above mentioned, of the 3d of September, 1816, and again urging an early attention to the American claims. It was not until the 27th of April that the undersigned was favored with even an acknowledgment of the bare receipt of this note of the preceding February, and since that time he has not heard further from his excellency in respect to these claims. The only inference, consistent with the friendly and honorable feelings of both Governments, which it is now permitted to draw from this persevering though tacit refusal on the part of the Swedish Government to enter into all discussion of the merits of the question, is, that the evident and frequently acknowledged justice of the claims has not only left little room for such a discussion, but has, added to the repeated declarations and overtures of the Swedish Government, prevented, with that Government, to recognise the obligation of *more than an implied* promise to accord satisfactory indemnity. It is, therefore, from a confidence in the good faith as well as in the justice of His Swedish Majesty's Government that such an inference is drawn, and that the undersigned feels not only authorized, but rejoiced to be able, under the instructions which he has just received, to abstain from entering further at this time into a disagreeable discussion of right, and to confine himself to desiring his excellency to state, with precision, the utmost amount which His Majesty may, in his generosity and commiseration of the individuals immediately concerned, as well as in his regard for equity, and his consideration and friendship for the Government of the United States, be willing to accord for the relief and indemnity of the sufferers, and the mode in which it may be proposed to furnish that amount.

The undersigned takes leave to remind his excellency that to the value of the merchandise should be added the amount of the duties which were paid by the proprietors, and the accumulated interest of more than seven years, in order to constitute an adequate indemnity.

The pure and lofty principles which the American Government never ceases to cherish and to practise in its intercourse with all nations, and the confident expectation which it entertains that the monarch who has been elevated to the throne by his virtues will be distinguished for the moral dignity of his reign, forbid all distrust or apprehension that the request which the undersigned has now stated to his excellency will not be answered by a prompt and satisfactory compliance.

The undersigned avails himself of this occasion to renew to his excellency the assurance of his highest consideration.

JONATHAN RUSSELL.

B.

Mr. Russell to Count d'Engestrom.

STOCKHOLM, *October* 14, 1818.

The undersigned, minister plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that the instructions which he has received make it his duty to call the attention of the Swedish Government once more to the claims of American citizens for indemnity for their property sequestered at Stralsund in the year 1810, and there sold the year following, by the order and for the sole account of His Swedish Majesty's Government.

From a confidence in the justice and liberality of His Majesty, the undersigned forbears at this time from acting on his instructions in their full spirit and extent, and confines himself to requesting his excellency to cause this matter to be taken into immediate consideration, and to obtain thereon an early and equitable decision.

The undersigned trusts that the representations which he has already made on this subject, particularly in his note of the 3d of September, 1816, hitherto unanswered, render it now unnecessary for him to enter into a further discussion.

The undersigned seizes this occasion to renew to his excellency the assurance of his highest consideration.

JONA. RUSSELL.

Mr. Russell to Mr. Adams.

SIR: FLORENCE, *February* 22, 1819.

I have the honor to transmit to you, enclosed, a note received at Berlin, from the Count d'Engestrom, in reply to that which I had addressed to him, on the 14th of October last, in relation to the Stralsund claims. This reply was not only unsatisfactory, but it was entirely at variance with the spirit of the verbal assurances which had been made to me. To have left it without a comment would, I believe, have given it a weight to which it was not entitled, and might have been construed into an admission, on my part, that the facts and arguments which it contained were incontrovertible and unanswerable. To prevent such a construction, and to fulfil your last instructions, which I had hitherto deferred communicating, in hopes that an equitable decision of the Swedish Government might have rendered my so doing unnecessary, I addressed to Count d'Engestrom, from Vienna, a note, of which you will also find a copy enclosed. I hope that the reasons here stated, and the peculiarity of my situation, may rescue the course which I have pursued from censure.

To avoid repetition, I referred the Swedish minister generally to my note of the 6th of September, 1816. In that note he will find that he himself informed Mr. Speyer that the American merchandise was, on the 12th of August, 1811, at the sole disposition of the Swedish Government.

This is the first opportunity that I have had of communicating with the United States since I left Vienna, which, I trust, will satisfactorily account for my not having sooner transmitted to you the enclosed papers.

I have the honor to be, with the highest respect and consideration, sir, your faithful, obedient servant,

JONA. RUSSELL.

[TRANSLATION.]

Count d'Engestrom to Mr. Russell.

STOCKHOLM, *October* 27, 1818.

The undersigned, Minister of State and of Foreign Affairs, has laid before the King, his august sovereign, the note which Mr. Russell, minister plenipotentiary of the United States of America, did him the honor to address to him, for the purpose of renewing his claim, in behalf of certain citizens of the United States, of indemnity for losses sustained by them in Swedish Pomerania, by the confiscation of certain vessels and cargoes, their property.

The undersigned thinks it unnecessary to recapitulate the details of an affair, all the material circumstances of which are already known to Mr. Russell. It occurred at an unfortunate period, when a despotic sway, embracing all parts of the globe, exercised its disastrous influence alike on friends and foes; and when France, the ally of America, was equally regardless of her interests as those of other Powers.

It is an undisputed fact that the American vessels in question entered the ports of Pomerania whilst that province was still under the dominion of Sweden; but scarcely was the French Government informed of it, when it gave orders to its agent in Pomerania to demand the seizure and confiscation of these vessels to the benefit of France; alleging, in justification of this violent pretension, the system called *continental*, under which France then cloaked her projects of progressive encroachment, menacing all Europe, but which had, notwithstanding, been admitted by it, and was acceded to by all the European Powers at peace with the French empire. The imposing force at that time kept up by France in those countries left no alternative to the Swedish Government, which was reluctantly compelled to acquiesce in her demands. The steps then taken by Sweden with the French Government, to obtain a transfer to her of the property thus confiscated, were prompted by a desire to restore it to the lawful owners; but they proved ineffectual, France having agreed to the transfer on certain conditions only, expressly stipulating that the proceeds of these cargoes should be immediately employed in placing Pomerania in a state of defence against the English naval force, which then threatened all the shores of the Baltic.

To this object, wholly foreign to the particular interests of Sweden, they were applied; and the Swedish Government was thereby disappointed in its hopes of procuring the restitution to the American citizens, the original owners of the ships and cargoes now under consideration. But, as an incontestable proof of its sincere desire to alleviate their losses as far as depended on it, an inquiry was instituted in concert with Mr. Eckie, agent for the claimants; and the proposals then made to him for the attainment of the object just alluded to, with his rejection of them, are well known to Mr. Russell.

It was cause of regret to the Swedish Government that the course suggested by it was not adopted, as it seemed to be the only one adapted to meet the views of Mr. Eckie. His Majesty feels assured, however, of the disposition of the United States to do justice to the desire manifested by His Majesty on this, as on every other occasion, of doing every thing possible to evince his high esteem for a Power with which it is his constant wish to maintain the most amicable relations.

In pursuance of these sentiments, the undersigned has received the King's commands to renew to Mr. Russell the assurance, which His Majesty has already given to him in person, of the satisfaction with which he would discover any practicable mode of alleviating the losses sustained by the American citizens alluded to, through the confiscation of their property in Pomerania in 1811. His Majesty has a particular satisfaction in recollecting that, about the same period, the Swedish Government restored to the citizens of the United States thirty-three vessels, with valuable cargoes, then under detention in Sweden, in consequence of a formal requisition of the mission of France at Stockholm. His Majesty availed himself, on that occasion, of the force under the control of his Government in Sweden; but he saw, with deep concern, the impossibility of taking corresponding measures in his Pomeranian territories, they being, besides, as well in virtue of their particular compacts with France, as by the presence of the French armies, completely under the influence of the continental system, to which Prussia, Denmark, and the other Governments on the shores of the Baltic, had declared their adherence.

The undersigned, in conforming to these orders of the King, his august sovereign, avails himself, with pleasure, of this occasion to renew to Mr. Russell the assurance of his high consideration.

THE COUNT D'ENGESTROM.

Mr. Russell to the Count d'Engestrom.

VIENNA, *December* 12, 1818.

The undersigned, minister plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note which his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, addressed to him at Berlin, under date of the 27th October last. His excellency will not be surprised to learn that the undersigned has been able to discover nothing in that note calculated to discharge the Swedish Government from its obligation of providing an adequate indemnity to the citizens of the United States for the confiscation of their merchandise, in 1811, at Stralsund, then under the dominion of Sweden.

The undersigned had confidently expected, from the conversations with which he had so recently been honored by His Majesty the King, and by his excellency the Count d'Engestrom, that, whatever objections might have been entertained to the justice of the American claims, they would, in this tardy communication, have been distinctly and definitely stated, and supported by documents of an authentic and unimpeachable character. His Majesty, at the very last interview which he accorded to the undersigned, and at which his excellency was present, expressly called the attention of his excellency to a particular note of the French minister, which he intimated to be in point, and which he offered to furnish to his excellency, if not already in his department, for the avowed purpose of being communicated to the undersigned. But even that note has not been so communicated, nor does the despatch of his excellency contain the most remote allusion to it. From a silence so extraordinary, the undersigned is compelled to infer that the note of the French minister was found, on examination, not to be of a nature to justify or to palliate the proceedings of the Swedish Government. It is not without extreme disappointment and regret, after having thus been encouraged to expect an explanation, at least precise, if not satisfactory, that he finds himself referred by his excellency, in a most vague and general manner, for a vindication of the conduct of that Government, exclusively to the coercive measures of France under the system commonly denominated *continental*, without the faintest intimation of any specific provision of that system which could apply to this case, or the slightest proof of its actual application. The undersigned feels not the smallest hesitation in declaring his entire conviction that there was no such provision and no such application. It is in vain that he has sought in the imperial decrees promulgated at Berlin, Milan, Rambouillet, or elsewhere, on which that system was founded, for the discovery of such a provision; and it is not permitted him to presume that any Government, however subservient at the time to the views of the French monarch, could have gratuitously consented to extend the evils of those arbitrary mandates by a constructive

application; and still less is it to be presumed that a pretext, from interested motives, could have been sought in that unrighteous system to mask the violence, or to sanction the injustice, which it did not most explicitly and imperiously impose. The demand which his excellency states to have been made by the agent of the French Government in Pomerania for the seizure and *confiscation, under the continental system, of the American merchandise for the account of France*, must have been too degrading and unjust to have obtained an unqualified compliance on the part of Sweden; and that it did not obtain such a compliance is incontrovertible, from the notorious fact that this merchandise, although seized by the Swedish authorities on the 10th of June, 1810, was *not confiscated*, but held in a state of sequestration only, until the French minister at Stockholm, by his note of the 12th of July, 1811, announced the consent of his sovereign to the termination of that sequestration, on the *sole condition* that the colonial produce which it affected should not be introduced into France, or into the states of the Confederation of the Rhine. The extraordinary demand of the French agent in Pomerania, founded, as his excellency states, on the continental system, produced, therefore, a temporary sequester only, and furnished no pretext for the subsequent and final confiscation of the merchandise to which it applied, and no extenuation of its injustice. The undersigned is not disposed now to deny that a demand of this kind was made, as the note of the French minister just mentioned implies the previous participation of France in the act of sequestration; yet, that demand having never been communicated to the American Government in the shape in which it was preferred, as courtesy, if not right, appeared to require, it may be permitted to entertain some doubt in respect to its precise import and extent, particularly as it was allowed to have but a partial and transitory effect. It necessarily follows, from the facts which the undersigned has now had the honor to present, that the continental system, or any demand of the French agent in Pomerania, whatever influence they might unduly have had in causing the original seizure, could have had none in producing the final sale of the merchandise, and the appropriation of its proceeds by the Government of Sweden.

The undersigned is far from being disposed to vindicate the continental system, or the acquiescence of any nation in its iniquitous requisitions; but his excellency appears to have formed an erroneous estimate of the extent of both. None of the nations whose dominions border on the Baltic ever committed, in relation to the United States, nor, is it believed, in relation to other friendly nations, any act similar to that for which the undersigned has been instructed to ask indemnity from Sweden. Of the conduct of Russia and Prussia during the continental system, the United States have no cause to complain; and if Denmark imposed a sequestration, towards the close of the year 1809, on American vessels and their cargoes in her ports, that sequestration continued for a few months only, and the American property subjected to it was restored, without exception, to the lawful owners. If the United States have now claims on Denmark, it is for the lawless depredations of her privateers, and the unjust decision of her tribunals, and not for the confiscation, without the form of a trial, of property acknowledged to be American, and fairly and regularly entered at her custom-houses. Of all the nations bordering on the Baltic, it was left for Sweden alone to receive the duties, and summarily and peremptorily to confiscate the merchandise, without suggesting a doubt of its origin or ownership. Such are the facts; and they save the undersigned from the necessity of protesting against the doctrine that the violence or injustice of one Government can be drawn into precedent, and cited as authority to sanction the wrongs of another.

Waiving at this time all further consideration of the original act of sequestration at Stralsund in 1810, whatever might have been its source, or the injuries which it inflicted on the unoffending and confiding citizens of the United States, the undersigned cannot refrain from repeating distinctly to his excellency the facts on which the American Government founds its claims for indemnity for the ultimate sale and appropriation of the sequestered property by the Government of Sweden. The note above mentioned of the Baron Alquier, the French minister at Stockholm, of the 12th of July, 1811, left that property at the free disposal of the Swedish Government, on the sole condition already stated; and that Government, instead of availing itself of the liberty thus accorded to terminate the sequester, and to restore the property to the American owners, profited by the accidental possession acquired by the sequester to sell that property on its own account.

The Swedish Government, forgetting its previous assurances, and disregarding the incontrovertible rights of the citizens of the United States, and the friendly relations which had not ceased to subsist between the two countries, advertised that property for sale at Stralsund on the 2d day of August, 1811, actually sold it on the 14th day of the same month, and caused the proceeds thereof to be paid into the Swedish royal treasury in Pomerania. These facts, it is believed, will not be contested, for they are supported by documents of acknowledged authenticity. Between the 12th of July, 1811, the day on which this property was placed at the disposal of the Swedish Government, and the 2d day of the following month, on which it was advertised for sale, there elapsed twenty-one days only—a period barely sufficient for deciding on the royal order at Stockholm, and for its transmission to Stralsund, and for the preparation and publication of the advertisement. The undersigned is ignorant of the date of that order; but, from the considerations just suggested, it could not well have been issued at a later day than the 20th of the same month of July, and consequently not more than eight days after the note of the Baron Alquier had announced the complete liberation, on the part of France, of the sequestered property. Whatever might have been the extravagance and versatility of the predominant despotism of the time, it will not be presumed that the Government of the United States will volunteer a belief of a total change of policy in so brief a period; and that, instead of consenting to raise the sequester, as so formally and recently announced, it had been capriciously resolved to proceed to immediate confiscation. His excellency must be aware that the precise orders received from the French Government during that period should be produced, and communicated to the American Government, to obtain its faith in the existence of an inconsistency in its nature so incredible. But neither his excellency, nor any other Swedish functionary, has attempted to show that any such orders were so received; and the undersigned will now dare to trouble his excellency with proof, not merely presumptive, that they were not. A declaration of the Swedish authorities in Pomerania renders it certain that they at least acted in complete ignorance of such orders, as well as of all French interference on the occasion, and in the full conviction that the Swedish Government at Stockholm had the exclusive control of the transaction. This declaration is contained in the reply of those authorities, on the 9th of August, 1811, to a memorial presented to them on the 6th of that month, by certain merchants of Stralsund, on behalf of themselves and of their American constituents. This reply clearly manifests the opinion which the Swedish regency in Pomerania entertained of the justice of the object of the memorial, and of the competency of their sovereign to decide definitively in relation to it. It is likewise evident, from their engagement to place provisionally the proceeds of the merchandise claimed in the royal chamber, that they acted independently of all French interference, and that there was no agent of France in their vicinity whom they felt themselves obliged to consult or to obey in this proceeding.

The undersigned presents herewith to his excellency a copy of the translation, by a sworn interpreter, of this reply, as well as of the memorial itself, as they are both in perfect accordance with the statement of facts now submitted.

But the evidence which irresistibly carries with it conviction that the royal orders issued at Stockholm for the sale of the sequestered merchandise at Stralsund could not have been in consequence of any requisition of the

French Government received subsequently to the note above mentioned of the Baron Alquier, of the 12th of July, 1811, is collected from another note from that minister, addressed to His Royal Highness the Prince Royal, on the 13th of August of the same year. In this note, the baron refers, with sufficient precision, to that which he had addressed to the Swedish minister on the 12th of the preceding month, and clearly admits, by the manner in which he refers to it, that, since that time, he had neither received from his Government, nor communicated to that of Sweden, any instructions whatever on the subject of the merchandise which had been sequestered in Swedish Pomerania. The royal order, therefore, which was despatched from Stockholm in sufficient season to cause the advertisement of that merchandise at Stralsund on the 2d day of August, must have been the free and spontaneous act of the Swedish Government, uninfluenced by any requisition of France.

The undersigned dares to present herein to his excellency copies of the two notes of the French minister already mentioned, as it is possible, from the apparent unacquaintance of his excellency with their contents, that they may not readily be found in the archives of his Department.

There is one part of the note of the 12th of July on which it may still be proper to make a few observations. The duties which appear to have been sequestered and claimed by France, as well as the merchandise, were here expressly allowed to be received for the account of the Swedish Government, while, in consenting to free the merchandise, there is no intimation of its ulterior appropriation. The duties undoubtedly belonged to Sweden, and the merchandise, at least that part of it of which there is here a question, to citizens of the United States; and if the French Government had for a time claimed both, it was now obviously its intention to abandon both to their lawful owners respectively. Common sense and common usage can sanction no other construction; for the right of Sweden being expressly recognised to the duties only, necessarily implied a denial of her right to the merchandise, which was not so recognised. *Expressio unius est exclusio alterius.* On raising the sequester, the parties concerned were to be reinstated in their respective rights; the Swedish Government, therefore, in its subsequent conduct relative to the merchandise, appears to have acted not only without the coercion of the French Emperor, but in opposition to his intentions.

The note of the 12th of July is certainly at variance, both in its tone and object, with that of the 13th of August; but whether this variance is to be ascribed to the temper and error of the French minister, or to a change in the sentiments and policy of his Government, it is not necessary for the undersigned to inquire: it is sufficient, for the justification of the views which he has now presented, that the note of the 12th of July was clear and explicit in its terms, and that it unequivocally placed the American merchandise at the sole and unrestricted disposal of Sweden. Nor does it belong to him to reconcile the new proofs of the constant friendship given by the French monarch to that of Sweden in consenting, on the 12th of July, to raise the sequester on the colonial produce at Stralsund with the ungracious demand, made on the 13th of the following month, to cause that produce to be sold under the inspection of the French vice-consul, and the proceeds thereof to be deposited in the French vice-consular chest. This demand, made at *Stockholm* on the 13th of August, could not have had any influence on the sale of the merchandise which took place at *Stralsund* on the *very next day;* and it is certainly unnecessary to intimate the impossibility of imputing to that demand the *previous* order issued at Stockholm, or the advertisement published at Stralsund, in conformity to which that sale was effected; besides, the fact is notorious, as already stated, that the French vice-consul was not allowed to interfere, and that the proceeds of the merchandise were paid, not into the French vice-consular chest, but into the Swedish royal chamber in Pomerania.

Were any proofs, in addition to that contained in the reply to the memorial above mentioned, necessary to establish the entire independence of the Swedish regency at Stralsund of all French authority, and that they acted solely on the orders of their own sovereign, this proof would be conclusively furnished by the note of the French minister of the 13th of August, which expressly states that they refused to act in conjunction with the French vice-consul without first consulting their Government and asking its instructions. It is, therefore, evident that neither the presence of the French troops in Pomerania, nor the treaties of Sweden with France, had induced even the Swedish local authorities to the necessity of submitting to the undefined exactions of the continental system, or of obeying the commands of a French vice-consul. These authorities still had the spirit, surrounded as they might have been by troops and by treaties, to act in conformity to the orders of their own sovereign only; and it is inconceivable that His Majesty, aloof from all the danger, at Stockholm, could have been advised to pursue a less dignified and independent course. That he did not, indeed, pursue such a course, is apparent, not only from the facts already stated, but from the circumstance which his excellency has been pleased to communicate, that His Majesty, at that time, caused thirty-three American vessels, richly laden, to be delivered to their lawful owners in the ports of Sweden, in defiance of the formal requisition of the mission of France. This circumstance, instead of justifying or extenuating the sale of the American merchandise at Stralsund, as his excellency appears to believe, demonstrates that sale to have been unnecessary, either from a respect to existing treaties, or from a fear of offending the Government of France. It is difficult to perceive how his excellency could attempt to sanction an act of injustice and violence, which he affects to excuse from a deference existing, and from the necessity of yielding to foreign force by a simultaneous act of justice, which he considers to be the more meritorious because it was performed in defiance of both.

As to the presence of French troops in Pomerania, it does not appear to have had any influence on the transaction. There was no military requisition made with respect to the American property at Stralsund; but all the demands of France, in relation to that property, as far as they are known to the undersigned, emanated from the civil department at Paris, and were communicated to the Swedish Government through diplomatic or consular functionaries only, unawed by any allusion to the possible intervention of an armed force.

With the actual employment of the proceeds of the confiscated American property, the Government of the United States considers itself as having no concern. It is the loss of that property by citizens of the United States, through an arbitrary act of Sweden, and not any advantage which Sweden did or did not derive from that act, which constitutes the ground of the present claim for compensation. To whatever object those proceeds were applied, the injury sustained by the American citizens remains the same. Still, however, the American Government might be inclined to regard the violence with less painful feelings, had it been required for the promotion of some object essential to Sweden, and not gratuitously committed for an object, as his excellency asserts, entirely foreign to her particular interests.

If, contrary to all the evidence and argument which the undersigned has now presented, there should, as his excellency states, have been certain *express* conditions imposed by France, in raising the sequester, (or in making the transfer, as his excellency is pleased to call it,) requiring that the sums produced by the sale of the merchandise should be applied in placing Pomerania in a state of defence, his excellency will, it is presumed, feel the propriety of communicating these conditions to the American Government, in the terms in which they were originally expressed. Such a communication might, at least, have an effect in diminishing the impression which now exists, that the sale of merchandise was the spontaneous act of Sweden. But even these conditions, however formal and categorical they might have been, which are relied on as an apology for the proceedings of the Swedish Government,

could not be allowed to discharge that Government from its obligation to provide an indemnity to the American citizens whom these proceedings injured. If Sweden had, in fact, only a choice of evils, and elected the less in order to avoid the greater, she was certainly bound, in consequence of this election, to repair the wrong she inflicted on others for her own safety or accommodation. No necessity can be admitted of a nature sufficiently imperious to exonerate her from this responsibility, excepting that which resulted from the actual exercise of a foreign force, which she could not resist, and which, in fact, wrested from her the possession and control of the property which had been placed under the safeguard of her power and good faith. The incontrovertible facts that the orders for the sale were issued at *Stockholm*, and that the Government of Sweden was at least the unresisting agent, if not the principal, in this transaction, forbid a belief in even the possibility of such a necessity. If, indeed, those orders were not entirely voluntary on the part of Sweden, they could only have been constrained by an attention to her own interests, and by the conviction of the expediency of making a partial and minor sacrifice for the preservation of an object of more general and vital importance; and her honor could never have permitted her to suppose that such a sacrifice for such an object could be made at the expense of others, and not at her own. It was her obvious duty to make an adequate compensation to those who had suffered by the sacrifice as soon as she possessed the means—and she has long possessed them.

Where his excellency obtained his information that France was the *ally* of America in 1810 and 1811, the unhappy epoch of the seizure and sale of the American merchandise at Stralsund, the undersigned is at a loss to conjecture. The United States never disguise or conceal their relations with foreign Powers; they have no secret treaties for the purpose of eluding a distrustful enemy, or of surprising a confiding friend. Their whole history is open to the world, and, had his excellency consulted it, he would have known that America never was the ally of imperial France. If the United States were, unfortunately, as his excellency intimates, either directly or indirectly, sometimes the victim of the disastrous influence of France, they never were, for a moment, the agents of her vexatious domination.

The undersigned has now had the honor to present to his excellency, concisely, a transaction, with the essential circumstances of which his excellency acknowledges him to be acquainted. It belongs to his excellency, should the statement of these circumstances be erroneous, to furnish the facts necessary for its correction. It is impossible for the Government of the United States, with all the information which it now possesses, to believe that such facts can be furnished; and, if they cannot, his excellency himself must admit that the plea of necessity, founded on French compulsion, for the sale of the American merchandise at Stralsund, is without even a plausible pretext to support it.

On the 12th of July, 1811, that merchandise was, by the consent of France, to terminate the sequester, placed at the exclusive disposition of Sweden, and an unqualified power thus given of restoring it to the rightful owners. This power remained unimpaired by any new demand of the French Government for more than a month—a period amply sufficient to have reinstated the citizens of the United States in the full possession of their property, and to have enabled them to rescue it from any future danger with which it might have been menaced by the arbitrary and capricious policy of France. To have merely neglected, for a single day, thus to have exercised that power, would, it is believed, have justly made the Government of Sweden responsible for all the consequences; but not merely to have neglected, during more than an entire month, to restore the property, but to have employed that period and abused that power exclusively for the conversion of that property to its own use, exhibits a course of conduct on the part of that Government for which the mere pecuniary indemnity now demanded would appear to afford but an inadequate satisfaction.

The undersigned has confined himself in this note principally to those topics which it appeared to him proper to discuss, in reply to the communication of his excellency of the 27th of October. He takes the liberty, however, in order to avoid repetition, to refer his excellency to the note of the undersigned, of the 6th of September, 1816, which has hitherto remained without an answer, and of which his excellency, in his communication just mentioned, has not taken the slightest notice.

The undersigned has felt it to be his duty to state to his excellency the views of the Government of the United States on this subject, with perspicuity and frankness, and unrestrained by any repugnance to differ, in fact or inference, from his excellency; and this course he has pursued with the less hesitation, as he confidently believed that it would not be ascribed to a want of becoming decorum, but to a regard to truth, and especially to the frequent declarations of his excellency that this transaction was not originally of his cognizance, and that he was, therefore, unacquainted with its details.

It is, indeed, to be regretted that the propositions made by the Swedish Government to the special agent of the claimants had not been of so satisfactory a nature as to have rendered this correspondence unnecessary. The undersigned had been encouraged to hope, from the conversations which he had lately had the honor to hold with His Majesty, that the note of his excellency would have contained some specific offer, dictated either by a regard to justice, or by some other honorable and friendly feeling, which should have put this subject of altercation at rest. The Government of the United States would still regard with complacency any arrangement with the claimants which should prevent the necessity of all further official discussion, and leave the harmony between the two nations without the smallest circumstance to disturb it. But his excellency must be aware that, should the Government of the United States, in the absence of such an arrangement, and in the full contemplation of the real state of the question, as here presented, desist from its demand for indemnity, it would fail in its duty to those who have a right to its protection. The undersigned has been, therefore, specially instructed to urge this demand, and, "while reminding the Swedish Government of its unquestioned justice, and of its amount, so insignificant to the interest of Sweden, yet so distressing to the sufferers, to give notice that, in forbearing to press it in a more peremptory manner, it is by no means the intention of the Government of the United States to abandon it."

The undersigned has prevailed on himself to reply from *Vienna* to a note which his excellency addressed to him at *Berlin;* but, as this course is justified on the present occasion by peculiar considerations only, it will not be hereafter pursued. His excellency is, therefore, requested to address his future communications for the Government of the United States to Christopher Hughes, Esquire, who is charged with the affairs of its legation at Stockholm, during the absence of the minister.

The undersigned has the honor to repeat to his excellency the assurance of his highest consideration.

JONATHAN RUSSELL.

Copy of a memorial of the merchants of Stralsund to the Swedish Royal Regency.

The humble memorial of sundry within-named merchants of Stralsund, for themselves and their constituents, concerning the restoration of the colonial merchandises which were under sequestration, and the stopping the public sale thereof.

Informed, partly by public report, but especially by the publication of your excellency and the honorable Royal Regency, of the 2d of August, current year, that the colonial merchandises which are lying in the royal warehouses

under sequestration are to be publicly sold, we find ourselves obliged most humbly to lay before your excellency and the honorable Royal Regency our reasons why we hope that you will be pleased, with respect to the colonial merchandises belonging to us and our constituents, which have been hitherto under sequestration, to let an exception take place from your measure announced in the newspapers.

Nothing agrees better with the principles of a sound political economy than liberty and security of commerce. Justice requires, unconditionally, that nobody shall be punished for an action which was hitherto permitted, and the prohibition whereof has never been published. Confiding in these principles, we and our commercial friends have ordered hither a quantity of colonial merchandises, which, after their arrival, were put under sequestration. Hard as this measure in itself already is, we could quietly look at it, as the same was only provisional, and we fully confided in the justice of our cause; but, as it now seems the actual confiscation of the merchandises and the sale thereof are intended, then our and our constituents' interests will be too much injured that we should be able to remain quiet at that too.

All these merchandises have arrived here either from Sweden, under the authorization of the Swedish public authorities, or direct from North America, a state friendly connected with Sweden.

All the papers which concern them, as well as the ships which brought them hither, have been examined by the royal *licent* here, and have been found blameless; and your excellency, and the honorable Royal Regency yourselves, have granted the permission to enter and unload. Every thing herein has been done on our part publicly and legally. No prohibition opposed us herein; for the better security, we procured yet the special permission of the highest authority of the country, and we have paid, even already, part of the duties on these merchandises; and should now these merchandises nevertheless be confiscated and publicly sold for the benefit of the *fiscus*?

If we were yet in the hands of an enemy, such a measure would certainly not appear so very extraordinary to us, for an enemy only observes his own interest, and not that of the conquered country; but, in a state of peace, when the force of armies gives place to the power of the laws again, we cannot make ourselves familiar with the idea that the state itself should proceed in this manner against its own subjects, and against friends, who, under the protection of the laws, and in confidence upon the legality and publicity of their actions, thought themselves secure.

The Swedish Government, whose steps are always guided by mildness and justice, will certainly, when the matter is once put in a proper light, remain faithful to their mode of proceeding hitherto observed; and the just sentiments of your excellency and of the honorable Royal Regency are known to us by too many instances that we should not hope, with full confidence, that you will make use of all means to avert a measure so detrimental to us and our constituents; and we therefore venture, with the fullest confidence of a happy result, to pray your excellency and the honorable Royal Regency most humbly and most earnestly not to suffer the sale of the colonial merchandises belonging to us and our constituents, which have been hitherto under sequestration, to take place, but put the same to our own free disposition; or, at least, by your gracious interposition with the higher instance, to procure the same.

STRALSUND, *August* 6, 1811.

I conform with the original.

J. A. IKE,
Royal Assessor and Archivarian to the honorable Royal Regency.

Copy of the reply to the foregoing.

Upon the petition of the commercial counsellor, Mr. Barnstedt, the alderman Evenhagen Schluter, the alderman Ineal, for himself, and attorney for the merchant Isleremond, and the merchants Wewetzen, widow Glasser Beurniss, and J. C. Muggenberg, for themselves and their constituents, for the restitution of the colonial merchandises put under sequestration, and the prevention of the public sale thereof, it is decreed:

Whereas, according to the newest strict orders from His Royal Majesty, there shall be proceeded immediately with the sale of all the colonial merchandises which have been sequestrated here, their petition cannot be granted, but the Royal Regency will make report to the Royal Majesty of the reclamation entered by the memorialists, and the money received from the sale of the now claimed merchandises shall be lodged with the royal chamber until his determination, in order that, in case the same shall be favorable for them, it may immediately be paid over to them.

STRALSUND, *August* 9, 1811.

Decree for the above-mentioned merchants is conformable with the original.

J. A. IKE,
Royal Assessor and Archivarian to the Royal Regency.

I, Charles Erdmann, sworn interpreter of foreign languages in and for the commonwealth of Pennsylvania, by lawful authority duly appointed and commissioned, residing in the city of Philadelphia, do certify that the preceding is a true and faithful translation of a certain original paper written in the German language, annexed hereto.

In witness whereof, I have hereunto set my hand and seal of office, this 2d day of January, 1812.

CHARLES ERDMANN.

16th CONGRESS.] No. 319. [2d SESSION.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES AT THE COMMENCEMENT OF THE SIXTEENTH CONGRESS, SECOND SESSION.

COMMUNICATED, NOVEMBER 15, 1820.

Fellow-citizens of the Senate and of the House of Representatives:

In communicating to you a just view of public affairs, at the commencement of your present labors, I do it with great satisfaction, because, taking all circumstances into consideration which claim attention, I see much cause to rejoice in the felicity of our situation. In making this remark, I do not wish to be understood to imply that an un-

varied prosperity is to be seen in every interest of this great community. In the progress of a nation inhabiting a territory of such vast extent and great variety of climate, every portion of which is engaged in foreign commerce, and liable to be affected in some degree by the changes which occur in the condition and regulations of foreign countries, it would be strange if the produce of our soil, and the industry and enterprise of our fellow-citizens, received, at all times, and in every quarter, a uniform and equal encouragement. This would be more than we would have a right to expect under circumstances the most favorable. Pressures on certain interests, it is admitted, have been felt: but, allowing to these their greatest extent, they detract but little from the force of the remark already made. In forming a just estimate of our present situation, it is proper to look at the whole—in the outline as well as in the detail. A free, virtuous, and enlightened people know well the great principles and causes on which their happiness depends; and even those who suffer most, occasionally, in their transitory concerns, find great relief under their sufferings from the blessings which they otherwise enjoy, and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a Government which is founded by, administered for, and supported by, the people; we trace them to the peculiar character of the epoch in which we live, and to the extraordinary occurrences which have signalized it. The convulsions with which several of the Powers of Europe have been shaken, and the long and destructive wars in which all were engaged, with their sudden transition to a state of peace, presenting, in the first instance, unusual encouragement to our commerce, and withdrawing it, in the second, even within its wonted limit, could not fail to be sensibly felt here. The station, too, which we had to support through this long conflict, compelled, as we were, finally, to become a party to it with a principal Power, and to make great exertions suffer heavy losses, and to contract considerable debts disturbing the ordinary course of affairs, by augmenting to a vast amount the circulating medium, and thereby elevating at one time the price of every article above a just standard, and depressing it at another below it, had likewise its due effect.

It is manifest that the pressures of which we complain have proceeded, in a great measure, from these causes. When, then, we take into view the prosperous and happy condition of our country, in all the great circumstances which constitute the felicity of a nation—every individual in the full enjoyment of all his rights; the Union blessed with plenty, and rapidly rising to greatness, under a National Government which operates with complete effect in every part, without being felt in any, except by the ample protection which it affords; and under State Governments, which perform their equal share, according to a wise distribution of power between them, in promoting the public happiness, it is impossible to behold so gratifying, so glorious a spectacle, without being penetrated with the most profound and grateful acknowledgments to the Supreme Author of all good for such manifold and inestimable blessings. Deeply impressed with these sentiments, I cannot regard the pressures to which I have adverted otherwise than in the light of mild and instructive admonitions, warning us of dangers to be shunned in future; teaching us lessons of economy, corresponding with the simplicity and purity of our institutions, and best adapted to their support; evincing the connexion and dependance which the various parts of our happy Union have on each other, thereby augmenting daily our social incorporation, and adding, by its strong ties, new strength and vigor to the political; opening a wider range, and with new encouragement, to the industry and enterprise of our fellow-citizens at home and abroad; and more especially by the multiplied proofs which it has accumulated of the great perfection of our most excellent system of government, the powerful instrument, in the hands of an all-merciful Creator, in securing to us these blessings.

Happy as our situation is, it does not exempt us from solicitude and care for the future; on the contrary, as the blessings which we enjoy are great, proportionably great should be our vigilance, zeal, and activity to preserve them. Foreign wars may again expose us to new wrongs, which would impose on us new duties, for which we ought to be prepared. The state of Europe is unsettled, and how long peace may be preserved is altogether uncertain. In addition to which, we have interests of our own to adjust, which will require particular attention. A correct view of our relations with each Power will enable you to form a just idea of existing difficulties, and of the measures of precaution best adapted to them.

Respecting our relations with Spain, nothing explicit can now be communicated. On the adjournment of Congress, in May last, the minister plenipotentiary of the United States at Madrid was instructed to inform the Government of Spain that, if His Catholic Majesty should then ratify the treaty, this Government would accept the ratification so far as to submit to the decision of the Senate the question whether such ratification should be received in exchange for that of the United States heretofore given. By letters from the minister of the United States to the Secretary of State, it appears that a communication, in conformity with his instructions, had been made to the Government of Spain, and that the Cortes had the subject under consideration. The result of the deliberation of that body, which is daily expected, will be made known to Congress as soon as it is received. The friendly sentiment which was expressed on the part of the United States in the message of the 9th of May last is still entertained for Spain. Among the causes of regret, however, which are inseparable from the delay attending this transaction, it is proper to state that satisfactory information has been received that measures have been recently adopted by designing persons to convert certain parts of the province of East Florida into depots for the reception of foreign goods, from whence to smuggle them into the United States. By opening a port within the limits of Florida, immediately on our boundary, where there was no settlement, the object could not be misunderstood. An early accommodation of differences will, it is hoped, prevent all such fraudulent and pernicious practices, and place the relations of the two countries on a very amicable and permanent basis.

The commercial relations between the United States and the British colonies in the West Indies and on this continent have undergone no change; the British Government still preferring to leave that commerce under the restriction heretofore imposed on it on each side. It is satisfactory to recollect that the restraints resorted to by the United States were defensive only, intended to prevent a monopoly, under British regulations, in favor of Great Britain; as it likewise is to know that the experiment is advancing in a spirit of amity between the parties.

The question depending between the United States and Great Britain respecting the construction of the first article of the treaty of Ghent has been referred by both Governments to the decision of the Emperor of Russia, who has accepted the umpirage.

An attempt has been made with the Government of France to regulate, by treaty, the commerce between the two countries, on the principle of reciprocity and equality. By the last communication from the minister plenipotentiary of the United States at Paris, to whom full power had been given, we learn that the negotiation had been commenced there; but serious difficulties having occurred, the French Government had resolved to transfer it to the United States; for which purpose the minister plenipotentiary of France had been ordered to repair to this city, and whose arrival might soon be expected. It is hoped that this important interest may be arranged on just conditions, and in a manner equally satisfactory to both parties. It is submitted to Congress to decide, until such arrangement is made, how far it may be proper, on the principle of the act of the last session, which augmented the tonnage duty on French vessels, to adopt other measures for carrying more completely into effect the policy of that act.

The act referred to, which imposed new tonnage on French vessels, having been in force from and after the 1st day of July, it has happened that several vessels of that nation, which had been despatched from France before its

existence was known, have entered the ports of the United States, and been subject to its operation without that previous notice which the general spirit of our laws gives to individuals in similar cases. The object of that law having been merely to countervail the inequalities which existed to the disadvantage of the United States in their commercial intercourse with France, it is submitted, also, to the consideration of Congress, whether, in the spirit of amity and conciliation which it is no less the inclination than the policy of the United States to preserve in their intercourse with other Powers, it may not be proper to extend relief to the individuals interested in those cases, by exempting from the operation of the law all those vessels which have entered our ports without having had the means of previously knowing the existence of the additional duty.

The contest between Spain and the colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres, it is understood, still prevail. In no part of South America has Spain made any impression on the colonies, while in many parts, and particularly in Venezuela and New Granada, the colonies have gained strength, and acquired reputation, both for the management of the war, in which they have been successful, and for the order of the internal administration. The late change in the Government of Spain, by the re-establishment of the constitution of 1812, is an event which promises to be favorable to the revolution. Under the authority of the Cortes, the Congress of Angostura was invited to open a negotiation for the settlement of differences between the parties; to which it was replied that they would willingly open the negotiation, provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are uninformed. No facts are known to this Government to warrant the belief that any of the Powers of Europe will take part in the contest; whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies. To promote that result by friendly counsels with other Powers, including Spain herself, has been the uniform policy of this Government.

In looking to the internal concerns of our country, you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these, none holds a more important place than the public revenue, from the direct operation of the power by which it is raised on the people, and by its influence in giving effect to every other power of the Government. The revenue depends on the resources of the country, and the facility by which the amount required is raised is a strong proof of the extent of the resources and of the efficiency of the Government. A few prominent facts will place this great interest in a just light before you. On the 30th of September, 1815, the funded and floating debt of the United States was estimated at $119,635,558. If to this sum be added the amount of five per cent. stock subscribed to the Bank of the United States, the amount of Mississippi stock, and of the stock which was issued subsequently to that date, the balances ascertained to be due to certain States for military services, and to individuals for supplies furnished and services rendered during the late war, the public debt may be estimated as amounting, at that date, and as afterwards liquidated, to $158,713,049. On the 30th September, 1820, it amounted to $91,993,883, having been reduced in that interval, by payments, $66,879,165. During this term, the expenses of the Government of the United States were likewise defrayed in every branch of the civil, military, and naval establishments; the public edifices in this city have been rebuilt, with considerable additions; extensive fortifications have been commenced, and are in a train of execution; permanent arsenals and magazines have been erected in various parts of the Union; our navy has been considerably augmented; and the ordnance, munitions of war, and stores of the army and navy, which were much exhausted during the war, have been replenished. By the discharge of so large a proportion of the public debt, and the execution of such extensive and important operations, in so short a time, a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying when it is recollected that the direct tax and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes has been derived almost wholly from other sources.

The receipts into the Treasury from every source to 30th of September last have amounted to $16,794,107 66, whilst the public expenditures to the same period amounted to $16,871,534 72, leaving in the Treasury on that day a sum estimated at $1,950,000. For the probable receipts of the following year, I refer you to the statement which will be transmitted from the Treasury.

The sum of $3,000,000, authorized to be raised by loan, by an act of the last session of Congress, has been obtained upon terms advantageous to the Government, indicating not only an increased confidence in the faith of the nation, but the existence of a large amount of capital seeking that mode of investment at a rate of interest not exceeding five per cent. per annum.

It is proper to add that there is now due to the Treasury, for the sale of public lands, $22,996,545. In bringing this subject to view, I consider it my duty to submit to Congress whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavorable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the instalments are becoming due at a period of great depression. It is presumed that some plan may be devised by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers.

Considerable progress has been made during the present season in examining the coast and its various bays and other inlets, in the collection of materials, and in the construction of fortifications for the defence of the Union, at several of the positions at which it has been decided to erect such works. At Mobile Point and Dauphin island, and at the Rigolets, leading to Lake Pontchartrain, materials to a considerable amount have been collected, and all the necessary preparations made for the commencement of the works. At Old Point Comfort, at the mouth of James river, and at the Rip Raps, on the opposite shore, in the Chesapeake bay, materials to a vast amount have been collected, and at Old Point some progress has been made in the construction of the fortification, which is on a very extensive scale. The work at Fort Washington, on this river, will be completed early in the next spring; and that on the Pea Patch, in the Delaware, in the course of the next season. Fort Diamond, at the Narrows, in the harbor of New York, will be finished this year. The works at Boston, New York, Baltimore, Norfolk, Charleston, and Niagara, have been, in part, repaired; and the coast of North Carolina, extending south to Cape Fear, has been examined, as have likewise other parts of the coast eastward of Boston. Great exertions have been made to push forward these works with the utmost despatch possible; but when their extent is considered, with the important purposes for which they are intended—the defence of the whole coast, and, in consequence, of the whole interior, and that they are to last for ages—it will be manifest that a well-digested plan, founded on military principles, connecting the whole together, combining security with economy, could not be prepared without repeated examinations of the most exposed and difficult parts, and that it would also take considerable time to collect the materials at the several points where they would be required. From all the light that has been shed on this subject, I am satisfied that every favorable anticipation which has been formed of this great undertaking will be verified; and that, when completed, it will afford very great, if not complete protection to our Atlantic frontier, in the event of another war—a protection sufficient to counterbalance, in a single campaign, with an enemy pow-

erful at sea, the expense of all these works, without taking into the estimate the saving of the lives of so many of our citizens, the protection of our towns and other property, or the tendency of such works to prevent war.

Our military positions have been maintained at Belle Point, on the Arkansas, at Council Bluff, on the Missouri, at St. Peter's, on the Mississippi, and at Green bay, on the Upper Lakes. Commodious barracks have already been erected at most of these posts, with such works as were necessary for their defence. Progress has also been made in opening communications between them, and in raising supplies at each, for the support of the troops by their own labor, particularly those most remote. With the Indians peace has been preserved, and a progress made in carrying into effect the act of Congress making an appropriation for their civilization, with the prospect of favorable results. As connected equally with both these objects, our trade with those tribes is thought to merit the attention of Congress. In their original state, game is their sustenance and war their occupation; and, if they find no employment from civilized Powers, they destroy each other. Left to themselves, their extirpation is inevitable. By a judicious regulation of our trade with them, we supply their wants, administer to their comforts, and gradually, as the game retires, draw them to us. By maintaining posts far in the interior, we acquire a more thorough and direct control over them, without which it is confidently believed that a complete change in their manners can never be accomplished. By such posts, aided by a proper regulation of our trade with them, and a judicious civil administration over them, to be provided for by law, we shall, it is presumed, be enabled, not only to protect our own settlements from their savage incursions, and preserve peace among the several tribes, but accomplish, also, the great purpose of their civilization.

Considerable progress has also been made in the construction of ships of war, some of which have been launched in the course of the present year.

Our peace with the Powers on the coast of Barbary has been preserved, but we owe it altogether to the presence of our squadron in the Mediterranean. It has been found equally necessary to employ some of our vessels for the protection of our commerce in the Indian sea, the Pacific, and along the Atlantic coast. The interests which we have depending in those quarters, which have been much improved of late, are of great extent, and of high importance to the nation, as well as to the parties concerned, and would undoubtedly suffer if such protection were not extended to them. In execution of the law of the last session for the suppression of the slave trade, some of our public ships have also been employed on the coast of Africa, where several captures have already been made of vessels engaged in that disgraceful traffic.

JAMES MONROE.

WASHINGTON, *November* 14, 1820.

16th CONGRESS.] No. 320. [2d SESSION.

GREAT BRITAIN: EXECUTION OF THE TREATY OF GHENT.

REPORTED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 3, 1821.

The select committee, to whom was referred the message of the President of the United States respecting the progress and expenditures of the commissioners under the fifth, sixth, and seventh articles of the treaty of Ghent, respectfully submit the following report:

The fifth article of the treaty of Ghent provides for ascertaining the boundary from the source of the St. Croix to the northwest corner of Nova Scotia, and also from that corner, westwardly, between the United States and Canada, until the line strikes the Iroquois, now called the St. Lawrence, in latitude forty-five degrees north.

Mr. Van Ness is the commissioner of the United States for this section of the boundary line.

The sixth article of the treaty of Ghent provides for ascertaining the boundary line, westwardly, from the above-mentioned point on the St. Lawrence, through Lakes Ontario, Erie, and Huron, and their water communications to Lake Superior.

Mr. Porter, of New York, is the commissioner on the part of the United States assigned to this section.

By the seventh article of that treaty, it is stipulated that *when* the commissioners appointed under the sixth article shall have performed the duties required by that article, *then* they are authorized to determine the boundary line from the water communication between Lakes Huron and Superior to the northwest corner of the Lake of the Woods: the whole boundary to be established agreeably to the provisions of the treaty of 1783.

Mr. Porter will, of course, become the American commissioner, when he shall have finished the duties required by the sixth article of the treaty of Ghent.

By their resolution of the 21st of November last, the House requested the President of the United States to lay before them information respecting the progress made by the commissioners in establishing the boundary above mentioned, and the expenses already incurred. With his message of the 14th of December last, the President transmitted a report of the Secretary of State, containing all the information in the possession of that Department requested by that resolution.

So far as relates to the boundary from the head of the St. Croix to the St. Lawrence, it seems that no information had been afforded to the Government at the date of the President's message. Mr. Van Ness, in his letter of the 25th of November last, observes, "with respect to the progress which has been made by the commission, I understand the agent has already given to the Government all the information which it would be in my power to communicate." He also mentions that "the commissioners under the fifth article of the treaty have held two sessions the present year;" but there is no disclosure of past exertions or future prospects in the discharge of the duties assigned to him.

Since that time, the committee have been furnished with a communication from Mr. Van Ness, (marked No. 18 in the manuscript documents attending this report,) dated January 6, 1821, in which he observes that the next meeting is to be held on the 14th of next May, and that the commissioners intend at that meeting to continue in session until they have decided upon all questions submitted to them by the treaty. To this letter the committee would call the attention of the House, as containing much information of the progress which the commissioners under the fifth article have made. No satisfactory reason, however, is assigned why earlier information has not been given

to the Government. The committee have not seen any occasion for secrecy on the part of the commissioners. They were appointed to ascertain certain facts which were supposed to exist. A disclosure of their proceedings would neither change the position of the northwest corner of Nova Scotia, nor alter the forty-fifth degree of north latitude.

The information of the progress of the commissioners under the sixth article of the treaty of Ghent is found in the letters of Mr. Delafield, dated October 13th and November 1st, and in one from Mr. Porter, of December 2d, 1820, which are among the printed documents. These gentlemen express a belief that the surveys under the last mentioned article will be completed during the next season. But it appears that no part of the boundary is finally settled. Whether it will be done next season, must depend on the termination of the surveys and the agreement of the commissioners. Any event which should prevent the agent or commissioner on either side from attending to his duties would probably delay a decision for another year; and should the calculations of the American commissioner and agent prove correct, they will have devoted about six years to the performance of this part of their duty.

After this they will be ready to turn their attention to the boundary from the water communication between Huron and Superior to the northwest corner of the Lake of the Woods, according to the *seventh* article of the treaty.

It is observed in the letter of Mr. Porter, above referred to, that "the seventh article of the treaty relates to a country which is comparatively of little importance, and a system of operations is proposed to be adopted for designating the boundary, which will greatly reduce both the time and expense of its execution." What this system of operations may be is not disclosed. It is presumed, however, to be such a system as will not endanger the rights of the nation, while it is a subject of regret that it had not been sooner applied.

From an examination of the printed documents, it appears that the sum of $194,137 63 has been drawn from the Treasury on account of the two commissions under the treaty which have been mentioned.

Mr. Van Ness, as commissioner under the fifth article, has received - - -	$82,444 00
Mr. Bradley, as agent, - - - - - - - -	16,655 10
	$99,099 10

Of this sum, $35,666 13 has been expended by the agent, and the accounts adjusted by the American and British *commissioners;* but the statements afforded are in such general terms that explanation is required to determine how far they could be approved by this Government. The remainder of the sum drawn under the fifth article remains without evidence of its disbursement, except what may be retained for the commissioner's salary.

Mr. Porter, the commissioner under the sixth and seventh articles of the treaty, has drawn from the Treasury $65,315 95. No part has been accounted for. He has transmitted statements of expenditures to the amount of $47,263 09, exclusive of his salary. He informs the Secretary of State that "the vouchers will be transmitted to Washington on the closing of the sixth article."

Mr. Hawkins, the late agent under the sixth and seventh articles, has drawn from the Treasury, -	$28,891 80
Received from Mr. Porter, - - - - - - - -	1,815 95
Amounting to the sum of - -	30,707 75
Statements of expenditures, which yet are not adjusted, are furnished, including salary while employed, amounting to - - - - - - - -	18,548 97
Balance against Mr. Hawkins, - -	$12,158 78

It has not been explained to the committee why the persons employed under the treaty have not accounted for the moneys which have been drawn from the Treasury. The nation is as deeply interested in the proper application of its funds expended under a treaty as under any other law. It is important, also, that the Government should have a knowledge of past expenditures, that it may properly provide for future wants.

Agreeably to the resolution of the House of January 3, the committee have considered the expediency of fixing, by law, the salaries of the commissioners and agents under the treaty of Ghent.

In order to come to a conclusion on the subject of that resolution, recurrence must be had to the provisions of that treaty. By the eighth article it is stipulated "that the said commissioners shall, respectively, be paid in *such manner* as shall be agreed between the contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty; and all other expenses attending the said commission shall be defrayed equally by the two parties." It is clear that the treaty does not fix the amount of compensation which those officers are to receive. It declares that the commissioners shall be paid in *such manner* as shall be agreed upon by the *two contracting parties.* The contracting parties must be understood to be the Governments of the United States and Great Britain. If this opinion of the committee be correct, it would seem to require an exercise of the same power, on the part of this Government at least, to agree upon the *manner* in which the commissioners should be paid, as was required to form the treaty itself.

The committee requested the Secretary of State to inform them whether any agreement had been made between the two Governments at the time of the ratification of the treaty, or since, as to the salaries of the commissioners, and whether any communication had taken place between the two Governments on the subject of that or any other expense attending the commission.

The answer to these and to other inquiries, deemed material by the committee, is contained in the manuscript documents attending this report. No. 8, to which the committee would call the attention of the House, is a paper signed by Mr. Baker, containing the evidence of an exchange of the ratifications of the treaty. This paper contains the following expressions, viz: "At the same time Mr. Monroe (acting Secretary of State) expressed the willingness of the Government of the United States to arrange the payment of the commissioners to be appointed in pursuance of the treaty on the same principles as were observed in carrying into execution the treaty of 1794 between the same Powers, that is, the expense to be equally borne by the two Governments; to which arrangement the undersigned consented."

This is the only document relating to this subject which the committee have received. It appears, therefore, to the committee, that the two contracting parties have not settled the salaries nor amount of compensation which the commissioners or agents shall receive for their respective services.

It would seem, therefore, that each Government was at liberty to make such allowance to those of its own officers as should be equitable and just.

By the letter of the Secretary of State (No. 1 of the manuscript documents) the House will be fully informed what compensation has been allowed heretofore by the Executive Government to the commissioners and agents. That letter contains a full explanation of the principles by which the Executive has been governed in regulating such compensation.

Congress having made general appropriations for carrying into execution the provisions of the treaty of Ghent, without designating the amount for any particular service, the expenditure was left, in a great measure, to the discretion of the Executive. Such salaries were then authorized as had been allowed under the treaty of 1794 for similar services, which had received the approbation of Congress. But, as this Government is under no obligation, by any provisions of the treaty, to allow any definite compensation to those officers, they cannot derive their present salaries from any higher authority than a law of Congress. It is considered by the committee that Congress has the same power to increase or diminish any future allowances in this as in ordinary cases, where salaries are regulated by its laws.

The salaries of the commissioners under the treaty of 1794 were a subject of negotiation. The arrangements then made are referred to, as has been noticed, as principles for the execution of the treaty of Ghent in this particular point, after having received the sanction of Congress.

Mr. Van Ness, in his letter of the 25th November, (contained among the printed papers,) observes that the British commissioners receive £1,200 sterling; and he considers it is in accordance with the treaty that the American commissioners should receive the same salary, as they are the joint officers of the two Governments.

The committee consider the opinion of Lord Grenville is correct, as expressed in No. 3 of the manuscript papers. He observed to our minister, when in the discussion of this point, that "the clause in the treaty of 1794 did not imply that the payment of all the commissioners should be the *same*." It is considered that equality of salaries in this case is no more necessary than that American and British ministers should receive an equal compensation. The same may be said of the agents. This is the opinion of one of the American commissioners, Mr. Porter. In his letter of December 2d, (among the printed documents,) with great propriety he observes, in relation to the compensation of Mr. Delafield, the acting agent under the sixth and seventh articles of the treaty, that "I believe the board of which I am a member has heretofore considered that neither considerations of justice nor national *etiquette* required that the compensation of the two agents should be the same."

It is observed in the statements of expenditures exhibited by Mr. Porter and Mr. Hawkins that charges are made for personal expenses, exclusive of their salaries. By recurring to the laws which have been mentioned by the Secretary of State, and considered by him as the basis of present allowances, it is provided that the compensation of commissioners who shall serve in the United States shall not exceed the rate of $4,444 per annum. It would seem as just that the judges of the Supreme Court, or the officers of the Departments of Government, should charge their personal expenses while discharging their respective duties, as that this privilege should be allowed to commissioners and agents.

Nos. 9 and 15 of the manuscript documents contain the sentiments of the Executive respecting the expense and dilatory progress of the several commissions. No. 11 expresses the feelings of the British Government on the same subject. It is believed that these papers speak the language of this nation, while they afford satisfactory evidence that the Executive has exerted all the power he possesses in urging forward a prompt and faithful execution of the treaty.

The committee, however, are of opinion that, had particular instructions, as far as practicable, been issued to the commissioners and agents respecting the proper objects and amount of expenditure, and required a frequent adjustment of their accounts, their proceedings would have been rendered less expensive.

It is considered that the salaries now allowed are far greater, in proportion to the services performed, than those which are usually given to any officers of Government; that they are subject to the authority and control of Congress, and ought to be reduced.

It is also considered that the commissioners and agents should be required to render an account for the public moneys they may have received without delay; and while they were allowed, as a salary, the sum of $4,444, it should be in full of all personal expenses.

For these purposes the committee ask leave to report a bill.

Mr. Van Ness to the Secretary of State. (No. 18.)

SIR: BURLINGTON, *January* 6, 1821.

Having just received a copy of the message of the President of the United States to the House of Representatives, on the subject of the boundary lines to be settled under the treaty of Ghent, and finding nothing in it that relates to the progress made by the commission under the fifth article of the treaty, I feel it my duty to trouble you with a further communication.

In the letter which I had the honor to address to you from New York on the 25th November last, I said nothing on that point, because, as I stated therein, I understood the agent had already given to the Government all the information which it would be in my power to communicate. That such was the fact, and that you had been pleased to express yourself entirely satisfied with the course pursued by the officers appointed on the part of the United States, as also had the President, was stated to me by the agent in November last, after a visit made to Washington for the express purpose of giving information and making explanations in relation to the proceedings of the commission.

I had, therefore, no reason to doubt that the President was in possession of sufficient information to state to the House of Representatives the progress which had been made in the execution of the fifth article of the treaty. But, it now appearing that the President could not have so considered it, I hasten to inform you that all the surveys and explorations relating to the northwest angle of Nova Scotia, as designated in the treaty of 1783, and to the northwesternmost head of Connecticut river, which are essential to the discussion and decision of these two contested and important points, and the observations on the parallel of latitude between Connecticut river and the Iroquois river, which are necessary to a determination of that line, have been completed.

The obstacles to be encountered in making these surveys have been great and numerous. The whole extent of country from the source of the river St. Croix, north, to the river St. Lawrence, and between that line and the head of Connecticut river, is one vast and entire wilderness, inhabited by no human being, except a few savages, and, in one spot, a few Frenchmen. The services performed have been extremely arduous, and the difficulty and expense of transportation, and of subsisting the persons engaged in the work, have necessarily been very considerable.

That a knowledge of the different ranges of high lands, and of the sources and destination of the principal streams of water in the tract of country alluded to, derived from actual and proper observations and surveys, is indispensable to a just execution of the fifth article of the treaty, will not, I think, be questioned; particularly as the claims of

the respective parties are much at variance, and in view of a possibility that the case may be ultimately referred to a foreign Power.

All the reports and plans of the last season's work will soon be completed and delivered to the agents, so as to enable them to be prepared to submit their arguments to the board at its next meeting on the 14th day of May next—a period as early as it will be practicable for the agent of His Britannic Majesty to come from St. John's, in New Brunswick, the place of his residence, to New York, the place of meeting. The commissioners intend at that meeting to continue in session until they shall have decided upon all questions submitted to them by the treaty. If they agree, there will only remain some running and marking of lines at a very diminished expense. But, if they should differ in their opinions, they will make separate reports, and the commission will be at an end in that way.

As to the contingent expenses, it may be remarked that they have thus far been enhanced in consequence of the performance of two distinct services at the same time—the surveys to the eastward of Connecticut river, and the astronomical operations on the parallel of latitude. But by this there will, in the end, be a saving, as, in hastening the completion of the whole business, the salary offices will the sooner expire.

I cannot close this letter without an expression of my confidence that it will not escape the observation of any person that, in a case like this, many things may not be fully understood and approved by those not immediately acquainted with all the proceedings of the commission, which, if the individuals concerned were on the spot, might be susceptible of explanations perfectly satisfactory, but which cannot be anticipated by those individuals.

I rely upon your kindness, sir, to transmit to the honorable the House of Representatives of the United States a copy of this communication as soon after its receipt as shall be convenient.

I have the honor to be, with much respect, your most obedient servant,

C. P. VAN. NESS.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

16th CONGRESS.] No. 321. [2d SESSION.

SPAIN: FINAL RATIFICATION OF THE TREATY OF 1819.

COMMUNICATED TO THE SENATE, FEBRUARY 14, 1821.

To the Senate of the United States: WASHINGTON, *February* 13, 1821.

The ratification by the Spanish Government of the treaty of amity, settlement, and limits, between the United States and Spain, signed on the 22d of February, 1819, and on the 24th of that month ratified on the part of the United States, has been received by the envoy extraordinary and minister plenipotentiary of that Power at this place, who has given notice that he is ready to exchange the ratifications.

By the sixteenth article of that treaty, it was stipulated that the ratifications should be exchanged within six months from the day of its signature; which time having elapsed before the ratification of Spain was given, a copy and translation thereof are now transmitted to the Senate for their advice and consent, to receive it in exchange for the ratification of the United States, heretofore executed.

The treaty was submitted to the consideration of the Cortes of that kingdom before its ratification, which was finally given with their assent and sanction. The correspondence between the Spanish Minister of Foreign Affairs and the minister of the United States at Madrid, on that occasion, is also herewith communicated to the Senate;* together with a memorandum by the Secretary of State of his conference with the Spanish envoy here, yesterday, when that minister gave notice of his readiness to exchange the ratifications.

The return of the original papers now transmitted, to avoid the delay necessary to the making of copies, is requested.

JAMES MONROE.

General instructions to Mr. Forsyth, Minister Plenipotentiary to Spain.

SIR: DEPARTMENT OF STATE, WASHINGTON, *March* 8, 1819.

The treaty of amity, settlement, and limits between the United States and Spain, concluded on the 22d ultimo, and ratified on the part of the United States, having provided for the adjustment of all important subjects of difference between the two nations, the first object of your mission will be to obtain the ratification of the Spanish Government, and receive it in exchange for ours, the authentic instrument of which is committed to your charge. The United States ship Hornet, Captain Read, is in readiness at Boston, and orders have been despatched, under which you will take passage in her for Cadiz. It is desirable that you should embark without delay. On your arrival in Spain, the Hornet will remain at Cadiz, subject to your orders, until the exchange of the ratifications can be effected; and if, as is anticipated, no obstacle should intervene to delay that transaction, you will, upon receiving the Spanish ratified copy, immediately forward it to Captain Read, with directions to bring it immediately to the United States. As the ulterior destination of the Hornet will be the Gulf of Mexico, the port to which it will be advisable for him to come will be New York.

On exchanging the ratifications, certificates of the fact will be mutually executed and delivered by you and the Spanish minister with whom you will make the exchange. Copies of that which passed in both languages on the exchange of the ratifications of the convention of the 11th of August, 1802, are now furnished you, and will serve as forms to be used in the performance of this ceremony. On this occasion, as upon all others upon which you may have occasion to execute any document, joint or reciprocal, with a foreign Minister of State, you will be careful to

* These papers having been returned to the Department, the correspondence relating to this transaction, inserted in this compilation, has been collected from the communications made to Congress on the 7th December, 1819, March 9th, 14th, and 27th, 1820, May 9th and 12th, 1820, and February 2d, 1824.

preserve the right of the United States to the *alternative* of being first named, and your own right, as their representative, to sign first in the papers executed; while, in the counterparts, the other contracting party will be named first, and the foreign minister will first sign and seal. A rigid adherence to this practice has become necessary, because it is strictly adhered to by all the European sovereigns in their compacts with one another; and because the United States having heretofore sometimes forborne to claim this conventional indication of equal dignity, some appearance of a disposition to allege the precedent against them, as affecting their right to it, was manifested by the British plenipotentiaries on executing the convention of 3d July, 1815, and by Mr. De Onis at the drawing up and signing of this treaty. The scruple was, however, in both cases abandoned, and the right of the United States to the alternative was conceded. It is not expected that it will hereafter be questioned, and you will consider it as a standing instruction to abide by it in the execution of any instrument of compact which, as a public minister of the United States, you may be called to sign.

After the exchange of the ratifications, your attention will be directed to the object of carrying the provisions of the treaty into effect. The orders for the evacuation by the Spanish officers and troops of the places occupied by them in the Floridas will no doubt be immediately issued; and, as the transports and escort for conveying them to the Havana are to be furnished by the United States, it is hoped you will obtain copies of the orders, and transmit them here with the ratification of the treaty. You will think it advisable to keep the Spanish Government reminded of the necessity to include, in the orders for the delivery of possession, that of all the archives and documents relating to the dominion and sovereignty. The appointment of a commissioner and surveyor for running the line of the western boundary must also be kept in remembrance, and notice given to us as soon as possible after their appointment. You will collect from the archives of the legation at Madrid all the documents relating to the claims of citizens of the United States upon the Spanish Government, which have been deposited there, and which come within the description of claims to be exhibited to the commissioners under the eleventh article of the treaty. You will send all these documents, together with the ratified treaty, to this Department, retaining descriptive lists of them, and, if necessary, copies of such papers for which no equivalent substitute could be produced in case of their being lost. Should you have reason to believe that any documents, which you should be able to specify, were in possession of the Spanish Government, tending to elucidate any of these claims, you will endeavor to obtain them. The treaty provides that they shall be furnished at the demand of the commissioners; but, as much time may be saved if they can be sent here to be ready when the commission will be organized and commence the exercise of its functions, you will, should the occasion present itself, use your endeavors to that effect.

JOHN QUINCY ADAMS.

To JOHN FORSYTH.

Certificate of exchange of ratifications, referred to in the preceding instructions.

We, John Quincy Adams, Secretary of State of the United States of America, and Don Luis de Onis Gonzales Lopes y Vara, lord of the towns of Rayaces, Macadina, and Lagartera, member of different academies and societies, both national and foreign, perpetual regidor of the corporation of the city of Salamanca, knight grand cross of the royal American order of Isabella the Catholic, decorated with the lys of La Vendée, knight-pensioner of the royal and distinguished Spanish order of Charles III., member of the supreme assembly of the said royal order, of the council of His Catholic Majesty, his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America, certify that the ratifications of the convention between the said United States of America and his said Majesty, concluded on the 11th day of August, 1802, accompanied with all suitable solemnities, and after due comparison each with the other, and with the original examples of the convention, have been exchanged by us this day.

In witness whereof, we have signed this act in triplicates, and have sealed the same with our respective seals, at the city of Washington, this 21st day of December, 1818.

JOHN QUINCY ADAMS, [L. S.]
LUIS DE ONIS. [L. S.]

The Secretary of State to Don Luis de Onis.

SIR: DEPARTMENT OF STATE, WASHINGTON, *March* 10, 1819.

By the eighth article of the treaty of amity, settlement, and limits, signed by us on the 22d of last month, all grants of land in the Floridas, made by His Catholic Majesty, or his legitimate authorities in those provinces, subsequent to the 24th of January, 1818, are declared to be null and void. This date, as you will recollect, was agreed to on the part of the United States, with a full and clear understanding between us that it included the grants alleged to have been made in the course of the preceding winter by the King to the Duke of Alagon, the Count of Punon Rostro, and Mr. Vargas. As these grants, however, are known to the Government of the United States only from rumor, without the knowledge of their dates, it is proper that, on exchanging the ratifications, your Government should know that, whatever the date of those grants may have been, it was fully understood by us that they are all annulled by the treaty, as much as if they had been specifically named, and that they will be so held by the United States. To avoid any possible misconception, your answer to this statement is requested; and the exchange of the ratifications will be made, under the explicit declaration and understanding that all the abovementioned grants, and all others derived from them, are null and void.

I pray you to accept the assurances of my distinguished consideration.

JOHN QUINCY ADAMS.

Don LUIS DE ONIS, *Envoy Extraordinary and Minister Plenipotentiary from Spain.*

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: WASHINGTON, *March* 10, 1819.

I have received the note you were pleased to address to me of this day's date, in which you state that, by the eighth article of the treaty signed by us on the 22d of last month, it was agreed, on the part of the United States, that all grants of land in the Floridas, made by His Catholic Majesty, or his legitimate authorities, subse-

quent to the 24th January, 1818, are declared to be null and void, with a full understanding that it included the grants alleged to have been made in the course of the preceding winter, by the King, to the Duke of Alagon, the Count of Punon Rostro, and Mr. Vargas; and that, therefore, you request of me a declaration that, whatever the date of those grants may have been, it was fully understood by us that they are annulled by the treaty, as much as if they had been specifically named.

With the frankness and good faith which have uniformly actuated my conduct, and which distinguish the character of the Spanish nation, I have to declare to you, sir, that, when I proposed the revocation of all the grants made subsequent to the date above mentioned, it was with the full belief that it comprehended those made to the Duke of Alagon, as well as any others which had been stipulated at that period.

But, at the same time that I offer you this frank, simple, and ingenuous declaration, I have to express to you that, if my conception had been different, or if it had appeared to me that any of those grants were prior to the date above mentioned, I would have insisted upon their recognition, as the honor of the King, my master, and the unquestionable rights of his sovereignty of his possessions, and the disposal of them, obviously required.

I will hasten to transmit to my Government due information of the whole; and, impressed as I am with the conviction of His Majesty's most earnest desire to meet the wishes of the President, I persuade myself that he will, with pleasure, participate in that sentiment, by admitting the explicit declaration which you have requested of me. In the mean time, I beg you will favor me with your answer to the explanations I requested yesterday, in relation to the late act of Congress concerning piracy.

Be pleased to accept the assurance of my distinguished consideration. God preserve you many years.

LUIS DE ONIS.

The Secretary of State to Mr. Forsyth.

SIR: DEPARTMENT OF STATE, WASHINGTON, *March* 10, 1819.

By the eighth article of the treaty of amity, settlement, and limits, between the United States and Spain, signed on the 22d of last month, all the grants of lands made by His Catholic Majesty, or by his lawful authorities, since the 24th of January, 1818, in the territories ceded by His Catholic Majesty to the United States, in the Floridas, are declared and agreed to be null and void. This date was proposed by Mr. Onis, and acceded to on the part of the United States, with a full and clear understanding, on both sides, that the grants made, or alleged to have been made, in the course of the preceding winter, to the Duke of Alagon, the Count of Punon Rostro, and Mr. Vargas, were among those agreed and declared to be null and void. Copies of the grants to the Count of Punon Rostro and to Mr. Vargas, in the form of orders to the Governor General of the island of Cuba and to the Governor of the Floridas, had been transmitted to this Department by Mr. Erving; the first of which bears date the 6th of February, and the second the 11th of March, 1818; but no copy has been received of that to the Duke of Alagon. As, however, the authenticity of these documents might be denied, and the grants have never been made public, it is proper that the possibility of any future question, with regard to those grants, should be guarded against; for which purpose, the form of a declaration is enclosed, which it will be proper for you to deliver, on exchanging the ratifications of the treaty, to the Spanish minister with whom you will make the exchange. The fact of the mutual understanding, that those grants were annulled by the treaty, is fully and explicitly admitted by Mr. Onis, in his answer, dated this day, to a note from me on this subject; copies of which, with a translation of his answer, are herewith enclosed. It is not anticipated that any objection will be made to receiving the declaration; if, however, there should be, you will, nevertheless, exchange the ratifications; it being sufficient to give the notice and the proof of the understanding, on both sides, of the operation of the article, and of the effect which will be given to it on the part of the United States.

I am, with much respect, &c.

JOHN QUINCY ADAMS.

JOHN FORSYTH, *Minister Plenipotentiary to Spain.*

Form of the declaration referred to in the preceding letter.

The undersigned, minister plenipotentiary from the United States of America at the court of His Catholic Majesty, is commanded by the President of the United States to explain and declare, upon the exchange of the ratifications of the treaty of amity, settlement, and limits, between the United States and His Catholic Majesty, signed by the respective plenipotentiaries at Washington, on the 22d day of February last, that, in agreeing upon the 24th day of January, 1818, as the date subsequent to which all grants of land made by His Catholic Majesty, or by his legitimate authorities in the Floridas, were declared to be null and void, it was with a full and clear understanding between the plenipotentiaries of both the high contracting parties, that, among the grants thus declared null and void, were all those made, or alleged to have been made, in the course of the preceding winter, by His Catholic Majesty, to the Duke of Alagon, the Count of Punon Rostro, and Mr. Vargas, and all others derived from them; and the ratifications of the treaty are exchanged under the explicit declaration and understanding that all the said grants are null and void, and will be so held by the United States.

MADRID, —— —, 1819.

The Secretary of State to the Minister of France.

SIR: WASHINGTON, *March* 17, 1819.

By the eighth article of the treaty lately concluded between the United States and Spain, all grants of land made by the King of Spain, or by his legitimate authorities in Florida, before the 24th of January, 1818, are confirmed, on certain conditions; all those made after that date are declared null and void.

Since the conclusion of the treaty, a rumor has been circulated that certain grants made by the King of Spain, in the course of the preceding winter, to the Duke of Alagon, the Count of Punon Rostro, and Mr. Vargas, were made on the 23d of January, 1818. Mr. Forsyth has therefore been instructed, on exchange of the ratifications of the treaty, to declare that it was fully and explicitly understood on both sides, at its signature, that all those grants, and all others derived from them, were, by the treaty, included among those declared to be absolutely null and void. Mr. De Onis himself, in answer to a note from me, has readily declared that such was his understanding. From the

friendly part taken by you, in concert with Mr. De Onis, in this negotiation, you were apprized of all the circumstances attending it; and I have to request that you would have the goodness to state your impressions on the subject, particularly in relation to the absolute nullity of those grants, and, as far as you think proper, the facts in connexion with this transaction which you have mentioned to me in conversation.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. HYDE DE NEUVILLE,
Envoy Extraordinary and Minister Plenipotentiary from France.

[TRANSLATION.]

The Minister of France to the Secretary of State.

LEGATION OF FRANCE IN THE UNITED STATES,
WASHINGTON, *March* 18, 1819.

SIR:

I was very sure, and you were of the same opinion, that, to destroy the rumor which had been spread, it would suffice to inform the minister of Spain of it. The loyalty which characterizes him did not permit the smallest uneasiness on the subject. After the declaration of Mr. Onis, mine can be of no importance; however, as you desire (in case the mistake of date should be real) that the fact resulting from the treaty should be well established, and by all those persons who took part, directly or indirectly, in the transaction, I have the honor, sir, to declare to you, in the most formal manner, that it has been understood—always understood, by you, by the minister of Spain, and, I will add, by myself—that the three great grants of land made to the Duke of Alagon, to the Count of Punon Rostro, and to Mr. Vargas, were of the number of those annulled.

The date of 24th January was proposed and accepted in the complete persuasion, on one part and the other, that these three great grants were subsequent to it.

I will add, sir, because it is the exact and pure truth, that, having been charged by Mr. Onis, during his illness, to discuss with you several articles of the treaty, particularly the eighth article, you consented to the drawing up of this article more in conformity with the desire of the Spanish minister, only on the admission, as a fact beyond doubt, that the three principal grants were and remained null, and as not having taken place. Mr. Onis has not ceased thus to understand it. He has explained himself upon it frankly and loyally as well since as before the treaty. The mistake of date, if it exists, can, then, give birth to no difficulty whatever at Madrid. The good faith of Mr. Onis, and that of his Government, are guaranties too strong to render any other explanations necessary. Between Governments, as between individuals, the same laws of honor and probity govern transactions. The convention exists only by the convention; therefore, sir, in this case the simple statement of the fact will be sufficient to rectify the mistake.

In answering, sir, immediately the letter which you did me the honor to write to me, I embrace with much pleasure this new opportunity to assure you of the high consideration with which I have the honor to be, &c.

G. HYDE DE NEUVILLE.

Hon. Mr. ADAMS, *Secretary of State.*

Observations on the eighth article of the treaty of the 22d February, 1819, *between the United States and Spain, submitted to Mr. De Neuville July* 14, 1819.

It will be recollected by Mr. De Neuville that, on the 15th of February last, Mr. De Onis being confined to his house by indisposition, Mr. De Neuville, at his request, had a conversation with Mr. Adams, in which were discussed the projet of a treaty which had been delivered on the 9th of February by Mr. De Onis to Mr. Adams, and the counter-projet sent by Mr. Adams to Mr. De Onis on the 13th of the same month.

The ninth article of the projet of Mr. Onis was in these words:

"All the grants of land made by His Catholic Majesty, or by his legitimate authorities, in the aforesaid territories of the two Floridas, and others which His Majesty cedes to the United States, shall be confirmed and acknowledged as valid, excepting those grants which may have been made after the 24th January of last year, the date that the first proposals were made for the cession of those provinces, which shall be held null in consideration of the grantees not having complied with the conditions of the cession."

The eighth article of the counter-projet sent by Mr. Adams was as follows:

"All grants of land made by or in the name of His Catholic Majesty, in the aforesaid territories, after the 24th January, 1818, shall be held null, the conditions of the said grants not having been performed by the grantees. All grants made before that date by His Majesty, or by his legitimate authorities, the conditions of which shall have been performed by the grantees according to the tenor of the respective grants, and none other, shall be confirmed and acknowledged as valid."

Mr. De Neuville's particular attention is requested to the difference between the two projected articles, because it will recall particularly to his remembrance the point upon which the discussion concerning this article turned. By turning to the written memorandum drawn up by Mr. De Neuville himself of this discussion, he will perceive he has noted that Mr. De Onis insisted "that this article could not be varied from what was contained in the chevalier's projet, as the object of the last clause therein was merely to save the honor and dignity of the sovereignty of His Catholic Majesty."

It was then observed by Mr. Adams that the honor and dignity of His Catholic Majesty would be saved by recognising the grants prior to the 24th of January as "valid to the same extent as they were binding on His Catholic Majesty," and he agreed to accept the article as drawn by Mr. Onis, with this explanation; (see Mr. De Neuville's memorandum.) It was on this occasion that Mr. De Neuville observed that, if the grants prior to January 24, 1818, were confirmed only to the same extent that they were binding on the King of Spain, there were many *bona fide* grantees, of long standing, in actual possession of their grants, and having actually made partial settlements upon them, but who had been prevented, by the extraordinary circumstances in which Spain had been situated, and the revolutions in Europe, from fulfilling all the conditions of the grants; that it would be very harsh to leave these persons liable to a forfeiture, which might, indeed, in rigor be exacted from them, but which very certainly never would be if they had remained under the Spanish dominion. It will be well remembered by Mr. De Neuville how earnestly he insisted upon this equitable suggestion, and how strongly he disclaimed for Mr. Onis

every wish or intention to cover, by a provision for such persons, any fraudulent grants. And it was then observed by Mr. De Neuville that the date assumed, of 24th January, 1818, was not sufficient for guarding against fraudulent grants, because they might be easily antedated. It was with reference to these suggestions of Mr. De Neuville, afterwards again strenuously urged by Mr. De Onis, that the article was finally modified as it now stands in the treaty, declaring all grants subsequent to 24th January, 1818, absolutely null, and those of a prior date valid to the same extent only that they would have been binding upon the King; but allowing to *bona fide* grantees, in actual possession, and having commenced settlements, but who had been prevented, by the late circumstances of the Spanish nation and the revolutions in Europe, from fulfilling *all* the conditions of their grants, time to *complete* them. It is needless to observe that, as these incidents do not apply to either of the grants to Alagon, Punon Rostro, or Vargas, neither of those grants is confirmed by the tenor of the article as it stands; and that it is perfectly immaterial in that respect whether they were dated before or after the 24th January, 1818, it being admitted on all sides that these grants were not binding upon the King conformably to the Spanish laws. The terms of the article accord precisely with the intentions of all the parties to the negotiation and the signature of the treaty. If the dates of the grants are subsequent to 24th January, 1818, they are annulled by the date; if prior to that date, they are null, because not included among the prior grants confirmed.

Mr. Forsyth to the Marquis of Casa Yrujo.

SIR: MADRID, *May* 18, 1819.

The treaty concluded on the 22d of February, 1819, at Washington, by Mr. Adams on the part of the Government of the United States, and the Chevalier de Onis on the part of His Catholic Majesty, has been intrusted to me by the President of the United States, duly ratified; and I am prepared to exchange the ratifications of this instrument at any moment it may suit the convenience of your excellency. From the nature of the engagement, it is desirable that the earliest exchange should be made; and this would be particularly convenient, as an opportunity is afforded of sending this important document to my Government by the American ship of war Hornet, now in the harbor of Cadiz, and destined in a few days to the United States.

I seize with avidity every opportunity to present to your excellency, whom may God preserve, the assurances of my distinguished consideration.

JOHN FORSYTH.

His Excellency the MARQUIS OF CASA YRUJO, *First Secretary of State, &c.*

Mr. Forsyth to the Marquis of Casa Yrujo.

SIR: MADRID, *June* 4, 1819.

On the 18th of May last I addressed to your excellency an official note to inform you "that I was ready to exchange the ratifications of the convention, &c., concluded at Washington by Mr. Adams and the Chevalier de Onis on the 22d February, 1819; that it was desirable, from the nature of that instrument, that an immediate exchange of ratifications should be made, the more especially so as I had an opportunity of sending it, when ratified by the King, to the United States, by the American sloop of war Hornet, then and now lying in the harbor of Cadiz." The time at which it will be necessary for that vessel (by the return of which the American Government expects to receive the treaty ratified by His Majesty) to sail for the United States has so nearly arrived, that it is my indispensable duty to call your excellency's attention again to the subject of that note. It would be painful for me to see this vessel depart without the treaty. The Government of the United States had a just and well-founded expectation that no unreasonable delay would take place, and therefore looked to the return of this vessel for the instrument, executed with due formalities. Her arrival without it will not fail to make the most unfavorable impressions. To obviate such an effect is beyond my power, as I can perceive no adequate motive to prevent His Majesty's Government from acting on this subject prior to her departure from Spain. Your excellency will not deem me unnecessarily importunate or unreasonable when I ask an immediate attention to this business, and express my conviction that an answer will be given to this and to my note of the 18th of May, already alluded to, on the earliest day that the convenience of His Majesty's Government will permit.

I renew to your excellency, whom may God preserve, the assurances of my distinguished respect and consideration.

JOHN FORSYTH.

[TRANSLATION.]

Don Manuel Gonzales Salmon to Mr. Forsyth.

SIR: PALACE, *June* 19, 1819.

The King, my august master, has informed himself of the contents of your two notes of the 18th of May last and 4th instant, in both of which you state that you are ready to exchange the ratifications of the treaty concluded at Washington, on the 23d of February last, by Don Luis de Onis and Mr. Adams, and that, from the nature of that treaty, and the favorable opportunity of transmitting it to the United States, by the Hornet sloop of war, you are desirous that the said exchange may be made as expeditiously as may be.

I have also submitted to His Majesty the purport of your verbal communications to me on this subject, and I again brought to his view your observations thereon in the two several conferences I have had the honor to hold with you.

His Majesty has, in consequence, commanded me to inform you, in reply, that, on reflecting on the great importance and interest of the treaty in question, he is under the indispensable necessity of examining it with the greatest caution and deliberation before he proceeds to ratify it.

This being all I am enabled to communicate to you on this point, for the present, I avail myself, with pleasure, of the renewed occasion it affords me to offer you my respects, and I pray God to preserve you many years.

MANUEL GONZALES SALMON.

Mr. Forsyth to Don Manuel Gonzales Salmon.

SIR: MADRID, *June* 21, 1819.

The determination of His Catholic Majesty to delay the exchange of ratifications of the treaty signed on the 22d February, at Washington, by Mr. Adams and the Chevalier de Onis, as communicated by your excel-

lency's note of the 19th instant, in reply to my notes of the 18th May and the 4th of the current month, fills me with regret. As the subject-matter of that treaty has been for years before the two Governments, both of whom have, no doubt, long since discussed and deliberately determined upon what they would respectively claim and yield, I took it for granted no motive for delay could exist. Your excellency's note, while it states to me the fact that a longer delay is contemplated, does not enlighten me as to the cause. The measure is, no doubt, important and interesting to His Majesty's kingdom, but no new light can have broken in upon the subject since the instructions were given to the Chevalier de Onis, upon which the treaty is founded, on the part of Spain—no change of the circumstances of the parties to it has occurred—no new causes of difficulty or complaint are known to exist. Although the words of the treaty allow six months to elapse before the instrument is annulled, if the exchange of ratifications is not previously made, I must represent to your excellency that every hour's delay is at variance with the spirit of the instrument. The time stipulated was, to guard against accidents, extended to the longest period which, under any circumstances, could be required to effect the exchange. Had the distance of our respective Governments permitted, the time fixed would not have been extended beyond a single day. If the Government of the United States had not gratuitously offered the exchange here, His Majesty would have been compelled, ere this, to have transmitted the treaty ratified on the part of Spain to America, or have lost the benefit of the convention. You will recollect that no place is fixed at which the exchange is to be made. It is to the confidence of the American Government in the good disposition of Spain that the King, your master, is indebted for the opportunity thus to delay acting upon the subject. The ill consequences which will ensue from this postponement, and the impression likely to be made by it, can be easily foreseen. Your excellency may correctly estimate the conjectures to which it will give birth in the United States from what is passing here. You, perhaps, are yet to learn that the delay of the last month has given rise, at the seat of His Majesty's Government, among his own subjects, to the most monstrous and absurd suppositions. Among the subjects of Spain, those who best know the integrity of the King, and the purity of his councils, it is asserted that an act required by the policy of this Government, essential to the interests of this kingdom, and demanded by the honor of the King, will not be performed. Yes, sir; the King is calumniated in his very capital by a most unjust surmise that there will be a refusal to do that which the reputation of Spain requires—that which Spain dare not refuse to do. Your excellency will not understand this as threatening His Majesty's Government with the consequences which might ensue from the resentment of the United States, if it were possible for Spain to act in this business with bad faith. Threats are used by conscious weakness, not by conscious strength. I know too well the abundant resources, the expanding power, the youthful vigor of my country, to degrade her character by using language unworthy of it; if not by my respect for Spain, I should be prevented by the fear of the deserved resentment of my own country; I should not be easily forgiven for condescending to say how she would punish an act of perfidy. It is by her acts, and not by the railings of her ministers, that she will be known to those who violate the faith pledged to her. But there is this, which a just Government will more cautiously avoid than even the well-founded resentment of a powerful nation—the degradation of conscious baseness. No wise King will dare to do an act which would deprive him of the respect of all nations, sully the reputation of his kingdom in the eyes of the civilized world, and deprive his people of the strongest incentive to virtuous exertions, under every dispensation of Heaven—the confidence in the integrity of their Government. If, even in Spain, unjust surmises and unfounded mistrusts are entertained, your excellency, recollecting the lately subsided irritations of long-continued disputes with the Government of His Majesty, will not be surprised that, in the United States, the same cause should produce, not suspicions, but firm convictions of the intention of this Government to disappoint the expectations reposed in its good faith. I know full well that, in two months, the act of the exchange of ratifications will prove that these harsh convictions have been hastily and incorrectly formed; but the impression of them may remain, and the motive for the delayed exchange may be misunderstood. I have used every effort to avert it, but in vain. If my apprehensions should not be realized, I shall heartily rejoice.

It only remains for me to say, in this last note that I shall address to your excellency on this subject, that whenever His Majesty directs you to exchange the ratification of the treaty of 22d February, 1819, I am prepared, at any period before the 22d of August, on the part of my Government, to perform that ceremony.

I renew to your excellency, whom may God preserve, the full assurance of my perfect respect.

JOHN FORSYTH.

[TRANSLATION.]

Don Manuel Gonzales Salmon to Mr. Forsyth.

SIR: MADRID, *August* 10, 1819.

I duly received the note you were pleased to address to me, dated the 21st of June last, in answer to that which I had the honor to write to you on the 19th of the same month, being my reply to your notes of the 8th of May and 4th of June, requesting the speedy ratification and exchange of the treaty lately concluded at Washington, on the 22d of February of the present year, between His Majesty the King, my master, and your Government.

In my said reply, I confined myself to stating to you that His Majesty, having taken that important subject into his most serious consideration, had found it indispensably necessary to examine the treaty with the utmost caution and reflection before he proceeded to ratify it.

In your answer you express your surprise at the delay attending a transaction which, having been already thoroughly discussed, could require no renewed examination of its final and definitive decision; and the more so, as the circumstances which led to it had experienced no change with either party. You proceed to develop, at length, the injurious effect that, in your opinion, must be produced by the delay of the Spanish Government in concluding this affair, and also of the disagreeable consequences that you foresee must result from that delay; and you conclude by stating that, whenever His Catholic Majesty shall please to authorize me to exchange the ratifications of the treaty of 22d of February, 1819, you are ready to execute that act on behalf of your Government at any time prior to the date of the 22d of August.

It would have been desirable if you had confined yourself, in your said note, to expressing your surprise and that of your Government at the delay on the part of Spain in terminating, by her ratification, an affair which, according to the intention of both, was to be considered as concluded, and to earnestly requesting the exchange of the same, by which the wishes of your Government, and one of the principal objects of your arrival at this court, would be accomplished.

Thus, it is to be supposed that you would have only conformed to the instructions which you will probably receive from your Government; and, therefore, other expressions and phrases you have used in your note cannot fail to appear very extraordinary, which your ardent zeal for the interests of your nation has doubtless prompted you to employ, but in which you have been carried farther than really could have been wished.

The expressions and phrases alluded to, which I refrain from otherwise specifying, are, to say the least, entirely superfluous, and consequently foreign to the subject in question; they have, therefore, surprised the more, as in no possible case can they be applicable to the Spanish Government or to its agents. Convinced of the rectitude and justice of its rights, and of those ever prescribed by the bounds of moderation, it never has, in its communications, permitted itself to go to such extremes as would justify the proceeding now adverted to.

There would be much to remark upon a style so unusual in diplomatic communications, and still less conformable to the sentiments of mutual friendship and harmony which should exist between the two Governments of Spain and the United States of America, as well as of those which, as its representative, you are in a situation to express; but I shall abstain from any particular detail or comment upon your expressions, and confine myself merely to declare to you, as I have already done, the extreme surprise produced by that part of the contents of your note.

I am, at the same time, authorized by the King, my master, to inform you that, having deliberately weighed the important subject which forms the principal object of your communication, he is of opinion that a final decision cannot be taken thereupon without previously entering into several explanations with the Government of the United States, to some of which your Government has given rise.

His Majesty has, therefore, been pleased to charge with his full confidence a person possessing all the qualifications necessary for bringing this interesting trust to a happy conclusion, who will forthwith make known to the United States His Majesty's intentions on this point, in order that, all obstacles being removed on the one side, and cleared up on the other, all the doubts which have arisen may be done away, and a full and satisfactory accomplishment given to the earnest desire which has animated the King, my master, on this subject, which certainly has uniformly been to see the friendship and good understanding subsisting between both Governments established on he most solid basis, and secured against future chances of interruption.

His Catholic Majesty persuades himself that the Government of the United States, in accordance with these principles and sentiments, far from refusing to admit these new explanations, will cheerfully receive them as a proof of the good faith and frankness of the conduct of Spain; and that they will accede to her views, by promoting also, on their part, the speedy conclusion of an affair productive of the mutual advantage of both Powers.

I offer, &c.

MANUEL GONZALES SALMON.

Mr. Forsyth to Señor Don Manuel Gonzales Salmon, acting Secretary of State, &c.

SIR: MADRID, *August* 12, 1819.

I received, this morning, your official note of the 10th instant. Some of the expressions of the note which I had the honor to present to His Majesty's Government on the 21st of June last appear to have given offence. As you have not specified the particular phrases or expressions which are considered censurable, I can only say that it was far either from my wish or intention to treat His Majesty's Government with disrespect, or to use terms calculated to interrupt the harmony and good understanding which ought to exist between it and the United States. I came here instructed by the President, and animated by the warmest wishes to strengthen, not to weaken, the almost broken bands of amity by which the two nations are still united. I can but regret that, in my zeal to promote this great object, I have used language capable of being misunderstood. You will consider that this regret does not spring from a conviction that the construction put upon my note is just. So far from admitting this, I must insist that there is nothing contained in it which, if rightly interpreted, could be deemed objectionable; and I cannot but indulge the belief that the language has been held offensive, not from its genuine and original import, but from some fatality in its application. As to the remarks you have been pleased to make, that these unusual expressions were idle, *(ociosos,)* not pertinent to the business in question, and not common in diplomatic communications, they are not sufficiently important to merit a distinct reply. The first two it is not the province of His Majesty's Government to reprove; to my own Government I look for approbation or censure. There is no doubt that the pertinency of the matters referred to will not escape its penetration. Should I be convicted of the offence of departing from the ordinary diplomatic style, I shall find abundant consolation in the consciousness of having expressed just sentiments in simple terms. The course pursued by the Government of His Catholic Majesty, and intended to be persisted in, as indicated by your note, is much more likely to disturb the harmony of the two nations than the intemperate zeal of the representatives or agents of either. On the 22d of February, the convention was signed at Washington, by Mr. Adams and the Chevalier de Onis. In April, a copy of it was received in Spain from the messenger sent by the Spanish minister from America. It is not necessary to remind you that the satisfaction of this Government in the termination of this important business was marked by the distribution of honors in the gift of the Crown to persons very remotely connected with the transaction. What has produced the very surprising change in the opinions then entertained on this subject, is for you, sir, to explain, if you think proper, but is what I cannot imagine. On the 18th of May, immediately after my introduction to His Majesty, the note of that date was delivered. It was therein stated that the treaty ratified by the United States was in Madrid, and an immediate exchange of ratifications was asked, that this important document might be sent to my Government by a vessel of war bound in a short time from Cadiz to America: to this no reply was given. Under the expectation entertained from several conversations with the Marquis de Casa Yrujo, the substance of which has been verbally stated to you, the vessel was detained in the port of Cadiz until the 2d of July. In this interval, the only communication received on this important subject was your note of the 19th June, the purport of which was, that His Majesty found it necessary to proceed with the deliberation and slowness demanded by its importance, to consider the subject of the treaty. On the 12th day of August, His Majesty's Government gives notice, by your note of the 10th, of its determination—to ratify? no, sir, to send a person to Washington, possessing the confidence of the King, and having the necessary qualifications to terminate happily this affair. Can it have escaped the observation of this Government that this affair must terminate in ten days? While a failure to resolve finishes the business in a few days, this Government thinks that a definitive resolution cannot be taken without first entering into various explanations with the United States, to some of which the Government of the said States has given occasion. What circumstance in the history of this affair sustains the assurances that His Majesty finds himself animated by the most vehement desires to preserve a good understanding with, and the friendship of, the United States? Is it the disappointment of the rational anticipation, indulged in America, that the treaty ratified by Spain would be carried there in the ship of war Hornet? The determination to send a messenger to the United States for explanations, at this period, when his voyage, as it regards the convention, must be useless; and the only hope which can be entertained from it is, that a new negotiation may be commenced—a circumstance of especial weight, when it is recollected that this messenger might have been sent to Washington, the desired explanations might have been asked, and given there prior to the 22d of August, if the King, your master, had decided promptly

on this course. Or is it in the inexplicable and studious avoidance of the natural order of proceeding in a case of this kind—an application to the minister of the United States near the court of His Majesty for these necessary explanations, when they might have been, possibly, long since given, and still may be given before the period arrives when the convention of the 22d February ceases to be obligatory upon the parties to it? You will forgive me, sir, if I perceive in none of these circumstances indications of those vehement desires by which His Majesty's Government is animated, to establish, on a solid basis, a good understanding with the United States, to which, in the usual style of diplomatic communications, you refer. Since, however, I am bound and most willing to believe their existence, although the conduct of Spain has a tendency to force a different conviction upon the mind, allow me to suggest the only mode in which they can now be fully manifested and gratified: with that frankness and openness so honorable to all nations, and by which the Castilian character has been distinguished, disclose the difficulties that appear to interpose themselves to prevent the immediate conclusion of this affair. I am fully instructed by the Government of my country upon the only point on which it can have given a motive for explanations; and while I cannot imagine what others are wished for, I persuade myself that I am so well possessed of its wishes and intentions as to be able to give full satisfaction to His Majesty upon any part of the treaty, the elucidation of which may be desired.

I renew to you, sir, the assurances of my distinguished consideration.

JOHN FORSYTH.

The Secretary of State to Mr. John Forsyth.

SIR: DEPARTMENT OF STATE, WASHINGTON, *August* 18, 1819.

Captain Read, of the Hornet, has delivered to me your despatches of the 10th, 17th, and 22d of June, which have been submitted to the consideration of the President.

However extraordinary the conduct of the Spanish Government, in relation to the treaty signed on the 22d of February last, has been, the President is unwilling to abandon the hope that, within the period of six months allowed for the exchange of the ratifications, a sense of justice, and of decent regard for the public faith of the King and nation, solemnly pledged by the treaty, will prevail over the individual intrigues and lurking influence which prompted the delay that has taken place. Should this expectation, however, be disappointed, and should the treaty remain unratified by Spain at the time when you shall receive this despatch, you will immediately make an official communication to the Minister of Foreign Affairs, stating that the ratification of Spain, with the explicit understanding, on her part, that the alleged grants to the Duke of Alagon, Count of Punon Rostro, and Mr. Vargas, and all others which may have been made under the same circumstances, are, by the eighth article of the treaty, null and void, and will be so held by the United States, will be accepted as valid; and that you are authorized to receive the Spanish ratification in exchange for that of the United States, though after the lapse of the stipulated six months, provided the exchange shall be immediate, and in such time that you can despatch the ratified treaty by the messenger who will be the bearer of this in season to arrive here before the meeting of Congress, on the first Monday in December; that, if the ratified treaty should not arrive here at that time, a full communication will be made by the President to Congress of all the transactions relating to the treaty, and such measures will be adopted by that body as they shall think required by the exigency of the case; that, whatever their determination may be, the Spanish Government will be responsible to the United States for all damages and expenses which may arise from the delay or refusal of Spain to ratify, and from the measures to which the United States may resort to give efficacy to their rights; and that, for the indemnities to which they will be justly entitled for this violation of faith by Spain, the United States will look to the territory west of the Sabine river.

The only reason assigned by the Minister of State *ad interim*, Salmon, for the postponement of the Spanish ratification was, the determination of the King, founded upon the great importance of the treaty, to act upon it with full deliberation. This may have been sufficient to justify delay within the period stipulated by the treaty, but, after the expiration of that period, can no longer be alleged. Delay beyond that period will be a breach of faith; for the treaty, in all its parts, from the moment of its signature by Mr. Onis, and the ratification of the United States, was as binding upon the honor and good faith of the Spanish King and nation as it would be after the ratification. It is scarcely supposable that Spain will contest this position, or that it should be necessary to present it to her view in the following terms of the full power of Mr. Onis, the original of which, signed by the King of Spain, was delivered to me before the signature of the treaty. The words of His Catholic Majesty are, after authorizing Mr. Onis to treat, negotiate, and conclude a treaty, whereby past differences may be adjusted, and a firm and lasting peace established between the two Governments: "Obliging ourselves, as we do hereby oblige ourselves and promise, on the faith and word of a King, to approve, ratify, and fulfil, and to cause to be inviolably observed and fulfilled, *whatsoever may be stipulated and signed by you;* to which intent and purpose, I grant you all authority and full power, in the most ample form, thereby as of right required."* If language so explicit and unqualified were, in regard to its import, susceptible of any doubt, founded on the usage which requires the ratification of the sovereign for the full consummation of a treaty, there is nothing dubious or uncertain in the extent of obligation resting upon him, by the signature of his minister, vested with such a full power. The following passages from Vattel and Martens are decisive authorities upon the principle:

"Sovereigns treat together by the agency of their attorneys or mandatories, clothed with sufficient powers; they are commonly called plenipotentiaries. All the rules of the law of nature, concerning things performed by commission, are here applicable. The rights of the agent are defined by the authority given him. From this he must not depart; *but whatever he promises within the terms of his commission, and according to the extent of his powers, is binding upon his constituent.*"

"At this time, to avoid all danger and difficulty, princes reserve to themselves the right of ratifying that which has been concluded by their minister in their name. The full power is merely a commission, *cum libera.* If this commission were to have its full effect, it should be given with the utmost circumspection; but, as princes can be constrained to fulfil their obligations only by force of arms, the custom has arisen of relying upon their treaties only after they have sanctioned and ratified them. Whatever the minister has concluded remaining ineffectual until the ratification of the prince, there is less danger of giving him a full power. But to refuse, with honor, to ratify that which has been concluded in virtue of a full power, the sovereign must have strong and solid reasons for it, *and, particularly, he must show that his minister transcended his instructions.*"—*Vattel, book* 2, *chapter* 12, § 156.

* "Obligandonos y prometemos, en fe y palabra de Rey, que aprobaremos, ratificaremos, cumpliremos, y haremos observar y cumplir inviolablemente quanto por vos fuere estipulado y firmado; para lo qual os concedo todas las facultades y plenos poderes en la forma mas amplia que de derecho se requieren."

"Every thing that has been stipulated by an agent, in conformity to his full powers, ought to become obligatory for the state, from the moment of signing, without even waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim that public conventions do not become obligatory till ratified. The motive of this custom clearly proves that the ratification can never be refused with justice, except when he who is charged with the negotiation, keeping within compass with respect to his public full powers, has gone beyond his secret instructions, and consequently has rendered himself liable to punishment, or when the other party refuses to ratify."—*Martens's Summary, book* 2, *chapter* 1, § 3.

The obligation of the King of Spain, therefore, in honor and in justice, to ratify the treaty signed by his minister, is as perfect and unqualified as his royal promise in the full power; and it gives to the United States the right, equally perfect, to compel the performance of that promise.

Should it be suggested that the United States themselves have, on more than one occasion, withheld or annexed conditions to the ratification of treaties signed by their plenipotentiaries in Europe, it will readily occur to you that, by the nature of our constitution, the full powers of our ministers never are or can be unlimited; that whatever they conclude must be, and by the other contracting party is always known and understood to be, subject to the deliberation and determination of the Senate, to whose consideration it must be submitted before its ratification; that our full powers never contain the solemn promise of the nation to ratify whatever the minister shall conclude, but reserve, expressly, not only the usual right of ratification, but the constitutional privilege of the Senate, to give or withhold their assent to the ratification; without which assent, by a majority of two-thirds of the members present at the vote taken after consideration of the treaty, the President has no authority to ratify. In withholding or refusing the ratification, therefore, no promise or engagement of the state is violated. But neither the same reason nor the same principle applies to the King of Spain, who possesses the sole, entire, and exclusive power of ratifying treaties made by his ministers, and who, therefore, by the promise, on the faith and word of a King, to ratify whatever his minister shall sign, commits his own honor and that of his nation to the fulfilment of his promise. This distinction is well known and clearly recognised by the law of nations.*

The Spanish Government cannot allege either that Mr. Onis transcended his secret instructions, or that the ratification of the United States has been refused, or that any unfair advantage was taken on the part of the United States in the negotiation, or that Spain was not fully aware beforehand of the full extent of the engagements contracted by Mr. Onis. It is too well known, and they will not dare to deny it, that Mr. Onis's last instructions authorized him to concede much more than he did; that those instructions had been prepared by Mr. Pizarro; that, after the appointment of the Marquis de Casa Yrujo to the ministry, they were by him submitted to the King's council, and, with their full sanction, were transmitted to Mr. Onis; that, both in relation to the grants of lands in Florida, and to the western boundary, the terms which he obtained were far within the limits of his instructions; that it was known to and understood by him that the grants to Alagon, Punon Rostro, and Vargas were annulled by the treaty; that, so fully was this his understanding, that, in his despatches to his Government, he pointed out to them means of indemnifying those grantees for their disappointment from other lands. The Government of the United States, indeed, considered the moderation and generosity of the terms to which they had acceded as a pledge that they would be received with pride and joy by the Spanish Government; and so, it will not be denied, they were in the first instance received by the King of Spain and his cabinet. If, afterwards, from the unexpected extent of sacrifices which the United States made, for the purposes of conciliation and of sincere amity, Spain has drawn the inference that this temper may be trifled with and abused, it is proper, and will be just, that she should be effectually undeceived.

Should the ratification be withheld, it is to be presumed that some other reason than the importance of the treaty will ultimately be assigned by Spain for withholding it. What that will be, can at present only be conjectured. If the grants to the Duke of Alagon and Count Punon Rostro should be assigned as forming the objection, you will explicitly declare that the United States have no compromise to make, and will listen to none on that subject. The insinuation of the Marquis of Casa Yrujo that those grants, by the letter of the eighth article, would be confirmed if dated before the 24th of January, 1818, was totally unfounded. Mr. Onis knows that the whole of the eighth article was finally drawn up as it stands, with the express intention, declared by me, and agreed to by him, to exclude them from confirmation, whatever might be their dates. Mr. Onis, on the first projet of a treaty, delivered on the 9th of February, had drawn the article in such terms as to confirm all grants made before the 24th of January, 1818. If the article had even been accepted by us in those terms, it could only by an unworthy deception be pretended that it covered the grants of Alagon and Punon Rostro, because it had been explicitly agreed, on both sides, that they should be annulled, and because Mr. Onis, who always spoke of them as fraudulent grants, of which he was ashamed for his country, has repeatedly declared to me that he signed the treaty without knowing their dates, but fully believing them to be subsequent to the 24th of January. If, then, the confirmation of the grants prior to that date had been, as it was first proposed by Mr. Onis, positive and unqualified, and if the grants had been completely made before that date, there might be some pretence that they were covered by the letter of the article, though by a mistake common to both parties, of which a just and honorable Government would disdain to take any other advantage than that of manifesting its good faith by its cheerfulness and promptitude in rectifying the error, and fulfilling the intention instead of the letter of the engagement. But the article was not accepted in this form. In the counter-projet, delivered by me on the 13th of February, the grants prior to the 24th of January, 1818, *the conditions of which should have been performed by the grantees*, and none other, were declared to be confirmed. At the time that the counter-projet was received by Mr. Onis, he was confined to his house by indisposition; at his request, the communications between him and me were made by the friendly interposition of the French minister, M. Hyde de Neuville. Mr. Onis insisted on the article concerning the grants as drawn up by him, not for the purpose of covering these grants, for he professed an earnest desire that they should be annulled, for the vindication of his own character from the aspersion which had been circulated here, that he had a personal interest in them; but he had drawn the article in these terms *merely to save the honor of the King*. It was then observed that the honor of the King could be saved by declaring the grants prior to the 24th January, 1818, binding *to the same extent* as they would have been upon the Spanish Government if the cession to the United States had not been made. It was known and admitted that neither of those grants would, in that case, have been valid, because the conditions, by the laws of the Indies, indispensable to their validity, neither had been, nor could be, fulfilled by the grantees; and their non-performance had been formally assigned by Mr. Onis, in his letter to me of November 16, 1818, as his reason for agreeing to their being annulled. But he observed that there were grants of old standing, made *bona fide* to persons in actual possession of the lands, and having made improvements and settlements

* The sovereign who possesses full and absolute power has undoubtedly the right to treat in the name of the state which he represents, and his engagements bind the whole nation. But the rulers of nations have not all the exclusive power of making public treaties; some are under the restriction of taking the advice of the Senate, or of the representatives of the nation. It is in the fundamental laws of each state that we must look for the power capable of contracting valid engagements in the name of the state.—*Vattel, book* 2, *chapter* 12, § 154.

upon them, but who, by the late revolutions in Europe, and the convulsed state of Spain, had been prevented from completing all the conditions of their grants; that it would be but equitable to allow them time from the date of the treaty to fulfil them. To this a ready assent was given, and the article was thus agreed to—limiting to such grants alone the confirmation prior to the 24th of January, 1818.

Minutes of the discussion upon this article were drawn up in writing, at the time, by Mr. De Neuville, copies of which were furnished both to Mr. Onis and to me prior to the signature, and recognised by us both to be correct. An abstract from them of all that relates to this article, together with the draught of the article as first proposed by Mr. Onis, of that in our counter-projet, and of the article as finally agreed to, is herewith enclosed. They will show that the confirmation of the grants to Alagon, Punon Rostro, and Vargas, is as effectually excluded by the limitations in the first part of the article, if their date is prior to the 24th of January, 1818, as by the date itself if made subsequent to that time. They were not excluded *by name*, for two reasons: First, conformably to the desire of Mr. Onis to *save the honor of the King*. You will see this distinctly noted in the minutes of Mr. De Neuville. Secondly, because, from the despatches of Mr. Erving, it was supposed there were other grants of the same kind, and made under similar circumstances. To have named them might have left room for a presumptive inference in favor of others. The determination was to exclude them all.

No reliance was placed upon the exclusion by the date, because the grants having been secretly made, and without the usual formalities, the copies of them received from Mr. Erving might be unauthentic; because no copy of the grant to Alagon had been received; and because, if fraud was to be guarded against, it was well known that antedating was one of its most familiar and favorite expedients. When, shortly after the signature of the treaty, a rumor was circulated here that the date of the grants was one day prior to the 24th of January, 1818, and that this last date had been assumed with the intention, at least on the part of Mr. Onis, that they should be confirmed, without admitting the suspicion that he had attempted a deception for which the language of decency has no name, it was yet thought advisable that no shadow of a pretence should by any possibility be raised after the ratification of the treaty, by Spain or the grantees, that those grants were confirmed, or that either party of the compact had understood that they would be by the article as it stood. You were therefore instructed, on exchanging the ratifications, to deliver a declaration of this construction, which it had been the avowed intention of both parties at the signature that the eighth article should bear in relation to the grants in question, and the only one which the United States would ever admit. Mr. Onis, by his answer to my note of the 10th March, unequivocally recognised that such had been his understanding of the import of the article when he signed it. He added, indeed, that, if he had known that the grants were of a prior date, he should have insisted upon their being confirmed. But, without remarking that his ignorance of their dates could have no possible effect to render valid that which he had agreed and understood to be null and void, it had escaped his recollection that, in his note to me of the 16th November, 1818, he had agreed that these grants should all be annulled, *because their conditions had not been fulfilled by the grantees.* The President of the United States is yet willing to accept of the ratification of that treaty by Spain. It settles important interests; it secures pacific and harmonious relations with Spain; it provides indemnities to many of our citizens for injuries which Spain acknowledges they have suffered from her; and it gives us Florida, a land useless and expensive to Spain, though, chiefly by its position, valuable to us. But, for all these advantages, we know that we have given in the same treaty ample and generous equivalents to Spain, and she will find herself much deceived if, in the hope of making hereafter a better bargain, she now disdains them. To possess Florida, with the full and fair consent of Spain, is undoubtedly an object of interest to the American Government; but an object of infinitely deeper and dearer interest to them is to observe towards Spain, and all other nations, a just and candid and single-hearted course of conduct, free from fraud, artifice, or disguise; and that which they observe, they demand in return. They will neither themselves practise, nor from others submit to, a disingenuous, double-dealing system of treachery, paltering with its own engagements, and spreading snares for the generous confidence of good faith.

You will, therefore, on no consideration, exchange the ratifications without delivering the declaration prescribed by your instructions when you took charge of the treaty; and you will not fail, if the ratification be withheld, to address an earnest remonstrance to the Spanish Government against the grants themselves, and the circumstances under which they were issued.

The proposal of Mr. Onis's letter to this Department, of 31st October, 1818, was as follows: "That the late grants made by His Majesty in the Floridas, since the 24th of January last, the date of my first note announcing His Majesty's willingness to cede them to the United States, (the said grants having been made with a view to promote population, cultivation, and industry, and not with that of alienating them,) shall be declared null and void, in consideration of the grantees not having complied with the essential conditions of the cessions, as has been the fact." And in his letter of the 10th March, referring to this proposal, he says: "With the frankness and good faith which have uniformly actuated my conduct, and which distinguish the character of the Spanish nation, I have to declare to you, sir, that, when I proposed the revocation of all the grants made subsequently to the date above mentioned, it was with the full belief that it comprehended those made to the Duke of Alagon, as well as any others which had been stipulated at that period."

Here, then, is the express declaration of the Spanish negotiator of that treaty: 1st. That the grants in question were all, in his full belief when he made the proposal, included among those positively annulled by the date; 2d. That these grants had been made by the King, with a view of promoting population, cultivation, and industry, and not with that of alienating the territory; and 3d. That the grants were all null and void, because the grantees had not complied with the essential conditions of the grants.

Now, what shall be said after these plain and positive declarations, when Spain advances, as the only ground of pretence, that these grants were confirmed by the treaty; that they were dated before the 24th January, 1818, indeed, but after the instructions by which Mr. Onis was authorized to make his proposal of that date for the cession of the Floridas had been despatched to him from Madrid? What becomes of his positive assurance that these grants were made for the population and improvement of the territory, and not with a view of alienation? And what was the meaning of Spain in stipulating that an acknowledged debt of indemnities from her to citizens of the United States, at least to the amount of $5,000,000, should be paid from the proceeds of public lands in Florida, when she now comes and says that even while her minister was signing this compact on her part, his sovereign, by a secret and irregular alienation of the lands, had made its accomplishment impossible? In whatever other light it is to be considered, it is an injury to the United States, for which they are entitled to demand and obtain satisfaction. When the Government of a nation degrades itself by flagrant and notorious perfidy, those who are constrained to entertain political relations of neighborhood with them are justified by the law of nature, and it is their duty to themselves, in subsequent transactions with such a state, to take pledges of security for the performance of its engagements more effectual than confidence in its good faith. Such pledges are amply within the reach of the United States, in their intercourse hereafter with Spain; nor is it to be presumed that those who are intrusted with the maintenance of the rights and interests of this nation will overlook or neglect the duty which may be devolved upon them, of taking them.

This despatch will be delivered to you by Captain Read, of the Hornet. If the ultimate decision of the Spanish Government upon the treaty should be still pending on his arrival at Madrid, you will demand it immediately, giving notice that a delay of more than one week after your communication will be taken as a refusal. At the expiration of that time, or sooner if the decision be made known sooner to you, you will despatch Captain Read, that his return to this place may, with all confidence, be expected by the 20th of November. Should the ratifications be exchanged, your leave of absence, contemplated when you left this country, may be used at your discretion; but, if not, the President thinks it best that you should remain at Madrid, to await the contingency of events upon the meeting of Congress.

I am, very respectfully, your obedient and very humble servant,

JOHN QUINCY ADAMS.

JOHN FORSYTH, Esq., *Minister Plenipotentiary of the United States, Madrid.*

[TRANSLATION.]

Don Manuel Gonzales Salmon to Mr. Forsyth.

SIR: PALACE, *August* 19, 1819.

I have received the note you were pleased to address to me of the 12th instant, in answer to that which I had the honor to write to you on the 10th, announcing the decision which the King, my master, had judged proper to adopt in relation to the treaty concluded at Washington between the Governments of Spain and the United States.

In that note you begin by endeavoring to justify the meaning of the expressions contained in yours of the 21st June, which, however, appear not the less extraordinary and surprising, as I have already intimated to you. But, on this head, I refer to what I have had the honor to express to you in my said note, by which the question will be considered as put at rest, and that on no account will it be agreeable to revive it.

I therefore proceed at once to reply to the leading object of your note; and I flatter myself that my answer will convince you, on the one hand, that the Government of His Catholic Majesty could not observe a course different from that which it has taken on this occasion; and, on the other, that the determination of His Majesty to adopt that course is founded upon his earnest wish, as I have already stated to you, to establish the amicable relations of both our Governments upon a secure and permanent basis.

It is a fact of general notoriety, and must, therefore, be well known to you, that, as soon as the treaty concluded between His Catholic Majesty and the Government of the United States was received here, and its stipulations became known, this important subject was taken into the most serious consideration by the King, my master, as well to examine its provisions minutely as to investigate the consequences to which it might give rise in relation to your Government. From that time, this important business has almost exclusively occupied the attention of the Spanish cabinet; and it was not until after it had received the most mature deliberation that His Catholic Majesty resolved that no final decision could be taken upon it, without previously entering into various explanations and *eclaircissemens* with the Government of the United States of America.

Any other determination which might have been taken previous to this step would have been, to say the least, precipitate, and exposed to the inconveniences which it is wished to avoid; and especially not to leave the relations of good understanding re-established between both nations liable to interpretations, but to place them on solid and stable principles, as permanent as the sincere and perfect friendship and harmony which it is desired to establish between the two Governments.

The explanations and *eclaircissemens* desired by His Majesty before a definitive resolution could be taken by him on the affair in question, are not of a nature to be obtained by the means of a messenger despatched to the United States, and the answer to which could arrive here before the 22d of the present month; and still less by reason of the retreat of the minister plenipotentiary of His Catholic Majesty, who, having made the treaty, and being thoroughly possessed of the whole course of the negotiation, was best qualified to demand the explanations desired. Besides, it having been the uniform wish of His Catholic Majesty to proceed with all possible care and circumspection in an affair of such moment, and having thus investigated it, as I have before stated to you, this circumstance could not have given occasion for the despatch of the messenger as intimated by you.

Nor could the explanations alluded to be entered into here under existing circumstances, on account of the want of time in the short space proposed by you. His Majesty has, therefore, resolved to appoint a confidential person to proceed to the Government of the United States for the purpose of obtaining them; thereby giving a new proof of his deference for the American Government, by his desire to be thoroughly informed of every thing which has passed in relation to the treaty.

It is true that, when this determination which the King, my master, has been pleased to take in relation to this affair will come to the knowledge of your Government, the epoch of the 22d August will have elapsed; but this circumstance need prove no obstacle to the obtaining the requisite explanations and *eclaircissemens* on the treaty, as it is to be supposed that the American Government would readily have afforded them at an earlier period if the circumstances before pointed out had not prevented their being required immediately.

The communication which I had the honor to make to you on the 10th instant, and which could not have been made sooner, has been realized in due time; and certainly the Government of the United States cannot fail to receive it favorably, if their desires, in conformity with those of His Catholic Majesty, are directed to the auspicious object of seeing the differences which existed between both Governments at once terminated, and their amicable relations consolidated upon a firm and permanent basis.

This being the sole object proposed by His Catholic Majesty, he has judged that, in order to attain it, there was no mode more fit and suitable than to investigate and explain before he gave his sanction to an agreement which is to serve as a basis of the future relations between the two Powers, whatever doubts and elucidations it might have given rise to. He has, therefore, determined to despatch to the seat of the American Government a person charged with stating to it frankly and candidly the wishes of the King, my master, which he flatters himself will be fully accomplished if he is met by similar dispositions, which it appears must be the case if your Government cherish the same sentiments by which His Majesty is animated.

In consequence of what I have herein stated, I trust that you will agree with me that the Government of the King, my master, has proceeded in this affair with all prudence and circumspection; that it has not been possible for it to take a decision upon it until it had previously instituted a full investigation, without being exposed to the hazards of a precipitate determination; and, finally, that the resolution of His Catholic Majesty, far from being liable to an unfavorable interpretation, is the most conducive to promote the principle connected with this affair, and the most likely to regulate in a satisfactory manner, while it, at the same time, reconciles, the interests of both nations.

In this persuasion, I cannot but flatter myself that your communications to your Government will accord with this sentiment, and that they will tend to remove any doubtful interpretation that it might give to the determination adopted by His Catholic Majesty, and which I have already had the honor to communicate to you.

I avail myself with pleasure of this renewed occasion to offer you the assurances of my high and particular consideration. God preserve you many years.

MANUEL GONZALES SALMON.

Mr. Forsyth to Don Manuel G. Salmon.

MADRID, *August* 21, 1819.

The undersigned, minister plenipotentiary of the United States near His Catholic Majesty, perceives with regret, but without surprise, from Sr. Don Manuel Gonzales Salmon's note of the 19th instant, that the determination made by the Government of Spain not to ratify the convention of the 22d February, signed at Washington by Mr. Adams and the Chevalier de Onis, will not be changed. The undersigned will not waste his own time, nor encroach upon that of His Majesty's Government, by any observations on the said note, but will proceed to discharge the only duty which, on this subject, remains for him to perform. He has the honor formally to announce that, after the 22d day of the present month, as the ratifications of the convention of the 22d February will not have been exchanged, all the claims and pretensions of the United States, which, with the spirit of moderation, the love of peace, and the delusive expectation that all causes of difference and dispute with Spain would be thereby adjusted and settled, they consented to modify or waive, will stand in the same situation as if that convention had never been made; that the United States will hold themselves free to press and enforce them in any and every mode consistent with honor that their interest may require. On the extraordinary steps taken by His Majesty's Government in this affair, the undersigned will not remark, lest he should forget that respect which is due to the Government near which, as the representative of another, he is sent to reside. Of the rumors that prevailed on this subject before the decision of His Majesty's Government was known, (a decision he could not anticipate,) the minister of the United States expressed himself in terms sufficiently strong. As the recent determination has proved that there was but too much truth in what he believed to be unfounded reports and gross calumnies, the undersigned must leave it to His Majesty's Government, upon whom that obligation rests, to show upon what grounds that determination is reconcileable to honor and good faith. The undersigned laments that, while communicating to his own country this unexpected result, it is not in his power to unfold the train of reasoning by which His Majesty's Government has been deluded into a belief that the course taken could be followed without serious injury to the reputation of Spain. The United States, after waiting more than twenty years, with a patience and forbearance unexampled, the operations of reason and justice upon the councils of Spain, will see with astonishment this new instance of her apparent disregard to both. The minister of the United States, when transmitting his correspondence with His Majesty's Government to his own country, will not omit to state the assurances verbally given to him of His Catholic Majesty's earnest desire to cultivate the good-will of the United States—unfruitful professions, that cannot but produce all the effect they deserve, and all that could be rationally expected from them.

The undersigned renews to Sr. Don Manuel Gonzales Salmon the assurances of his perfect consideration and respect.

JOHN FORSYTH.

Sr. Don MANUEL GONZALES SALMON, *Acting First Minister of State, &c.*

Extracts of a letter from Mr. Forsyth (marked private) to Mr. Adams, dated

MADRID, *August* 22, 1819.

The duplicates of my despatches by the Hornet not having been forwarded before this, I deem it unnecessary to send you the extract of that part of my private journal, a copy of which was transmitted with my former letters. To the information contained in my official letter of this day's date, I have little to add of much importance. The most interesting fact I am able to communicate is, that the affair of the grants is not the sole or the principal difficulty with this Government. After receiving Mr. Salmon's note of the 10th instant, and ascertaining from Duke Laval that this Government expected me to insist on the King's agreeing to receive Mr. Onis's declaration, or to make one of his own, I gave information to the duke, with the expectation and belief that he would communicate to the Government, and to the parties interested, that this was a mistake. I had no instructions to insist upon either. We expected the King might offer it; but if he did not, the treaty was already ratified by the United States, and the act could not be recalled. To produce a good effect, I said, also, that the mistake about the grants must be corrected, if the business should be (what was altogether improbable) settled amicably in the United States. The only hope of the grantees was, to have the exchange of ratifications made here. Relying upon the correctness of the information received here of the date of Punon Rostro's and Alagon's grant, and the opinion that the cedula was the first valid act of the concession, and, of course, the date of the grant must be the date of the cedula, I intimated to Mr. Salmon that the difficulty in regard to the donations could be obviated here. His reply was, that there were other points upon which the King wished explanations. What these are, I have collected from other sources. The first and great object in view is to procure an assurance that we will not recognise Buenos Ayres, &c. The extreme pertinacity and anxiety on this subject has its origin in the disclosure made by Great Britain of the conversations between Mr. Rush and Lord Castlereagh on the contemplated reception of a consul general, to reside officially in the United States, from the provinces of La Plata. This disclosure has done us no good. Sir Henry Wellesley, to whom, on his stating that he was endeavoring to promote our objects here, I remarked that I considered much of the difficulty of our affair was imputable to this cause, gave a very plausible answer; of its truth I am sceptical. He said the object was to show to Spain the absolute necessity of a settlement of our differences with her. Whatever was the motive, the effect has not been happy. The instructions to Onis were given before this disclosure was made; it was not useful in producing those instructions; and it is equally clear, from the conduct of Spain, that it has not had the effect of inducing her to ratify what her minister, under these instructions, promised in her name. Sir Henry Wellesley has at all times held very reasonable language, and friendly, in relation to this affair; and, since the above conversation, he has certainly taken some pains to promote our wishes. He tells me that he sent a message by a confidential agent to the Duke of Infantado, who had urged the argument that Great Britain ought not to be irritated by the cession of Florida to us; that he was entirely mistaken in supposing Great Britain adverse to the ratification of the convention, and that he had directions from the British ministry to press the ratification. He told Salmon that Spain would hazard much by refusing it, and that the objects he had in view could be better accomplished by ratifying immediately. After the determination of this Government was know, (and it was known immediately,) he conversed with me, and wished me to believe that it

was all imputable to the dispute about the grants. I said this could not be, as the Government must know that the King having it in his power to accept or reject Onis's declaration, he could throw upon us the burden of refusing the exchange of ratifications. He then asked if the affair of the grants could be got over here. For the reasons stated in the first part of this letter for my disclosures to Laval and Salmon, and believing myself justified by my instructions after the receipt of the letter of the 10th of August, I replied I was confident they could be. He proposed to me to permit him to engage Tatischeff, the Russian minister, whose influence and means of communicating with the Government are said to be superior to all the rest of the *corps diplomatique*, to have this suggestion communicated to the King. To this I consented; but as I thought it would be better, if Tatischeff did any thing, to procure his good offices by an immediate application, I apprized him of this conversation. He was very friendly in his expressions, personally believed the ratification necessary and proper for Spain, and certainly the policy of Europe required it to be done. Sir Henry and Tatischeff had a similar conversation, and the suggestion was made. The next time I saw the Russian minister, he said, If you can give assurances that there will be no recognition of the South American Governments, the treaty will be ratified. I replied, if that is the case, there will be no ratification. I had previously furnished Duke Laval with a memorandum on this topic, which, after keeping twenty-four hours, and, I have no doubt, showing it to Lozano Torres, who is supreme here, he returned it to me. The substance of it was, that the system of the Government was an impartial neutrality; it had been adhered to when we had, in our differences with Spain, the most powerful inducements to abandon it; that, when these differences were settled, there could be no inducement to change it. If Spain desired us to remain stationary in the dispute with her colonies, the first step to secure her object was to ratify our treaty, then to consult our wishes, and so to shape her policy as to inspire a sentiment of good-will powerful enough to counteract the prepossessions naturally entertained for the people of South America by the people of the United States. This was the rational mode, and, in fact, the only mode of reaching her point. To refuse our treaty, and ask, as a condition of it, that we would not recognise, was the certain way to disappoint their wishes. The Government would not consider such a proposition. This memorandum I showed to Tatischeff. He said, what it contained was true and just, but there was no reasoning with ignorance and presumption. I did not hold any of these conversations until after the note of the 10th was received; and I was careful to express the desire that these gentlemen should do what was done, not with a view to our interest, but to prevent Spain from injuring herself, and endangering what is termed the pacific policy of Europe.

On the whole, I am impressed with a belief that they will propose to exchange ratifications in Washington, with the insertion of a promise not to recognise the Patriot Governments, and to preserve the grants. The latter will be as a *dernier resort*, given up as the price of the first. Without this, or something equivalent, we may do ourselves justice; they will not.

Mr. Forsyth to the Duke of San Fernando.

SIR: MADRID, *October* 2, 1819.

The Government of the United States, having been prepared to expect the possibility of a failure on the part of Spain to ratify the convention of the 22d of February last, by the extraordinary delay to decide upon this subject, and the determination of the King further to postpone that decision, as communicated in the note of Mr. Salmon to me of the 19th of June, have instructed me, should the final decision on it by the King not be made prior to this time, to inform the Government of His Catholic Majesty that, although the six months stipulated in the treaty, within which the ratifications were to be exchanged, have expired, the ratification of Spain, made with the explicit understanding that the large grants of land in Florida to the Duke of Alagon, the Count of Punon Rostro, and Mr. Vargas, and all others made under similar circumstances, are, by the eighth article of that convention, null and void, and will be so held by the United States, will be accepted as valid; and I am authorized to receive the Spanish ratification for that of the United States, provided this exchange shall be immediate. This exchange must take place soon enough to enable me to send the ratified treaty to the United States by Captain Read, of the sloop of war Hornet, of the navy of the United States, who will remain in Madrid ten days to carry to the President the final determination of Spain on this important subject. Having received from your excellency's predecessors in office no explanation of the particular causes of the delay that has taken place, it is in my power only to explain the reasons which induce the Government of the United States to insist upon an explicit understanding of the force and obligation of the eighth article of the treaty prior to the exchange of ratifications—an understanding which will be fully shown by a declaration I am instructed to present at the time of the exchange, should it ever take place, a copy of which is enclosed. It was rumored in the United States, and, since my residence in Madrid, I have been informed, that the large grantees declare that their grants are valid under the eighth article. It has been asserted, with the strongest appearances of truth, that the determination of the Government of the United States to hold them void, as expressed in the letter of Mr. Adams, the Secretary of State, to Mr. Onis, of the 10th of March, 1819, has been one of the chief causes of the extraordinary delay to decide upon the ratification of the instrument in Spain. It is necessary to the honor and the interest of the United States, whose conduct to Spain and to all nations is governed by frankness and justice, free from fraud, artifice, and disguise, which they will never practise, nor from others submit to a disingenuous, double-dealing system of treachery, paltering with its own engagements, and spreading snares for the generous confidence of good faith, to place this subject beyond the reach of difficulty or doubt. Without knowing, therefore, the dates of the respective grants alluded to, and supposing it barely possible that there is a foundation for a pretension of the grantees under the eighth article, the Government directs me to present the declaration in question, not less essential to its own interest than to the honor of the King of Spain, since His Majesty would be subjected to the most unworthy imputations if, under the circumstances, a claim should be made by his subjects, or those holding under them, founded upon the alleged validity of these grants.

To suppose that your excellency is not in possession of all the facts in relation to this subject, would be a reflection on the zeal and fidelity of the representative of Spain in the United States, which I would be unwilling to cast upon any officer of His Majesty's Government. I do not, therefore, send you copies of those documents, which show explicitly that, prior and subsequent to the signature of the treaty, it was expressly understood by the negotiators of that instrument that the eighth article, written by the Spanish minister himself, excluded these grants. In fact, when the lands of Florida were ceded, with an express stipulation that the claims of the citizens of the United States upon Spain were to be paid out of the proceeds of the sale of them, to suppose that the Spanish Government had disposed of the whole or the greater part of them in gifts to its subjects, and will insist upon the validity of those gifts, is to suppose it capable of an act of notorious and deliberate perfidy. The Government of my country considered that the treaty became, from the moment of its signature by the Chevalier de Onis, and the ratification of the United States, as binding upon the honor and good faith of the Spanish King and nation as it would be after the ratification. Although I do not understand that this position is, or will be, contested by Spain,

it may not be useless to show its strength fully to the view of your excellency. The words of His Catholic Majesty, in the full power given to Mr. Onis, the original of which was delivered to the American Government before the signature of the treaty, are, after authorizing Mr. Onis to treat, negotiate, and conclude a treaty, whereby past differences may be adjusted, and a firm and lasting peace established between the two Governments: "Obligandonos y prometemos, en fé y palabra de Rey, que aprobaremos, ratificaremos, cumpliremos, y haremos observar y cumplir inviolablemente quanto por vos fuere estipulado y firmado; para lo qual os concedo todas las facultades y plenos poderes en la forma mas amplia que de derecho se requieren." If the usage of nations, which requires the ratification of the sovereign for the full confirmation of a treaty, could create any doubt of the import of language so unqualified and explicit, there is nothing dubious or uncertain in the extent of the obligation resting upon him by the signature of his minister, vested with such full powers. Upon this principle, the following quotations from Vattel and Martens are decisive authorities: "Sovereigns treat together by the agency of their attorneys or their mandatories, clothed with sufficient powers; they are commonly called plenipotentiaries. All the rules of the law of nature, concerning things performed by commission, are here applicable. The rights of the agent are defined by the authority given to him. From this he must not depart; but whatever he promises *within the terms of his commission*, and *according to the extent of his powers, is binding upon his constituent.*" "At this time, to avoid all danger and difficulty, princes reserve to themselves the right of ratifying that which has been concluded by their ministers in their name. The full power is merely a commission, *cum libera*. If this commission were to have its full effect, it should be given with the utmost circumspection; but, as princes can be constrained to fulfil their obligations only by force of arms, the custom has arisen of relying upon their treaties only after they have sanctioned and ratified them. Whatever the minister has concluded remaining ineffectual until the ratification of the prince, there is less danger in giving him a full power. But to refuse, *with honor*, to ratify that which has been concluded in virtue of a full power, the sovereign must have strong and solid reasons for it, and, *particularly, he must show* that his minister transcended his instructions."—*Vattel, book* 2, *chap.* 12, § 156.

"Every thing that has been stipulated by an agent, in conformity to his full powers, ought to become obligatory for the state from the moment of signing, without ever waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim that public conventions do not become obligatory until ratified. The motive of this custom clearly proves that the ratification can never be refused with justice, except when he who is charged with the negotiation, keeping within the extent of his public full powers, has gone beyond his secret instructions, and consequently rendered himself liable to punishment, or when the other party refuses to ratify."—*Martens's Summary, book* 2, *chap.* 3. But why should quotations be made to prove a principle so familiar to every man in public or private life, that what is promised in his name, by his authority, and according to his directions, is as binding in honor and conscience as if he had pledged himself in person? The obligation of the King of Spain, therefore, in honor and in justice, to ratify the treaty signed by his minister, is as perfect and unqualified as his royal promise in the full power, and it gives to the United States the right, equally perfect, to compel the performance of that promise. It is well known to my Government that the Spanish Government cannot allege that its minister transcended his secret instructions, or that the ratification of the United States has been refused, or that any unfair advantage was taken by the United States in the negotiation, or that Spain was not well aware beforehand of the full extent of the engagements contracted by Mr. Onis. It is too well known to be denied that the last instructions of Mr. Onis authorized him to concede much more than he did. The Government of the United States, indeed, considered the generosity and moderation of the terms to which they had acceded as a pledge that they would be received, as in the first instance they were received, by His Catholic Majesty and his royal council with pride and joy. If, from the unexpected extent of the sacrifices the United States made for the purposes of conciliation, the conclusion has been drawn that their conciliatory temper may be trifled with and abused, it is just and proper that Spain should be effectually undeceived. I am, therefore, instructed further to inform your excellency that, if the ratified copy of the treaty should not arrive in the United States before the first day on which the Congress of the United States meets, the President will lay before that body all the transactions relating to the treaty, and such measures will be adopted by the competent authority as the exigency of the case may require. Whatever may be determined upon, Spain will be responsible to the United States for all damages and expenses which may arise from the delay to ratify, and from the measures to which the United States may resort to give efficacy to their rights, and that, for the indemnities to which they will be justly entitled by this violation of faith by Spain, the United States will look to the territory west of their present western boundary on the Gulf of Mexico.

To this proposal, made in the spirit of moderation, of generous forbearance, and with the earnest desire of sincere amity with Spain, I am instructed to require an immediate, explicit, and unequivocal reply. Should this reply not be made before the 10th of the current month, I give formal notice to your excellency that the proposal will be considered as rejected, and the proper communication will be made to the President of the United States.

I renew to your excellency, whom may God preserve, the assurances of my distinguished consideration.

JOHN FORSYTH.

His Excellency the Duke of San Fernando and Quiroga, *First Minister of State, &c.*

[TRANSLATION.]

The Duke of San Fernando and Quiroga to Mr. Forsyth.

Sir: Palace, *October* 8, 1819.

Having had the honor to lay before the King, my master, the contents of the note which you addressed to me on the 2d instant, His Majesty, whose justice and impartiality are so universally known, having examined the principal points embraced therein, has commanded me to answer you as follows:

The official communications addressed to you by Don Manuel Gonzales Salmon might exempt me, it would seem, from all further discussion of the subject in question; inasmuch as His Majesty, actuated as well by the claims of his honor and duty as by a uniform spirit of justice and conciliation towards the United States, and pursuing the example of his august predecessors, who, at an early period, and to promote the very establishment of the American Government, gave such abundant proofs of similar dispositions, had determined, upon mature reflection and deliberation, to send a minister to that Government, who, after requiring and giving the necessary explanations, might terminate this affair; and as neither the actual state of the question, nor what you have been pleased to communicate to me, presents any motive for changing a resolution so deliberate and so just, and which the honor of His Majesty also forbids, there appears to be a still more urgent motive to confirm it.

With this answer I might leave you completely satisfied; but I especially take leave, with the permission of the King, my lord, to reply to some of the points treated of in your note with the brevity and precision which charac-

terize me; and because you state that you have not yet received an explanation of the delay in ratifying the treaty, and attribute it to the difficulties arising out of its eighth article. You will permit me to remark to you that this delay does not manifest that want of good faith, or the artifice which is indirectly insinuated; it is rather the declaration now demanded by you, and previously announced by your Government, after having signed and ratified the treaty—a declaration which, by annulling one of its most clear, express, and conclusive articles, seemed much more likely to give room for a similar charge in opposition to yours.

If your Government, as you are pleased to state to me, really believed that the treaty, from the moment it was signed, became equally obligatory on Spain as it was on the United States, under whose immediate inspection it was formed, signed, and ratified, you will permit me to remark that, whether we consider that point, or weigh the authority of authors cited by you in support of your opinion, the deductions from them, and the weight of many others I now forbear to adduce, as it might seem to offend your illustration, militate against you. But even fancying them for a moment, without ever admitting them, the very authorities which you deem conclusive in relation to a treaty signed but not ratified, are opposed to you, or require still more forcibly that an agreement concluded, signed, and solemnly ratified, as the present one has been by your Government, should be subjected to a due investigation. And if, notwithstanding this, declarations are required at the moment of its solemn conclusion, and before its ratification by the other party, which totally annul one of its most clear, precise, and conclusive articles, without the sanction of a secret agreement authorizing the same, how should it appear strange that His Majesty, while yet unfettered by its stipulations, might and should demand explanations rendered necessary by so unlooked-for a proceeding? In the transaction of settlements or agreements between nation and nation, the solemn act which consummates them, namely, the ratification, would become wholly illusory, if the principles which it is now in vain attempted to establish were to be admitted. I again repeat, that the very authorities cited by you literally declare, as I have already remarked, that the sovereign, for strong and solid reasons, or if his minister has exceeded his instructions, may refuse his ratification, [*Vattel, lib. 2, cap. 12,*] and that public treaties are not obligatory until ratified. [*Martens, lib. 2, cap. 3. See note.*]

No less erroneous, and even unprecedented, is the judgment or consequence you draw from the instructions which you suppose to have been given to His Majesty's minister for the conclusion of this treaty. Truly it would be the first time that a diplomatic communication, professing to be thoroughly and minutely acquainted with these instructions, should cite them as being perfectly well known. The respect due to the King's negotiators will not for a moment allow me to believe they have failed in their obligations, by violating secrecy; nor will the high consideration I entertain for your Government permit me to think it capable of having employed the oblique and vitious means that such information must imply. It is, therefore, wholly impossible for me to admit your assertion on this point.

But, dismissing so unpleasant a discussion, and desiring to express to you anew the spirit of conciliation and friendship which prompts the King, my master, to put an end to these differences, as I declared to you in the beginning of this note, I am enabled to assure you that it is a subject of great regret to His Majesty that such weighty considerations should have hitherto obliged him to defer the ratification of the treaty concluded by his minister to the Federal Government. These considerations, already stated by Don Manuel Gonzales Salmon on communicating to you His Majesty's determination, acquire additional force when we find that intelligence has been received, through the medium of general information, newspapers, and correspondence, that an expedition directed against the province of Texas has been tolerated or protected, and other acts committed within the limited but unexpired term assigned for the ratification, which, as you will be duly informed, have justly called for the remonstrances of His Majesty's chargé d'affaires to your Government. Notwithstanding His Majesty has uniformly evinced a desire to maintain a perfect union and amity with the American Government, yet, to render these stable and permanent between two nations who, under favor of a state of amity, are endeavoring to settle their differences, it is necessary they should be based upon reciprocal utility and confidence. In the indulgence of these noble and generous sentiments, His Majesty confidently looks to the attainment of this desirable result. This was the object of the treaty—an object unfortunately not attained, notwithstanding the enormous sacrifices which the King, my master, condescended to make. In these feelings and dispositions His Majesty still perseveres, by adopting a measure judged indispensable—that of sending to the Government of the United States, as will promptly be done, a person possessing his entire confidence, and who, by smoothing the obstacles or removing the difficulties which have hitherto opposed the accomplishment of his beneficent intentions, may fully convince the Federal Government of the frankness and loyalty, as well as of the honor and dignity, which it is His Majesty's desire to maintain in his relations of amity and union with that Government.

Whereupon, I renew to you my sincere respects; and I pray God to preserve you many years.

THE DUKE OF SAN FERNANDO AND QUIROGA.

To the MINISTER PLENIPOTENTIARY *of the United States of America.*

Extract of a letter of Mr. Forsyth to the Secretary of State, dated

MADRID, *October* 10, 1819.

Captain Read reached Cadiz on the 17th instant. The condition of that dreadfully afflicted place, and the neighboring towns, obliged him, after remaining some hours in the bay, to go to Gibraltar. From Gibraltar he made his way, with some difficulty, to Santa Cruz, one hundred miles from Madrid. From Santa Cruz, I received information that he was stopped there. I applied immediately to the Secretary of State for permission for him to pursue his journey. I directed Mr. Brent, who went to see the Duke of San Fernando, to say that if the permission to Captain Read could not be given, I must request a passport for myself to ride that far to confer with him. While in a very uneasy state of suspense, Captain Read arrived, and delivered me your letter of the 18th August, with duplicate of your No. 6, with the documents. Two or three hours after he reached Madrid, I was informed by the Secretary of State that he must perform at Santa Cruz a quarantine of eight or ten days. The correspondence between us will show in what manner the captain was enabled to continue his journey; copies are enclosed, marked Nos. 6, 7, 8. On the night of the 3d, I had, preparatory to the offer to exchange the ratifications according to my instructions, a long conversation with the Duke of San Fernando. I did not discover in this interview any reasonable prospect of the immediate acceptance of the treaty. The duke professed to be anxious to preserve a good understanding with the United States—that the King wished explanations, &c. On my asking him what would be the conduct of Spain? would the treaty be ratified if these explanations were not satisfactory? he replied, that was a point upon which his royal master had not expressed his pleasure. In the course of the conversation, he expressed the hope that my note would be couched in respectful terms; that, if it was not, I must not be surprised if it was returned to me. I told him that the note was prepared by, and according to the instructions of my Government, and, if returned to me, I should not consider the offence as personal, but as offered to the United States.

To avoid the very disagreeable consequences which must ensue, I suggested that if he found any thing harsh in the note, I would change it, *if it could be done* without *altering its meaning or impairing its strength;* but that *no term could be touched* which was *essential* to convey, *substantially*, what the note contained. After a very long interview, not at all satisfactory, except as it proved the good dispositions and politeness of the Secretary of State, I delivered my official note, copy marked No. 9,* with the proposal in Spanish, marked P, that the minister might be immediately master of what was asked and expected of the King. The answer of the minister was delivered this afternoon. The copy of it is marked No. 10. The Spanish Government will persist in the plan of sending a minister to ask explanations at Washington. The note of the Duke of San Fernando confirms the information already given of the points on which these explanations will be asked. I cannot venture to conjecture what will be the conduct of this Government, should it not receive what it wishes to procure from us. In the mean time, although it is said that General Vives is named to go to Washington, it is not certain. To-morrow I shall ask for copies of the grants to Alagon, Punon Rostro, and Vargas, preparatory to the remonstrance I am directed to make, and to my reply to the note of the duke. I hope to send you copies of the grants, and of my reply; but shall not detain Captain Read if they are not ready before he is prepared for his journey. He will leave this on Tuesday morning for Malaga, to which place the Hornet must go from Gibraltar, to take him on board, all travelling from Spain being interdicted by the governor of that fortress.

JOHN FORSYTH.

No. 6.

Mr. Forsyth to the Duke of San Fernando and Quiroga.

SIR: MADRID, *September* 30, 1819.

Captain Read, commanding the sloop of war Hornet, of the navy of the United States, bearing despatches to me from the American Government, has been stopped on his way from Gibraltar to this place. I have the honor to apply to your excellency for an order to the proper authority to permit him to pursue his journey. Captain Read arrived at Gibraltar on the 20th instant, his crew in good health, from the port of New York. Although the quarantine regulations at Gibraltar are at this time particularly severe, his vessel was immediately admitted to *pratique.* At St. Roque the captain received assurances from the director of posts that he would meet no difficulty in proceeding to this city. The Hornet was anchored for a few hours in the bay of Cadiz. The enclosed correspondence between the American consul and the junta de sanidad will show that she had no communication with any vessel in the harbor during her short stay in the bay. Under these circumstances, I trust the order for which this application is made will be immediately given.

I seize every occasion to renew to your excellency the assurances of my very distinguished respect.

JOHN FORSYTH.

No. 7.

[TRANSLATION.]

The Duke of San Fernando and Quiroga to Mr. Forsyth.

SIR: PALACE, *September* 30, 1819.

Having received information from the supreme board of health, in consequence of your note of this day's date relating to the detention of Captain Read at Santa Cruz, conformably with the opinion given by the aforesaid board, and founded upon the laws enacted for the preservation of health, it is my duty to inform you that the said captain and his crew are respectively subjected to a quarantine of eight or ten days, with the requisite purification of all effects susceptible of contagion; and that, if it be your determination to go and confer with him, you may proceed to do so, on subjecting yourself to the same conditions.

I hope, therefore, that you will inform me of your intentions on this point, that I may transmit the necessary orders by to-morrow's mail.

I reiterate the assurances of my high consideration, and I pray God to preserve you many years.

THE DUKE OF SAN FERNANDO AND QUIROGA.

To the MINISTER *of the United States.*

No. 8.

Mr. Forsyth to the Duke of San Fernando and Quiroga, First Minister of State, &c.

SIR: MADRID.

Captain Read, of the navy of the United States, with despatches from my Government, whose detention at Santa Cruz caused me to address your excellency on the 30th September, arrived in Madrid a few hours before I had the honor to receive a reply. A short time after he was stopped at Santa Cruz he learned that the order of the junta de sanidad was directed only to the director of the posts, and prohibited only travelling with post-horses from Andalusia. As he came from Gibraltar with regular passports, there was nothing to prevent him from pursuing his journey in the private or hired conveyance in which he prosecuted it to this place. In performing his own duty, he had neither inclination nor intention to violate any of the ordinances of any of the authorities of the kingdom, nor, as far as he was informed, did he infringe upon the established regulations. I should not have thought it necessary to mention his arrival, except incidentally, had not the answer of your excellency to my official note, in his behalf, been written under the expectation that he would be detained in quarantine eight or ten days, and had it not given also the very extraordinary intimation that I should be subjected to a similar restriction if I went to confer with him at the place to which he was restricted.

I renew to your excellency the assurances of my high consideration.

JOHN FORSYTH.

P.

[TRANSLATION.]

Proposal (in Spanish) transmitted by Mr. Forsyth to the Duke of San Fernando and Quiroga, in his note dated October 10, 1819.

Although the six months stipulated for the exchange of the ratifications of the treaty concluded between the Government of the United States and Spain, at Washington, on the 22d of February last, have expired, I am

* Communicated to Congress with the message of 7th December, 1819.

authorized by the President to make known to His Catholic Majesty that the ratification by Spain will be received as valid on the precise and express condition that the grants of lands in the Floridas, made to the Duke of Alagon, the Count of Punon Rostro, and Mr. Vargas, and, in like manner, any others which shall have been made under similar circumstances, shall, in conformity with the eighth article of the said convention or treaty, be null and void, and shall never be admitted by the United States. The force and effect of the said article shall be shown by a declaration to be presented on the exchange of the ratifications by the American minister, unless His Catholic Majesty should prefer the declaration to be made by the Spanish Government. I am authorized to make the exchange immediately when this is done. It is essentially necessary that the exchange be made in season, so as to enable me to transmit the ratified treaty to the United States by Captain Read, of the national sloop of war Hornet, who will remain ten days at Madrid for the purpose of being the bearer to the President of the final decision of His Catholic Majesty on this important concern.

Extract of a letter from Mr. Forsyth to the Secretary of State, dated

MADRID, *October* 10, 1819.

The arrival of the Hornet produced a great deal of anxiety here. As soon as it was known that Captain Read was in Madrid, the Duke Laval paid me a visit to learn for what she was sent back. Anxious to apprize the Government as early as possible what we required of it, I told him what I should immediately propose, and gave him permission to communicate it to the Secretary of State if he thought proper. Before my official letter was copied, Duke Laval paid me another visit. He had seen the Secretary of State, and had promised to engage me to have a conversation with the Secretary before my note was sent in; seeing no objection to this, I kept back my note, to be delivered at our interview, which took place the ensuing night. I was led to believe that the Government might be induced to agree to the proposal I was directed to make, but was apprehensive that the manner of presenting it would form an insurmountable obstacle. With this view, I prepared the Spanish note sent with my despatch of to-day, intending to say to the Duke of San Fernando, if the proposal was accepted, that that might be considered the official note, and the other would be received again from his hands. Finding no just grounds in his conversation to believe the proposal would be acceded to, I determined to present it, as I did, as an unofficial paper for the convenience of the Minister of State. The subsequent observation that my note would be returned, if not respectfully written, satisfied me that this determination was more than judicious. This suggestion was made with as much delicacy as it could be made, and seemed to arise from the apprehension that their dignity would compel them to a step it was very obvious they would have taken with great reluctance. Indeed, when the duke informed me that the courtesy of nations did not permit one Power to prescribe to another the time within which a thing required must be granted or refused, I began to imagine that, according to their ideas of respectful treatment, the return of the note was certain. Had it been returned, I should have had the honor of making this communication to you in person. The present Secretary of State is sincerely disposed to preserve good terms with us. The influence of the grantees is still predominant, and will, I apprehend, continue until something stronger than words is used to bring our disputes to an end. Onis has been in Madrid since the last of August, a private man; it is understood that the King does not impute blame to him, yet he has never been consulted in any of the several councils that have been called on the subject. The present minister has had some informal conversations with him, but he has given neither explanation nor advice to the Government, because he has not been asked for either.

It will surprise you to be informed that there are persons about this court who want a war with the United States. There are very many individuals who have licenses to fit out privateers; these are looking with eagerness to the chance of enriching themselves at our expense. As to the effect upon their country, that is another affair, about which they are indifferent. The maxim is almost universal here—if I am enriched, it is of no consequence how much the country is distressed.

Extracts of a letter from Mr. Forsyth to the Secretary of State, dated

MADRID, *October* 28, 1819.

"By the return of the Hornet, which sailed from Malaga on the 20th, you have been informed that I applied, on the 10th instant, to the Spanish Government for copies of the large grants to Alagon, Punon Rostro, and Vargas. Receiving no answer to this application before Captain Read left Madrid, I addressed a second note on the 15th. On the 16th, I received from the Duke of San Fernando the refusal to furnish them. The whole correspondence on this subject is enclosed, marked Nos. 1, 2, 3, and 4. This refusal was as unexpected to me as it no doubt will be to you." "The best information I could procure of these donations was immediately obtained." "You will perceive that, in the remonstrance made, (according to your instructions received by the Hornet,) a copy of which is enclosed, marked No. 5, I have not made any distinction between the three grants, but examined the questions between the two Governments as if they stood on the same footing. If my idea is correct, that the royal order conveys no title, they are alike, the cedulas of the three being subsequent to the 24th January, 1818; and, as it regards the conduct of the United States, the stipulation was perfect for the exclusion of all. In addition to this, as the Spanish Government has not explained itself fully, I was not bound to know that they made any distinction between them. It may, for aught that appears, insist that Vargas's grant is valid, either from the date being different from what I suppose it to be, or on some other ground. As to the conduct of Spain, *the difference* of the dates of the grants, and the *accidental difference* of a day between the date fixed by the treaty and that of the donation of Vargas, cannot affect the conclusion drawn; while the peculiar nature of the last donation was important to show the character of the whole transaction. By the extract of your letter to Mr. Onis of the 31st October, 1818, it appears that some remonstrances were made by Mr. Erving to Mr. Pizarro about the time these donations were made. No trace of these remonstrances [is] to be found in this legation, except a letter, marked *private*, from Mr. Pizarro, of the 19th July, 1818, in which he requests Mr. Erving not to give himself any uneasiness on the subject of these donations.

"I have already, in my No. 7, informed you that there is no copy here of Mr. Erving's correspondence with the Department of State. Not knowing the extent of his communications on that subject, I am not aware that any benefit could have been derived from them. I am told here that the proceedings in these donations were suspended for some time; that Alagon, Punon Rostro, and Vargas were required to give up, and did surrender, their grants to the Crown; and that Punon Rostro was preparing, if he did not actually make a memorial to the King, for certain commercial privileges, as a remuneration for his loss. This information, although it came from such a quarter that I could place perfect reliance on its correctness, did not come to me in such a shape that I could use it in addressing the Spanish Government. The court has been so fully occupied with the marriage of the King, and the distri-

bution of the *gracias* usually bestowed on these occasions, that our affair seems to be forgotten. General Vives, who is still said to be destined for the United States as minister plenipotentiary, has not yet arrived in Madrid. He had a command within the limits of the country, between which and the capital intercourse was prohibited on account of the yellow fever; and it is said that he is performing quarantine, preparatory to coming to this place. I use the impersonal, for no part of the information respecting Vives, his appointment or movements, comes to me, directly or indirectly, from this Government.

"A report has been industriously circulated here that some arrangement had been made by Spain and Britain, in consequence of the probability of a war between Spain and the United States. So much was said about it, that, without giving any credit to it, I deemed it prudent to inquire into its truth. My first application was made to Sir Henry Wellesley, to whom I spoke of it jestingly, as a proof of the extravagance and folly of the suppositions and surmises of the Puerta del Sol; (the place where the news of the day is discussed by Spanish politicians.) He spoke of it in the same strain; but our conversation concluded by a most solemn assurance given, on his honor, that there was not the slightest foundation for such a report; that the only arrangement lately made with Spain related to the terms of an old contract for permission to the British Government to purchase specie in Spanish America."

No. 1.

MADRID, *October* 10, 1819.

John Forsyth, minister plenipotentiary of the United States, presents his respects to the Duke of San Fernando and Quiroga, Secretary of State and Despatch, and requests that authenticated copies of the grants to the Duke of Alagon, Count Punon Rostro, and Mr. Vargas, should be sent to him as early as the convenience of the Department of State will permit.

John Forsyth, American minister, offers to the Duke of San Fernando the assurances of his respectful consideration.

No. 2.

[TRANSLATION.]

Mr. Forsyth to the Duke of San Fernando and Quiroga.

MADRID, *October* 15, 1819.

The minister plenipotentiary of the United States presents his compliments to the Duke of San Fernando and Quiroga, and had the honor to request of his excellency, on the 10th instant, copies of the grants made to the Duke of Alagon, to the Count of Punon Rostro, and to Mr. Vargas, which it is very important for him to have.

The minister trusts that these copies will be furnished as expeditiously as possible, and renews the assurance of his distinguished respect.

No. 3.

[TRANSLATION.]

The Duke of San Fernando and Quiroga to Mr. Forsyth.

PALACE, *October* 15, 1819.

The Duke of San Fernando and Quiroga presents his compliments to Mr. John Forsyth, minister plenipotentiary of the United States of America, and has the honor to inform him that, having made known to the King, his lord, the wish of Mr. Forsyth to obtain authentic copies of the grants of land made to the Duke of Alagon, the Count of Punon Rostro, and Mr. Vargas, His Majesty has declared that it is not possible for him to comply with this wish without being wanting in what is due to his dignity; as he conceives that his word, alone, in the matter of the grants, is, in addition to their publicity, the most authentic certificate that can or ought to be given.

The duke renews to the minister plenipotentiary his wish to be entirely devoted to him, and that God may long preserve his life.

No. 4.

Mr. Forsyth to the Duke of San Fernando and Quiroga.

MADRID, *October* 16, 1819.

John Forsyth, the minister plenipotentiary of the United States of North America, presents his respects to the Duke of San Fernando and Quiroga, and acknowledges the receipt of his note of the 15th October.

The American minister considers the refusal to furnish the copies of the grants of the Duke of Alagon, Count Punon Rostro, and Mr. Vargas, for which he applied, as singular as the reason that is assigned for it. These donations having unfortunately produced new differences between the United States and Spain, he believed that he had a right to expect copies of them whenever an application was made to procure them. He is not aware that the royal word has been given in this business, and would now request to be informed where it is to be found, if he was confident it could be done without offending the royal dignity—a dignity so refined and ethereal as to be above the comprehension of an American minister. His excellency the Secretary of State and Despatch has said, individually, and by permission of the King, that the declaration intended to be presented by the American minister, if the exchange of the ratification of the convention of the 22d February took place, contradicted the eighth article of that instrument. From this assertion an inference was to be drawn that the above-mentioned grants, or some of them, were of a date prior to the 24th January, 1818, the day named in that article of the treaty. Without failing in the respect due to the Secretary of State, and which the American minister desires at all times to exhibit, it was important for him to ascertain whether *all* or a *part* of these grants were considered valid by Spain; whether made *prior to*, *at the time of*, or *subsequent* to the authority given to Mr. Onis to offer a cession of Florida to the United States; whether *the whole*, or only a part, and, if *a part*, what part of the lands in that territory was included in them—information necessary to the formation of a correct judgment of the character of this transaction. His excellency the Duke of San Fernando and Quiroga must be sensible that copies of these grants can be obtained only from the persons owning them, or from the archives of the Indies; and that the minister of the United States, having no right to believe that the owners would submit the original papers to his inspection, or suffer copies to be taken of them, had no resource but an application to the Government.

Not having procured the desired information from the most authentic source, he will be under the necessity of seeking it wherever it can be found; and if, in presenting this subject hereafter to His Majesty's Government, any error should be communicated, the Duke of San Fernando and Quiroga will not forget the application made for correct information, and the refusal to give it.

John Forsyth, the American minister, reiterates to his excellency the Duke of San Fernando and Quiroga the assurances of his profound consideration.

No. 5.

Mr. Forsyth to the Duke of San Fernando and Quiroga.

SIR: MADRID, *October* 18, 1819.

I have had the honor to receive your excellency's answer of the 8th instant to my official note of the 2d.

It is not with a vain hope of producing any effect upon the opinions of this Government that I refer again to this subject; a determination being deliberately made, and comporting, as your excellency says, with the honor of the King, it will no doubt be adhered to. Time and experience are the correctors of the errors of states and kingdoms; and the hour comes when the wisdom or imprudence of this determination will be sufficiently apparent.

Having communicated to my Government the correspondence between us, the business is at rest; but I avail myself of the opportunity offered by the performance of another duty to make some observations called for by your excellency's note. That His Majesty should recur to the example of his predecessor in considering the subject of the convention, is perfectly natural; since, to the friendship existing between the United States and his ancestor, His Majesty is indebted for the possession of that territory of Florida proposed to be ceded by it; but the King is deceived and misled when he believes that the United States or any other Power can see in the recent or previous conduct of his Government the spirit of conciliation and good-will. The stubborn integrity of reason rejects all the professions that are contradicted by the actions of princes and states. Knowing his own intentions, your excellency's royal master may consider the opinions already formed as harsh and injurious; but it is the unfortunate peculiarity of this negotiation that every thing done and left undone by Spain serves to justify them. I will not recapitulate what has been previously urged, but content myself with reminding your excellency that two months have elapsed since I was informed by Mr. Salmon that explanations would be asked at Washington; I am still to learn to whom this duty is to be intrusted. Judging from this delay, I might, did I consider it important, ask your excellency, Will the person in whom the King confides see the United States in the beginning or towards the end of the ensuing year?

Your excellency has misconceived the purport of what has been urged in regard to the obligation imposed by the signature of his minister to the treaty on the King. You suppose it to be directed to the obligation to execute the treaty; it was directed to the obligation to ratify it. Nothing is more clear than the obligation imposed in this case by justice and honor. What is extraordinary in your excellency's answer is, the supposition that the United States are bound by the treaty, while Spain is at liberty, and according to circumstances, to bind herself or not. The United States were bound until the 22d of August last; beyond that period the question of the treaty is as open to my Government as to that of your excellency's royal master. The offer made to accept the ratification of Spain as valid since that period was altogether gratuitous, and sprung from motives, it would appear, not duly appreciated or understood. It is true the Government of the United States has an alternative to choose: the treaty may be considered as binding on both the parties to it, and an attempt made to compel a performance; or a resort may be had to the original claims, and an exertion made to enforce them.

Your excellency supposes it impossible that the assertion that Mr. Onis did not exceed his secret instructions can be made good. If the production of a copy of those instructions were necessary to show the correctness of such an assertion, certainly it could not be shown; but there is a species of moral demonstration of the terms of secret instructions which is sufficiently strong to satisfy the judgments of men, without the necessity of calling in question the integrity of negotiators or the purity of Governments. Abundant materials for the demonstration of this assertion exist, and will be used whenever it shall be necessary. To the number of these your excellency has furnished an additional one, of conclusive force, by resting your observation *not* upon *the fact* that the secret instructions *were violated*, but upon the *impossibility* of *producing proof that they were not.*

Your excellency errs in supposing me acquainted with the reclamations made by His Majesty's chargé d'affaires in America, or with the incursions into the territory of Texas—incursions neither protected nor tolerated by my Government; and, if they have been made, were secretly prepared and executed before it was practicable for it to interfere. As they could have no possible connexion with the question of ratification, they have not been communicated to me by the Government of the United States. Neither of these, however, can justify the delay that has taken place, since the power of His Majesty to require, and the inclination and ability of the United States to make, reparation for any injuries done to Spain would not have been affected by the ratification of the treaty. It may not, however, be useless to suggest to His Majesty's Government that the failure to ratify by Spain has deprived her of the right to expect reparation for any incursion into Texas, as a large portion of what is termed the province of Texas is within the limit claimed by the United States—a claim yet existing, since the convention of the 22d of February is not ratified by Spain, whose best title to the said territory was contained in that instrument.

Your excellency is not happy in supposing there is any justification for the delay to ratify, and the determination to ask explanations, in the example of my Government in relation to the eighth article of the treaty. The United States have not asked, nor do they ask, any explanation of the article in question. They understand it to impose a certain obligation entered into according to the intention of the parties. They were informed that their intention was not fairly or fully expressed, and, as justice and good faith required, they gave notice to the Spanish Government of their resolution to execute the article according to its spirit and intention. The address to Mr. Onis was to procure, in the simplest form, the evidence to show what that intention was. Your excellency will pardon me for saying that I am shocked at the assertion now made, that the declaration intended to be presented at the exchange of ratifications annuls the said article, as it obliges me to conclude that the grants to the Duke of Alagon, the Count Punon Rostro, and Mr. Vargas, are, in the opinion of this Government, of a date prior to the 24th of January, 1818, the date named in that article of the treaty; and that the Government of Spain believes itself authorized to insist that they would be valid under it. This disclosure compels me, from the duty I owe to my country, and in obedience to the instructions I have received, earnestly to remonstrate against the conduct of Spain in relation to these grants—a conduct towards the United States injurious, unjust, and deceptious, and which cannot fail, when made known, to excite the resentment of all nations who prize honorable dealing and love good faith.

The history of these donations, and of the stipulation in regard to them, will show that the determination of the United States to consider them void under the treaty was justifiable, proper, and necessary to the honest fulfilment of the engagement into which they had entered; and that a denial of this position would fix upon the Spanish

Government a charge of an attempt to commit a deception, for which the language of decorum has no appropriate name. The possession of Florida has long been an object of interest to the United States—a land useless and expensive to His Catholic Majesty, and chiefly valuable by its position to them. Ever since the restoration of His Majesty to the throne of Spain, the question of the cession of that territory has been agitated. In the summer or autumn of 1817, after the determination to negotiate all matters in dispute at Washington, it is to be presumed authority was given to Mr. Onis to offer the Floridas for an equivalent to the United States. In July, 1817, Mr. Pizarro informed Mr. Erving that the instructions for Mr. Onis were preparing. Comparing the date of the offer of cession made by that minister, of the 24th January, 1818, with the time necessary for transmitting the instructions under which it was made, the conclusion is, that, prior to November, 1817, the authority was given to Mr. Onis to *offer Florida* to the United States, according to the instructions preparing by Mr. Pizarro at the date of his communication to Mr. Erving, of the 27th July, 1817. (See No. 1.) In November following, the prospect of a cession to the United States having made property in that territory valuable, petitions were presented to His Majesty for grants of land in Florida by the Duke of Alagon and Count Punon Rostro. In December, 1817, the King decided, by royal orders, that these petitions should be allowed; in February, 1818, the royal letters patent were issued to the petitioners in the Council of Indies.

The donation to Duke Alagon included all the uncultivated land in East Florida, not previously ceded, between the margins of the rivers St. John and St. Lucia, to their entrances into the sea, and the coast of the Gulf of Florida and the adjacent islands, the mouth of the river Hijuelos from the twenty-sixth degree of latitude, following its left bank to its source; thence, by a line drawn to the lake of Macao; thence, by the way of the river St. John, to the lake Valdes; thence, by a line, cutting the extreme north of that lake, as far as the source of that river, and by the coast of the sea, with all adjacent islands, to the mouth of the river Hijuelos.

To the Count Punon Rostro was granted all the uncultivated lands not before ceded, in East Florida, which are situated between the Rio Perdido, to the west of the Gulf of Mexico, and the rivers Amasuca and St. John, from Popa to its mouth, and the southern boundary line of the United States and the Gulf of Mexico, with all the uninhabited islands near the coast.

About the close of 1817, or beginning of 1818, Mr. Vargas petitioned for lands in Florida. On the 25th January, 1818, a royal order allowed his petition; and the cedula is of the date of the 9th April, 1818.

The donation to Mr. Vargas was,

1st. All uncultivated and not before ceded lands between the bay of Mobile, the river Perdido, the boundary line of the United States, and the Gulf of Mexico.

2d. All the lands lying south of Alagon's grant, from the mouth of Hijuelos, on the Gulf of Mexico, and the mouth of St. Lucia, on the Gulf of Florida, to Tancha point, or Cape Florida, with all the islands, &c.

3d. All lands in West Florida to which Spain was entitled, and all lands in dispute with the United States.

While these extraordinary and enormous donations were making in Spain, Florida had been offered to the United States, and the terms of cession were in the course of adjustment. After great labor and delay, the negotiation terminated by the convention of 1819. To provide an indemnity for the claims of American citizens upon Spain, some of which were acknowledged in 1804 to be just, although the treaty providing for their adjustment and payment, made in that year, had been but just ratified by Spain, was one of the causes of the cession of Florida in full property to the United States, who engaged to pay their own citizens out of the vacant lands in that territory, but it was previously necessary to ascertain that the fund provided was sufficient for that purpose. Mr. Onis insisted, in his note of the 24th October, 1818, that all grants made prior to that date should be held valid. The answer of the Secretary of State, of the 31st October, is, that the United States cannot renounce their claims upon Spain, and those of their citizens, and at the same time recognise all grants as valid. He says to Mr. Onis, "Notice had been given by the minister of the United States in Spain to your Government, that all the grants of land lately alleged to have been made by your Government within those territories must be cancelled, unless your Government should provide some other adequate fund from which the claims above referred to, of the United States and their citizens, may be satisfied."

On the 16th of November, Mr. Onis proposes that *the late grants*, made since the date of this note offering a cession, should be declared null and void, in consideration of the grantees not having complied with the essential conditions of the cession, as had been the fact. The late grants, as was explicitly understood by both the negotiators, and can only be so understood, referred to the large grants of land to Alagon, Punon Rostro, and Vargas, respecting which notice had been given by Mr. Erving to Mr. Pizarro. To remove all possible doubt, Mr. Onis states to have been the inducement to the grants the same causes which are stated in the royal orders respecting them—a desire to promote population, cultivation, and industry—causes assigned for no other modern donations. It being perfectly understood by the parties that these grants were to be annulled by the convention, all that remained was to reduce the intention of the parties to a formal article. Mr. Onis, who had expressly agreed to exclude them, whatever might be their dates, in the first projet of the treaty delivered on the 9th February, had drawn the article in such terms as to confirm all grants made before January 24, 1818. The article was not accepted in that form. In the counter-projet of the Secretary of State, Mr. Adams, on the 13th February, the grants prior to the 24th January, 1818, *the conditions of which should have been performed by the grantees*, and none others, were declared to be confirmed. Mr. Onis was at this time confined to his house by indisposition, and, by his request, the communications between the negotiators were made through the friendly interposition of Mr. Hyde de Neuville; Mr. Onis insisted upon the article as drawn up by him, not for the purpose of covering these grants, but *merely to save the honor of the King*. As it was obvious that the honor of the King would not be affected by declaring the grants made prior to January, 1818, binding *to the same extent* as they would have been on Spain if a cession had not taken place, Mr. Onis yielded to a modification proposed by the Secretary of State to that effect, but at the same time observed that these were grants of old dates, made *bona fide* to persons in actual possession of the lands, and who had improvements and settlements on them, but who, by the revolutions in Europe, and the convulsed state of Spain, had been prevented from completing *all the conditions of their grant;* that it would be equitable to allow them time from the date of the treaty to fulfil them. This was readily assented to, and the article, as presented by Mr. Onis, was thus modified: "do exclude, absolutely, all grants made subsequent to the 24th January, 1818."

2d. To confirm all grants prior to that period, to the same extent that they would have been valid had the territory ceded remained under the dominion of His Majesty.

3d. To allow all whose titles were imperfect, and who had been prevented, by the recent circumstances of the Spanish empire, and the revolutions in Europe, from fulfilling the conditions of their grants, a limited time to complete them. When, after the signature of the treaty, a rumor prevailed that the grants to Alagon, Punon Rostro, and Vargas were valid under the treaty, being dated but a short time before the 24th of January, 1818, and that this date was assumed with the intention that they should be confirmed; without admitting the suspicion of any unfair dealing in the conduct of the negotiator of Spain, that no pretence should, by any possibility, be raised after the ratification of the treaty that these grants were confirmed, or that either party to the compact had understood

that they would be confirmed, I was instructed to deliver, on the exchange of ratifications, the declaration of the construction it was the avowed intention of both parties at the signature that the eighth article should bear in relation to the grants in question, and the only one the United States would ever admit. In a correspondence of March, 1819, between Mr. Adams and Mr. Onis, the Spanish minister unequivocally admits that such had been his understanding of the article when he signed it—a fact fully confirmed by the declaration of Mr. Hyde de Neuville.

Such, sir, is the history of these grants, and the negotiation in relation to them. It would not be difficult to prove that the declaration of the American Government (a copy of which I had the honor to transmit to your excellency, as it is in strict conformity with the intention of the parties) is also in unison with the very letter of the compact. Without entering into a minute discussion of the difference in the force and obligation of the royal order, made prior, and the royal cedula, made subsequent, to the 24th January, 1818, I may venture to assert that no title was vested in the several grantees until the royal cedula given in the Council of Indies. Even if I should err in this position, of the solidity of which I have the most perfect conviction, these grants would not be valid under the treaty, as the conditions of them have not been complied with; nor could the grantees claim the benefit of the stipulation to give time to the old claimants to perfect their titles, since they could not pretend that they were prevented from fulfilling the essential conditions of their donations by the recent circumstances of the Spanish monarchy, or by the late revolutions in Europe. The declaration presented by me to your excellency might have been safely withheld, had not the Government of the United States determined not to be embarrassed by any pretended claims under these grants, either on the part of Spain, her subjects, or the persons holding under them. The course pursued has been justifiable as it relates to Spain, proper as regards the character of the American Government, and necessary to the honest discharge of the obligation of the convention, by which it bound itself to pay to its own citizens, out of the fund of the Florida lands, their claims upon Spain, to the amount of five millions of dollars.

Having thus vindicated the character of the United States, by showing that they have made no attempt to alter, in any degree, the obligations of the convention, it remains for me to establish the position laid down in regard to Spain. With infinite reluctance I approach the execution of this painful but not difficult task. The convictions of its truth arise so forcibly out of the circumstances of this transaction, as already detailed, that a bare reference to particular portions of them will be sufficient for my purpose. I must call your excellency's attention to the period at which these donations were made; the departure from the ordinary regulations of the Spanish Government in the quantity of land given away to the grantees; the reasons assigned for making the donations; to the conduct of the Spanish minister in the United States in arranging the eighth article of the convention; and to the malignant influence these donations seem to have had in preventing the ratification of that convention. The idea of making these grants was not entertained until Spain had determined to cede the Floridas to the United States. Authority was given to offer a cession of that country: between the grants and the execution of that authority the resolution is formed, and partially carried into effect, to render the thing to be ceded, as far as it was in the power of Spain to render it so, worthless. It may be suggested that the sovereignty of the territory was all that the Spanish Government proposed to cede; and that this was, of itself, sufficiently important to the United States to render unnecessary any attention to the property in the soil. The force of such a suggestion is destroyed by the fact that Spain proposed to provide for the payment of the claims of the United States, and of their citizens upon her, out of the *vacant lands* of the territory to be ceded. What was the meaning of this proposal, and the stipulation made in consequence of it, when, by secret and irregular donations of all the vacant lands, His Catholic Majesty had rendered its fulfilment impossible; and this, too, while the Spanish minister was in the very act of discussing it? Was it made in mockery, to add insult to the injuries of which the American Government had so long complained, and satisfaction for which they had generously forborne to take? By reference to the archives of the Indies, your excellency will find that the donations to the Duke of Alagon, Count Punon Rostro, and Mr. Vargas, include all the vacant land, not only in that part of the Floridas possessed by Spain, but also that possessed by the United States under the cession of Louisiana from France. I make this reference from a belief that the description of the different grants herein contained is nearly if not entirely correct.

The colonial regulations of Spain, made for Louisiana and Florida, expressly forbid the alienation of more than a named or small portion of land to the same person. This, it is true, is a restriction upon the governors and authorities of those territories, and was not obligatory upon the King; but it shows the general policy of the Government widely departed from, in the donations to two favorite officers of the Crown and a Spanish subject, between whom, in a sweeping transfer, a few millions of acres were liberally granted by the King; and what, sir, were the reasons assigned for these liberal gifts? "For the increase of population in the territory of Florida;" "for the fulfilment of His Majesty's beneficent wishes in favor of the agriculture and commerce of his said possessions, which were very much in want of a population adequate to the fertility of the land and the defence of the coast." At the moment of determining to pass away the territory to the dominion of a foreign Power, the anxiety is discovered to render it populous, to foster its agriculture and commerce, to furnish an adequate defence for its coasts. That individuals, who sought the acquisition of wealth at the expense of the moral character of their country, should attempt to conceal the real, the selfish motive of their application for gifts, under the pretence of being actuated by a desire of promoting the interest of the state, is not surprising, since the history of the world affords so many unhappy examples of it; but it is both wonderful and lamentable that Governments should be deluded to adopt such hollow pretences, and assign them as the motives of their conduct. In the present case, how are these reasons of state reconcileable with the proposed cession of the territory? Either Spain offered a cession, intending never to make it, or these were not the real inducements to these donations.

A territory which had been almost abandoned for years by the Government of Spain, alternately used by the British troops, the Indians, and the blacks, for the annoyance of the United States, which had been left to be preyed upon by every adventurer who could command a pilot boat and a musket, becomes, at the moment it is to be ceded away, an object of parental solicitude—a solicitude discovered by giving monopolies of its lands to three persons, who affected the intention to cultivate and improve them; an intention established by the notorious fact of these lands having been frequently offered for sale by the claimants in Spain and in the United States. It is somewhat singular that the Spanish minister in the United States, who, in the whole of the negotiation, professed the most perfect readiness to stipulate that they should be given up, should yet be ignorant of the dates of these donations, and should have arranged an article in respect to grants so as to leave room for a pretence that the large donations were valid. How happened it that he was thus ignoran—the, upon whose knowledge of these instruments the United States relied—and they could rely upon no other? How did it occur that, in the short space of twelve days after the signature of the treaty, the information was given to satisfy him that he might have been mistaken in the belief with regard to their dates? I reject the supposition that all this was diplomatic finesse, intended to secure the large donations to the claimants of them, but refer to this circumstance to prove still more clearly how injuriously Spain has acted to the United States in this business. The allegation that the American Government ought not to have relied upon information derived from the minister with whom they were negotiating will never be urged by Spain.

The American Government could not procure authentic information from any other source; and, if a mistake had been made, from a reliance upon that which was procured, a just and honorable Government would disdain to take any other advantage of it than that of manifesting its good faith, by its cheerfulness and promptitude in correcting the error; fulfilling the intention, instead of the letter of its engagement. In fine, sir, the injustice of this transaction has been perfected by the influence these donations appear to have had in preventing the ratification of the convention of 22d February, 1819—a convention which settled important interests; secured the pacific and harmonious relations between the United States and Spain; provided indemnities for injuries Spain acknowledged American citizens had suffered from her; removed all causes of future dispute and difficulty, and laid deep and broad the foundation of a permanent good understanding between the two Powers. Such, sir, has been the conduct of Spain. She offered a cession, and endeavored to render it worthless; she proposed indemnities, and attempted to destroy the fund out of which they were to be made. To do this, she abandoned her ancient territorial policy, and assigned reasons for her conduct which could not have regulated it. Her negotiator acted as if he knew of facts of which he subsequently professed himself to have been ignorant, and, in consequence, made an arrangement which laid the foundation of new embarrassments between this Government and that of the United States; and, because the United States frankly avow their resolution to do what they engaged to do, I am told that their example justifies Spain in an indefinite delay of a determination to accept or reject that arrangement. In whatever light this transaction is viewed, grievous injury has been done to the United States, for which they have a right to demand and obtain satisfaction. Having thus experienced its necessity and propriety, your excellency must not be surprised if the United States, in future, take pledges of security for the performance of any engagements they may enter into with Spain, more effectual than confidence in her good faith.

I renew to your excellency, whom may God preserve, the assurance of my most distinguished consideration.

JOHN FORSYTH.

His Excellency the DUKE OF SAN FERNANDO AND QUIROGA, *First Minister of State, &c.*

No. 1.

[TRANSLATION.]

Extract of a letter from Mr. Pizarro to Mr. Erving, dated

MADRID, *July* 27, 1817.

And no time shall be lost in preparing the instructions of which Don Luis Noeli will be the bearer to the minister Onis, it being His Majesty's intention that no step or measure shall be omitted which may promote the settlement upon terms consistent with the welfare of his subjects and the honor of his crown.

Extract of a letter from Mr. Forsyth to the Secretary of State.

MADRID, *November* 16, 1819.

Since my official letter, by way of Gibraltar, numbered 9, nothing important in relation to our affairs has occurred here. General Vives has not yet found his way to Madrid.

It is now said Vives will go by the way of England. The expedition of Cadiz is again the subject of interest with Spain. It is contemplated to send it out in February, and the force is to be 15,000 men.

Extract of a letter from Mr. Forsyth to the Secretary of State.

MADRID, *November* 27, 1819.

Late in the evening of the 16th of the present month, after my letter to you of that date had been sent to the post office, I was very much surprised to receive from the Duke of San Fernando the remonstrance addressed to him on the 18th of October last. The causes assigned for this step you will find in the copy of the duke's note of the 12th November, marked No. 1. After mature deliberation, it appeared to me that the only course which I could pursue was to insist upon the reception of the remonstrance, and, if that was refused, to leave Madrid; believing that, in doing this, I should only anticipate the wishes of the President. It is possible that this determination will gratify the wishes of this Government, whose good-will has been lost to me ever since the delivery of my official note of the 21st of June to Mr. Salmon. The truth of this supposition will be ascertained by the effect of my note of the 20th; a copy of which, marked No. 2, is enclosed. If they wish me to remain, they will either receive the remonstrance, or give me such assurances with respect to the grants as will justify me in withholding it altogether. I shall give you the earliest possible information of what is done. At all events, I shall not quit Madrid until the 1st of January, and will, if I am obliged to leave it, remain in France until the beginning of March, with the hope of hearing before that period what direction Congress will give to our affairs with Spain. General Vives was in Madrid at the date of my last letter. I did not hear of his arrival until the 17th, although he arrived on the 15th. I have been told that his appointment has been made known to him officially, and that he has, with great reluctance, accepted it. From the Government of Spain I know nothing about him, either formally or informally.

No. 1.

[TRANSLATION.]

The Duke of San Fernando and Quiroga to Mr. Forsyth.

SIR: PALACE, *November* 12, 1819.

I have perused with due attention your note of the 18th ultimo; and although I wished, on reflecting on the friendly sentiments entertained by the King, my master, for your Government, and on those which, on my part, I have for it and for yourself personally, to have found them reciprocated in your note, since I had every reason to be persuaded, from what had passed in our conference on the 3d of the same month, that they really existed, I have, notwithstanding, to regret that my expectations have unfortunately been disappointed. So far, indeed, is your note from exhibiting those feelings, that it gives me extreme concern only to discover in it ideas which seem wholly incompatible with the principles professed by your Government, and expressed in terms (since I am com-

pelled to say so) equally unprecedented, and repugnant to the delicacy and attention which are peculiar to, and are invariably observed in, all diplomatic communications. I should have failed in the very high consideration I owe to the American Government, in the due respect I entertain for you, and especially in my duty as the principal secretary of His Majesty the King, my lord, by communicating to him the contents of a note which attacks the honor of His Majesty, without tending in the least to elucidate the subject in question. Upon it the King will, in a direct course, demand of, and give to, the Federal Government the requisite explanations, as I have already had the honor more than once to inform you. It is therefore with the greatest concern that it becomes my indispensable duty to return to you such a note, with the assurance that I will, with as great pleasure, promptitude, and eagerness, submit to His Majesty such communications as you may address to me which are conceived in fit and becoming terms, as I am wholly averse to laying before him those which cannot fail to prove offensive to his exalted character and sovereign dignity.

In repeating to you the keen regrets I feel on this occasion, I have to renew the assurance of my perfect readiness to receive from you such communications as you may be pleased to make to me, and as are conformable to the received usage and custom of European diplomacy. God preserve you many years!

THE DUKE OF SAN FERNANDO AND QUIROGA.

To the MINISTER PLENIPOTENTIARY *of the United States.*

No. 2.

Mr. Forsyth to the Duke of San Fernando and Quiroga.

SIR: MADRID, *November* 20, 1819.

Your excellency's note of the 12th was delivered to me on the 16th. The official remonstrance of the 18th October, which your excellency has felt yourself reluctantly compelled to return to me, was prepared and sent by the instructions of the Government of the United States. It must be obvious to your excellency that, if representations to His Catholic Majesty which I am directed to make are not received, my further residence near His Majesty's court would be worse than useless to my country. I should have preferred that your excellency would either have pointed out precisely what you deemed inadmissible, and requested an alteration, or have desired me to recall the remonstrance, for the purpose, if possible, of putting it in terms more acceptable. I need not, after our conversation of the 3d ultimo, assure your excellency that I should have done every thing consistent with the obligations of duty to meet your wishes. No doubt it occurred to the enlightened understanding of your excellency that, from the nature of the subject, but few sacrifices could be made to diplomatic courtesy.

I regret that the censure bestowed upon the remonstrance had not been made with more precision. As your excellency has remarked upon it in very general terms, I am compelled to follow the example. The objections are, that the remonstrance does not contain the friendly sentiments which ought to animate the United States towards Spain, as such sentiments animate His Catholic Majesty towards the United States; that it contains ideas which are not, and cannot be, analogous to the principles which ought to govern the United States, and terms disused and foreign to the delicacy and attention always so much observed, and so peculiar to diplomatic communications; that you cannot place it before His Majesty, because it attacks the honor of the King, without serving as any illustration of the matter discussed in it, which His Majesty will know how to ask and give directly to the Federal Government. Objections, in terms so general, might with safety be made to any embarrassing official document on an important subject of dispute. Upon which of these does your excellency rely to justify the return of the remonstrance? To secure the reception of an official note, is it necessary that the sentiments of it should be friendly? that the ideas it contains should, in the opinion of the organ of the Government to whom it is addressed, be analogous to the principles which ought to govern the Power from whom it is sent? that the terms of it should be well chosen, courteous, and delicate, according to the usages of diplomacy? or even that it should not attack the character of the Government? Your excellency's candor, enlightened by the history of the intercourse of nations, must admit that few diplomatic notes would be received, if these were prerequisites. The sentiments, ideas, and terms of diplomatic, like all other correspondence, change according to the situation and determination of the parties, and the nature of the subject of it. The correspondence is courtly and delicate while the parties can rely upon the good dispositions of each other. Sometimes, indeed, the language of courtesy is continued to conceal intentions of deadly hostility—to blind an adversary to preparations which are making for his destruction. This dishonorable artifice has become, by frequent use, too well known to deceive. But in every controversy which terminates in a serious misunderstanding, a period arrives when delicacy and attention give place to plainness and truth. All that can be required is, that the head of the Government shall not be treated with personal disrespect. In many instances the subject-matter is of a character so peculiar that it cannot be touched without calling in question the honor of the Government whose conduct is examined. In reclamations made for the violation of treaties, for outrages upon the rights of humanity, for fraudulent designs, so soon as the Government refuses to give the reparation required, the charge of bad faith, of inhumanity, or fraud, is fixed upon it, if not by direct assertion, by necessary implication.

Every remonstrance supposes some wrong committed, and, of necessity, questions the conduct of the Government, which has given occasion to it. There is this difference between remonstrances made before and after the Government itself declares its approbation of the act complained of. The first are made with a professed belief that the act will be disavowed, and reparation will be made; the last cannot contain such a courteous admission. Strange, indeed, would it be if nations should suffer injury from fraud, injustice, or violence, and should be restrained from the expression of their sentiments, by the danger of sinning against the high character and dignity of the offending Power. I claim the right, as the representative of my country, of placing any remonstrance I may deem necessary to the interest and honor of the United States, before the King, your excellency's royal master, that is not couched in terms *personally disrespectful* to the sovereign of Spain; and even were I capable of forgetting the obligations of personal respect to the King himself, I should question your excellency's right to refuse to receive the representations I should make. If your excellency proposes to be governed by the usages of European diplomacy, the usual course in such case would be, either to direct the minister who forgets the respect due to the person of the sovereign near whom he resides to withdraw, or to request his recall from the Government he represents.

But to come to a more particular examination of the several causes of complaint against the note of the 18th October, 1819. "It does not contain the friendly sentiments which should animate the United States to Spain." Allow me to refer your excellency to all the official correspondence of the United States with foreign nations: you will find that we do not deal in professions; we know they are worthless, and, therefore, leave all nations with whom we have intercourse to judge of our disposition by our conduct. What meaning your excellency proposes to convey when you state that my note contains ideas which are not, and cannot be, analogous to the principles which ought to govern the United States, I do not comprehend. Whether your excellency refers to the principles

of morality, of national law, or of municipal policy, I trust and believe there is nothing in it which is not consistent with the purest morality, and justified by the soundest maxims of national law. If your excellency refers to the principles of municipal policy, I must be allowed to say that your excellency's judgment has deceived you upon a subject on which it was not competent for you to decide. Your excellency may hope that the principles that are not consonant with those entertained here do not govern the United States; but when your excellency proceeds to say what should or should not govern my country, your excellency volunteers an opinion on a subject upon which we do not admit of foreign interference. We know full well that our principles, not of morality, or of national law, (for on these points it is to be hoped there is but little difference of opinion in all quarters of the world,) but of government, could scarcely be approved by a politician of Spain. With all my respect for your excellency, and knowledge of your excellent character, I cannot suppose you sufficiently well acquainted with the principles of free government to decide correctly upon this subject, since it is a species of knowledge not fashionable in Spain, or particularly calculated to render the possessor of it useful in the high departments of His Majesty's Government.

But the terms of my note are unusual, and not consistent with delicacy, &c. Let me entreat your excellency to re-examine the offending paper. I venture to say that there are no unusual terms in it, or terms inconsistent with the most scrupulous delicacy. It is true that the subject is one of the most unpleasant nature. The facts, and the reasoning upon them, go to fix a serious charge upon the Government of Spain. If the facts are undisputed, and no unfair conclusions are drawn from them, your excellency must be satisfied that the fault lies not upon its author, or upon those by whose command it was prepared, but upon those who made it necessary—upon those whose misconduct or evil counsel has made it necessary for a foreign Government to make such representations to the King. That it is necessary for the United States to remonstrate on this subject, I will not attempt to demonstrate. That question has been decided by them, and your excellency appears to be satisfied of its propriety, when you suggest that the King will know how to ask and give an illustration of this matter directly to the Federal Government. The Federal Government, however, prefers to have this illustration indirectly through its minister at the court of Spain; the more especially as it appears there is but little prospect of its being speedily afforded in the direct mode. I think more than a month has elapsed since your excellency spoke of the intention of sending a minister to the United States, not then appointed. I have yet to learn from your excellency if that appointment has been made. To this representation I will add that, if my official note of the 18th October contains any thing *personally offensive* to His Majesty, it was not inserted with such a design. I desire to treat the sovereign of Spain with every possible respect and decorum. The intentions of the head of this Government I always suppose to be correct; the King may be deceived by false representations, misled by evil counsel, *while his own intentions* are pure and honorable. This the decorum of diplomacy always takes for granted; and if I have violated this rule, as soon as I am made sensible of it, I will hasten to correct the error. Your excellency thinks that I ought to have remained satisfied with the conversation of the 3d of October, on the subject of the difference between our two Governments. I appeal confidently to your excellency duly to estimate the value of the assurances received from you. They did not differ from those previously received from your excellency's predecessor in office. They were, indeed, given more sparingly, and with greater caution. With every portion of your excellency's deportment I had reason to be satisfied; but on the important matter of our interview I had but too much cause to apprehend what subsequently occurred—a new refusal on the part of His Majesty's Government to do what we think justice and honor require. If reliance is to be placed on the information given by the public journals, (and your excellency has quoted them as authority, even since that interview,) an instructive commentary has been furnished upon the designs of Spain. On the 18th of July last, in consequence of orders for preparation, which must have issued simultaneously with Mr. Salmon's note to me of the 19th June, a portion of the force collected at Cadiz was hurried off under General Cagigal. The conjecture entertained was, that it was intended to strengthen the royal forces in some portion of the dominions of Spain in revolt against the authority of the King. It appears by recent notices that a moiety of this expedition has been sent to Florida. This fact, in addition to the numerous circumstances already brought to the view of this Government in my previous correspondence, will certainly be considered sufficiently marked, to excuse, if not to justify, a little incredulity.

As the business of the remonstrance is likely to produce very unpleasant consequences, I propose, out of a prudent but possibly useless caution, to direct the note of the 18th to be carefully translated by the person attached to this legation. It will then be sent to your excellency for re-examination, unless I should previously receive some formal assurances on the subject of the grants which have occasioned it, which will justify me in withholding it altogether—an occurrence which would afford me the liveliest sensations of pleasure.

If, on the re-examination of this document, your excellency's determination should remain the same, you will do your duty, and I shall do mine.

May God preserve your excellency many years. I renew the assurances of my most distinguished consideration.

JOHN FORSYTH.

His Excellency the Duke of San Fernando and Quiroga, *First Minister of State, &c.*

The Secretary of State to Mr. Lowndes.

Sir: Department of State, Washington, *December* 16, 1819.

With reference to the question proposed by the committee, "whether the Executive considers the Florida treaty as a subsisting one, valid according to national law, and giving the same perfect rights, and imposing the same perfect obligations, as if it had been ratified," I have the honor to state that the President considers the treaty of 22d February last as obligatory upon the honor and good faith of Spain, not as a perfect treaty, (ratification being an essential formality to that,) but as a compact which Spain was bound to ratify; as an adjustment of the differences between the two nations, which the King of Spain, by his full power to his minister, had solemnly promised to *approve*, *ratify*, and *fulfil*. This adjustment is assumed as the measure of what the United States had a right to obtain from Spain, from the signature of the treaty. The principle may be illustrated by reference to rules of municipal law relative to transactions between individuals. The difference between the treaty unratified and ratified may be likened to the difference between a covenant to convey lands and the deed of conveyance itself. Upon a breach of the covenant to convey, courts of equity decree that the party who has broken his covenant shall convey, and, further, shall make good to the other party all damages which he has sustained by the breach of contract.

As there is no court of chancery between nations, their differences can be settled only by agreement or by force. The resort to force is justifiable only when justice cannot be obtained by negotiation; and the resort to force is limited to the attainment of justice. The wrong received marks the boundaries of the right to be obtained.

The King of Spain was bound to ratify the treaty; bound by the principles of the law of nations applicable to the case; and further bound by the solemn promise in the full power. He refusing to perform this promise and

obligation, the United States have a perfect right to do what a court of chancery would do in a transaction of a similar character between individuals, namely, to compel the performance of the engagement as far as compulsion can accomplish it, and to indemnify themselves for all the damages and charges incident to the necessity of using compulsion. They cannot compel the King of Spain to sign the act of ratification, and, therefore, cannot make the instrument a perfect treaty; but they can, and are justifiable in so doing, take that which the treaty, if perfect, would have bound Spain to deliver up to them; and they are further entitled to indemnity for all the expenses and damages which they may sustain by consequence of the refusal of Spain to ratify. The refusal to ratify gives them the same right to do justice to themselves as the refusal to fulfil would have given them if Spain had ratified, and then ordered the Governor of Florida not to deliver over the province.

By considering the treaty as the term beyond which the United States will not look back in their controversial relations with Spain, they not only will manifest a continued respect for the sanctity of their own engagements, but they avoid the inconvenience of re-entering upon a field of mutual complaint and crimination so extensive that it would be scarcely possible to decide where or when negotiation should cease, or at what point force should be stayed for satisfied right; and by resorting to force only so far as the treaty had acknowledged their right, they offer an inducement to Spain to complete the transaction on her part, without proceeding to general hostility. But Spain must be responsible to the United States for every wrong done by her after the signature of the treaty by her minister; and the refusal to ratify his act is the first wrong for which they are entitled to redress.

I have the honor to be, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

WILLIAM LOWNDES, Esq., *Chairman of the Committee of Foreign Relations.*

The Secretary of State to Mr. Lowndes.

SIR: DEPARTMENT OF STATE, *December* 21, 1819.

In answer to the questions contained in your letter of the 10th instant, I have the honor to state for the information of the committee—

1st. That information has been received by the Government of the United States, though not through a direct channel, nor in authentic form, that another motive besides those alleged in the letter of the Duke of San Fernando to Mr. Forsyth did operate upon the Spanish cabinet to induce the withholding of the ratification of the treaty, namely, the apprehension that the ratification would be immediately followed by the recognition by the United States of the independence of one or more of the South American provinces. It has been suggested that, probably, the most important of the explanations which the minister to be sent by Spain will be instructed to ask, will consist of an explicit declaration of the intentions of this Government in that respect. There is reason, also, to believe that the impunity with which privateers fitted out, manned, and officered, in one or more of our ports, have committed hostilities upon the Spanish commerce, will be alleged among the reasons for delay, and perhaps some pledge may be required of the effectual execution against these practices of laws which appear to exist in the statute book.

It may be proper to remark that, during the negotiation of the Florida treaty, repeated and very earnest efforts were made, both by Mr. Pizarro at Madrid, and by Mr. Onis here, to obtain from the Government of the United States either a positive stipulation or a tacit promise that the United States would not recognise any of the South American revolutionary Governments; and that the Spanish negotiators were distinctly and explicitly informed that this Government would not assent to any such engagement, either express or implied.

2d. By all the information which has been obtained of the prospective views of the French and Russian Governments in relation to the course which it was by them thought probable would be pursued by the United States, it is apparent that they strongly apprehended the immediate forcible occupation of Florida by the United States, on the non-ratification by Spain of the treaty within the stipulated time. France and Russia both have most earnestly dissuaded us from that course, not by any regular official communication, but by informal friendly advice, deprecating immediate hostility, on account of its tendency to kindle a general war, which they fear would be the consequence of a war between the United States and Spain. It was alleged that, in the present state of our controversy with Spain, the opinion of all Europe on the point at issue was in our favor, and against her; that, by exercising patience a little longer, by waiting, at least, to hear the minister who was announced as coming to give and receive explanations, we could not fail of obtaining, ultimately, without resort to force, the right to which it was admitted we were entitled; but that precipitate measures of violence might not only provoke Spain to war, but would change the state of the question between us, would exhibit us to the world as the aggressors, and would indispose against us those now the most decided in our favor.

It is not expected that, in the event of a war with Spain, any European Power will openly take a part in it against the United States; but there is no doubt that the principal reliance of Spain will be upon the employment of privateers in France and England as well as in the East and West India seas and upon our own coast, under the Spanish flag, but manned from all nations, including citizens of our own, expatriated into Spanish subjects for the purpose.

3d. The enclosed copies of letters from Mr. Fromentin contain the most particular information possessed by the Executive with regard to the subjects mentioned in your third inquiry. In the month of September, a corps of three thousand men arrived at the Havana from Spain, one-third of whom are said to have already fallen victims to the diseases of that climate. By advices from the Havana, as recent as the 4th of this month, we are assured that no part of this force is intended to be, in any event, employed in Florida.

4th. A communication from the Secretary of War, also herewith enclosed, contains the information requested by the committee upon this inquiry.

5th. At the time when Captain Read left Madrid, (13th October,) Mr. Forsyth had no positive information even of the appointment of the person who is to come out as the minister. Indirectly, we have been assured that he might be expected to arrive here in the course of the present month.

I am, with great respect, sir, your very obedient servant,

JOHN QUINCY ADAMS.

WILLIAM LOWNDES, Esq., *Chairman of the Committee of Foreign Relations.*

Extract of a letter from Mr. Forsyth to the Secretary of State, dated

MADRID, *January* 3, 1820.

A few days after the date of my last, numbered 10, I had a visit from the Count Bulgary, the Russian chargé d'affaires. He came to see me in consequence of a conversation he had just had with the Duke of San Fernando

respecting my official letter of the 18th of October, and the subsequent correspondence in relation to it. He stated to me that the duke regretted the necessity of sending back the letter, but that it was so harsh in its terms he could not place it before the King. To this were added a great many assurances of personal kindness and good-will, not necessary to be repeated. I replied that it was very mortifying to me to be obliged to send the letter in the first instance, and not less so to insist on its being received; that the duke had put it out of my power to act otherwise than I had done; but that there was no difficulty in avoiding the unpleasant consequences likely to ensue. The duke had nothing to do but to give me such assurances in regard to the grants as would render it superfluous for me to say any thing about them. His answer was at once curious and dissatisfactory; he said that the duke could not give me any assurances, such was the predominating influence of the grantees with the King. He was sincerely disposed to settle all the differences with the United States, and hoped in a short time to have power to effect it; had authorized Count Bulgary to say to the Russian Government that General Vives was going immediately to the United States, and would have competent powers; and that every thing would be amicably arranged. I made the Russian chargé d'affaires sensible that one part of this statement contradicted the other. General Vives could not receive powers competent to the purpose of amicable settlement, if the Secretary of State's despatch was unable, from the influence of the grantees, to say any thing about the large donations. This was a subject upon which the American Government would listen to no terms, friendly arrangement was out of the question, and General Vives's visit to the United States useless, unless the Spanish Government was prepared to abandon their pretensions in favor of the grantees. On the subject of the mission of General Vives, I desired the count to remind the duke that I knew nothing of it. The general and loose declaration made months before, that the King would authorize some person to ask explanations at Washington, was all that the Spanish Government had chosen to communicate to me. The count assured me of the personal anxiety of the minister to arrange every thing satisfactorily between the two countries; that his hopes were strong of being able to effect it; that this business of the returned note was embarrassing, and that, if I went away in consequence of its not being received, what he believed to be the wish of the United States and of his Government, and almost all other Powers, might be frustrated. Matters were in a bad state at present, and this would make them worse. To this I answered, in general terms, that matters must become worse before they become better; that the Government of the United States had every disposition to be friendly with Spain, and had evinced it in a variety of modes; for myself, I had personally every wish to be the instrument of promoting good-will between the two nations. He said this Government had a different impression. I was very sorry for it; unfortunately, the conduct of the Spanish Government had compelled me to speak with a plainness and openness which was disagreeable, as they were not accustomed to it. In the course of a long conversation, it occurred to me that this dispute about the note might be made useful, as I found the Spanish Government anxious to avoid receiving it, and, contrary to my expectations, desirous that I should remain here. I believed it practicable to accelerate their movements in our affairs without yielding the point in dispute. With this belief, I stated to Count Bulgary that, if the Duke of San Fernando would officially say to me at once that General Vives was going immediately to the United States, with ample authority to arrange the business of the convention, and that it was the particular wish of His Majesty's Government that the letter of the 18th should be withheld, and that all matters relating to the convention should be discussed in Washington, notwithstanding I had positive instructions to remonstrate on the subject of the grants, and the conduct of Spain in relation to them, I would take the responsibility of retaining the obnoxious paper in my hands until compelled by events to deliver it, or until I should receive further advices from the President. The duke must understand that this was done with a perfect understanding that I insisted upon the right of returning the paper, and should exercise that right whenever I deemed it necessary. The count left me with the expectation of making this arrangement. A few days afterwards we had another interview; he told me that the duke would write to tell me of the appointment of General Vives, and of the intention of sending him immediately to Washington; that he would have full powers, &c., but that the duke thought he could not advert particularly to the remonstrance, or the correspondence in relation to it, without commenting upon it, and this he desired to avoid. I answered, that I could not tell how I should act until I saw the duke's note. If I found in it a sufficient justification for retaining the remonstrance, I would do so, and would look at it with a view to find that justification. The duke knew, from me, that I was instructed to remonstrate earnestly on the subject of the grants, and might judge, from my manner of performing that duty, of the sentiments of the American Government. A week elapsed after this last conversation without my hearing from the Secretary of State. I called on the Russian chargé d'affaires to say that I was surprised at this delay, and that I should certainly return the remonstrance if I did not hear from the duke in a few days. He saw the Secretary of State in consequence of this visit, who assured him that his personal indisposition had prevented him from sending me the intended note. On the 18th December I received the duke's note, a copy of which is enclosed, marked No. 1; you will see that it is not what I had reason to expect. He does not request a suspension of any correspondence, or say that it is the wish of the Spanish Government that every thing should be left to the negotiation of General Vives. He merely states that, in his view, to continue discussion here would be superfluous, and likely to embarrass the direct negotiation. Perhaps, considering their peculiar mode of doing business, I had no right to calculate upon any thing more: nevertheless, I am not at all satisfied with it; and had I consulted my own inclinations only, I should immediately have sent back the note of the 18th of October, with the translation. What has occasioned me to delay and deliberate, and still keeps me uncertain how to act, is the apprehension that my judgment of what is proper might be involuntarily influenced by my own wishes. I need not conceal from you that my situation here is unpleasant, and that I find no sufficient consolation for my personal mortification in the consciousness of being useful to the United States, feeling, as I do, that I am almost, if not altogether, useless. The very awkward state of my private affairs in Georgia, in consequence of my unlooked-for detention here, increases my anxiety to leave Spain. What I fear (and I hope it is not an unworthy apprehension) is, that these circumstances may unconsciously induce me to believe that the more energetic course is the best. What I have at last resolved upon is, to delay my answer until I see the President's message. It will then be sent before General Vives leaves Europe. He is still in Madrid; goes in a coach and *colleras* to Bayonne, a journey of twelve or fifteen days; thence to Paris; from Paris to England; and from England to the United States. *His rapid journey* to Washington will probably be finished in May. My answer will be regulated by the advices I hope soon to receive from Washington. I shall certainly not go further, in any event, than to say that I shall retain the letter of the 18th October for a short time, under the hope that His Majesty will render it unnecessary to make any remonstrance on the subject of it.

No. 1.

[TRANSLATION.]

The Duke of San Fernando and Quiroga to Mr. Forsyth.

SIR: PALACE, *December* 16, 1819.

In consequence of the decision of the King, my master, and in conformity with the communications which my predecessor and I have had the honor to make to you, the moment has arrived when the person of whom His

Majesty had made choice is about to proceed to America, for the purpose of asking of your Government the explanations which His Majesty has judged to be indispensable, previous to the ratification by His Majesty of the treaty concluded and signed by Don Luis de Onis.

The plenipotentiary appointed is the mariscal-del-campo Don Francisco Dionisio Vives, a distinguished person, in whom the King, my master, has the fullest confidence, and to whom he has given the most ample powers to settle all the difficulties he so earnestly wishes to see removed, and succeeded by the establishment, on a solid basis, of that harmony between Spain and the United States to which their mutual interests so strongly invite them.

As Don Francisco D. Vives will set out immediately on his journey, and proceed expeditiously, I consider the measure now communicated to you, and which you will be pleased to make known to your Government, as dispensing with any further discussion here of the points which form the object of the above-named gentleman's present mission; as a continuance of it would only tend to embarrass the course of the direct negotiation about to be established.

I renew to you, sir, the assurances of my distinguished respect, and I pray God to preserve you many years.

THE DUKE OF SAN FERNANDO AND QUIROGA.

To the MINISTER *of the United States.*

[TRANSLATION.]

Extract of a despatch from Count Nesselrode to Mr. Poletica, Minister of His Imperial Majesty the Emperor of Russia in the United States, dated

NOVEMBER 27, [DECEMBER 9,] 1819.

You have doubtless been able to obtain information how far the President's last instructions to Mr. Forsyth were positive. The Emperor will not now take it upon him to justify Spain; but he charges you to plead with the Government at Washington the cause of peace and concord. That Government is too enlightened to take hasty steps, and its rights appear to be too solid not to be weakened by a violent course of proceeding; and, on the other hand, such is the character of the considerations which command the ratification by Spain of the arrangement relative to the Floridas, that it is to be hoped she will at length yield to the force of evidence. The United States will then have added to the reputation of an able that of a moderate policy, and will gather with security the fruits of their wisdom.

His Imperial Majesty therefore wishes that, if there be yet time, you would engage the Government at Washington to give to the Spanish ministry a proof of patience which its circumstances might, indeed, seem to suggest. Nevertheless, the Emperor does not interpose in this discussion. He makes, above all, no pretension to exercise an influence in the councils of a foreign Power. He merely expresses a wish dictated by his concern for the general welfare, and worthy of the generous good faith which characterizes the Government of the United States.

To the House of Representatives of the United States: WASHINGTON, *May* 9, 1820.

I communicate to Congress a correspondence which has taken place between the Secretary of State and the envoy extraordinary and minister plenipotentiary of His Catholic Majesty, since the message of the 27th March last, respecting the treaty which was concluded between the United States and Spain on the 22d February, 1819.

After the failure of His Catholic Majesty for so long a time to ratify the treaty, it was expected that this minister would have brought with him the ratification, or that he would have been authorized to give an order for the delivery of the territory ceded by it to the United States. It appears, however, that the treaty is still unratified, and that the minister has no authority to surrender the territory. The object of his mission has been to make complaints, and to demand explanations, respecting an imputed system of hostility, on the part of citizens of the United States, against the subjects and dominions of Spain, and an unfriendly policy in their Government, and to obtain new stipulations against these alleged injuries, as the condition on which the treaty should be ratified.

Unexpected as such complaints and such a demand were, under existing circumstances, it was thought proper, without compromitting the Government as to the course to be pursued, to meet them promptly, and to give the explanations that were desired on every subject with the utmost candor. The result has proved, what was sufficiently well known before, that the charge of a systematic hostility being adopted and pursued by citizens of the United States against the dominions and subjects of Spain is utterly destitute of foundation; and that their Government, in all its branches, has maintained with the utmost rigor that neutrality in the civil war between Spain and the colonies which they were the first to declare. No force has been collected, nor incursions made, from within the United States, against the dominions of Spain; nor have any naval equipments been permitted in favor of either party against the other. Their citizens have been warned of the obligations incident to the neutral condition of their country; the public officers have been instructed to see that the laws were faithfully executed, and severe examples have been made of some who violated them.

In regard to the stipulation proposed as the condition of the ratification of the treaty, that the United States shall abandon the right to recognise the revolutionary colonies in South America, or to form other relations with them, when, in their judgment, it may be just and expedient so to do, it is manifestly so repugnant to the honor and even to the independence of the United States that it has been impossible to discuss it. In making this proposal, it is perceived that His Catholic Majesty has entirely misconceived the principles on which this Government has acted in being a party to a negotiation so long protracted for claims so well-founded and reasonable, as he likewise has the sacrifices which the United States have made, comparatively with Spain, in the treaty, to which it is proposed to annex so extraordinary and improper a condition.

Had the minister of Spain offered an unqualified pledge that the treaty should be ratified by his sovereign on being made acquainted with the explanations which had been given by this Government, there would have been a strong motive for accepting and submitting it to the Senate for their advice and consent, rather than to resort to other measures for redress, however justifiable and proper. But he gives no such pledge; on the contrary, he declares explicitly that the refusal of this Government to relinquish the right of judging and acting for itself hereafter, according to circumstances, in regard to the Spanish colonies—a right common to all nations—has rendered it impossible for him, under his instructions, to make such engagement. He thinks that his sovereign will be induced by his communications to ratify the treaty; but still he leaves him free either to adopt that measure or to decline it. He admits that the other objections are essentially removed, and will not in themselves prevent the ratification, provided the difficulty on the third point is surmounted. The result, therefore, is, that the treaty is declared to have no obligation whatever; that its ratification is made to depend, not on the considerations which

led to its adoption, and the conditions which it contains, but on a new article, unconnected with it, respecting which a new negotiation must be opened of indefinite duration and doubtful issue.

Under this view of the subject, the course to be pursued would appear to be direct and obvious, if the affairs of Spain had remained in the state in which they were when this minister sailed. But it is known that an important change has since taken place in the Government of that country, which cannot fail to be sensibly felt in its intercourse with other nations. The minister of Spain has essentially declared his inability to act, in consequence of that change. With him, however, under his present powers, nothing could be done. The attitude of the United States must now be assumed, on full consideration of what is due to their rights, their interest, and honor, without regard to the powers or incidents of the late mission. We may, at pleasure, occupy the territory which was intended and provided by the late treaty as an indemnity for losses so long since sustained by our citizens; but still nothing could be settled definitively without a treaty between the two nations. Is this the time to make the pressure? If the United States were governed by views of ambition and aggrandizement, many strong reasons might be given in its favor. But they have no objects of that kind to accomplish; none which are not founded in justice, and which can be injured by forbearance. Great hope is entertained that this change will promote the happiness of the Spanish nation. The good order, moderation, and humanity which have characterized the movement are the best guaranties of its success. The United States would not be justified in their own estimation should they take any step to disturb its harmony. When the Spanish Government is completely organized, on the principles of this change, as it is expected it soon will be, there is just ground to presume that our differences with Spain will be speedily and satisfactorily settled.

With these remarks, I submit it to the wisdom of Congress whether it will not still be advisable to postpone any decision on this subject until the next session.

JAMES MONROE.

Recall of Mr. Onis.

[TRANSLATION.]

Don FERDINAND THE SEVENTH, *King, by the grace of God, of Castile, Leon, and Arragon, of the Two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algesiras, Gibraltar, the Canary islands; of the two Indies, and of the islands of the ocean sea; Archduke of Austria; Duke of Burgundy, of Brabant, and Milan; Count of Hapsburg, Flanders, Tyrol, and Barcelona; Lord of Biscay and Molina: To my great and good friends the United States of America:*

GREAT AND GOOD FRIENDS:

It having been represented to us by Don Luis de Onis, our envoy extraordinary and minister plenipotentiary to you, that he is desirous to return to Europe, for the recovery of his health, we have thought fit to grant him the necessary permission for that purpose. We have, therefore, authorized him to take his leave of you, and have charged him, in so doing, to assure you of our constant friendship and desire to maintain and strengthen the ties of amity now happily subsisting between us. On his faithful execution of these our commands, we rely with confidence, as we do that you will receive with satisfaction these renewed assurances.

We conclude by commending you to God; and we pray that he would have you in his safe and holy keeping.

Your good friend,

MADRID, —— —, 1819. FERDINAND.

JOAQUIM JOSE MELGAREIJO DE RUIZ DEVALOS.

A true copy: THE DUKE OF SAN FERNANDO AND QUIROGA.

[TRANSLATION.]

Don Luis de Onis to the Secretary of State.

SIR: MADRID, *January* 27, 1820.

Having received from my sovereign an appointment to other duties, and being thereby deprived of the satisfaction of presenting to the President the letters of re-credence of the King, my master, I am under the necessity of transmitting them to you, with my request that you would be pleased to lay them before his excellency the President, to whom you will also make it known that His Majesty, on deciding to terminate my mission to your Government, has commanded me to express to it the assurance of his unalterable desire to maintain the strict friendship now happily subsisting between both Powers.

In fulfilling these orders of my sovereign, permit me, sir, also to express to you the deep sense I entertain of the personal attentions with which I was honored by the President, by yourself in particular, and by the citizens of the Union in general; and to add the assurance that it will ever be to me a subject of the most grateful reflection, if, in the discharge of my duties, and in the execution of the orders of my Government, whose object it always has been to establish the most perfect harmony between the two countries, I shall have been so fortunate as to have acquired the esteem of the President, together with yours.

I pray you, sir, to receive the further assurance of my distinguished sentiments, and my wish that God may preserve you many years.

LUIS DE ONIS.

Credential letter delivered by General Vives to the President of the United States.

[TRANSLATION.]

Don FERDINAND THE SEVENTH, *King, by the grace of God, of Castile, Leon, and Arragon, of the Two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algesiras, Gibraltar, the Canary islands; of the two Indies, and of the islands of the ocean sea; Archduke of Austria; Duke of Burgundy, of Brabant, and Milan; Count of Hapsburg, Flanders, Tyrol, and Barcelona; Lord of Biscay and of Molina: To my great and good friends the United States of America.*

GREAT AND GOOD FRIENDS:

Being animated by the most sincere desire to maintain the friendship and good understanding happily subsisting between both countries, and it being necessary, to that end, that another person, possessing our entire confi-

dence, should forthwith be deputed to you as a successor to our late envoy and minister plenipotentiary, Don Luis de Onis, to whom we have granted leave to return to Europe for the re-establishment of his health, we have thought fit to confer the said appointment on Don Francisco Dionisio Vives, a major general of our armies, knight of the third class of the royal and military order of Saint Ferdinand, and a member of the supreme council of the said order; knight of the royal and military order of St. Hermenegildo; twice honored by decrees of thanks for patriotic services; decorated with the north star and crosses of honor for distinguished conduct and valor at the battles of Albuera, Sqrauren, Lugo, Tamanes, and Medina del Campo, also at the surrender of Villa Franca to the army of the left; he uniting the requisite qualifications for the due discharge of the said trust:

We therefore hope that, on his presenting to you this our letter of credence, you will grant him a kind and favorable reception, giving all faith and credit to what he shall say to you on our behalf. Done at Madrid, this 15th day of December, 1819.

FERDINAND.

JOAQUIM JOSE MELGAREIJO DE RUIZ DEVALOS.

A true copy: THE DUKE OF SAN FERNANDO AND QUIROGA.

Extracts of a letter from Mr. Forsyth (marked private) to Mr. Adams, dated

JANUARY 28, 1820.

General Vives left this place on the 25th for Paris, on his way to Washington. He went post to France, and I am informed is directed to remain as short a time as possible in Paris. He goes to England to embark for the United States. The alteration in his mode of travelling, and the directions he has received not to delay, give me some hope that he will arrive in America time enough to prevent the necessity of doing that without the consent of Spain which the American Government prefers to do with her consent.

I send this by the way of Gibraltar, that the earliest notice may be had of General Vives's movements. In the course of the coming week I shall write officially, and enclose a copy of my answer to the Duke of San Fernando's last note, written to inform me of General Vives's appointment.

[Referred to in Mr. Forsyth's despatch of January 28.]

Mr. Forsyth to the Duke of San Fernando and Quiroga, First Minister of State, dated

SIR: MADRID, *January* 27, 1820.

I have had the honor to receive your excellency's official of the 16th December, giving me notice of the appointment of the mariscal-del-campo Don Francisco Dionisio Vives as minister plenipotentiary of the United States. According to the request of your excellency, I communicated, by the first convenient opportunity that occurred, a copy of your note to the American Government.

The appointment of the minister plenipotentiary has been so long delayed, his departure so much procrastinated, his route to the United States is so circuitous, and his movements are so deliberate, that I very much apprehend he will find, on his arrival, the determination, before now taken by the American Government, executed. His Catholic Majesty may be assured by your excellency that, should this be the case, the American Government will nevertheless, governed by that temper of conciliation which has at all times marked its policy, give any explanations which may, in the spirit of amity, be asked in the name of the King.

Your excellency views it as superfluous to continue discussions here of the points of the transaction with which His Majesty's minister goes charged, and as likely to embarrass the course of the direct negotiation. As to the future, I have to inform your excellency that I have no directions to discuss any of those points; and certainly I have received here very slender encouragement voluntarily to encounter them. My duty, in regard to the convention, was terminated when I had the honor to send you the remonstrance of the 18th of October, which has given rise to an unpleasant question between us. From circumstances *well known to your excellency*, I understand that the observations quoted have reference also to that question. With this understanding, I give you the strongest proof in my power of my anxious desire to promote harmony between the two nations, by taking upon myself the responsibility of having so long withheld the return of the remonstrance, and in determining still longer to retain it in my hands. I do this with the confident expectation that the justice of His Catholic Majesty has, in the powers given to General Vives, rendered a further recurrence to that unhappy affair altogether unnecessary. While I give to your excellency this proof of my wishes to conciliate, I must repeat that I hold it as *unquestionably my right* to have that paper, or any other I may deem it necessary to send, laid before your excellency's royal master for his perusal and consideration; holding myself responsible to my own Government only for the language in which it may be expressed, or the sentiments it may contain.

I renew to your excellency the assurances of my profound consideration.

JOHN FORSYTH.

His Excellency the DUKE OF SAN FERNANDO AND QUIROGA, *First Minister of State, &c.*

Mr. Gallatin to the Secretary of State.

SIR: PARIS, *February* 15, 1820.

General Vives, the new minister of Spain to the United States, arrived at Paris on the 11th instant, and left it on the 14th for London, with the intention to embark at Liverpool in the New York packet which will sail on the 1st day of March.

Mr. Pasquier, after having seen him, invited me to an interview on the 12th, and said that he was in hopes that the differences might still be adjusted. General Vives had told him that the principal points with Spain were, that the honor of the Crown should be saved *(mis à couvert)* in the business of the grants, and to receive satisfactory evidence of our intention to preserve a fair neutrality in the colonial war. Mr. Pasquier had observed to him that it would be a matter of deep regret that private interest should prevent the conclusion of such an important arrangement; and that, when it was clear that there had been at least a misunderstanding on the subject, the King's dignity could not be injured by a resumption of the grants, or by an exchange for other lands. He seemed to think that this would be arranged, and asked me what I thought we could do respecting the other point. I answered that the fullest reliance might be placed on the fairness of our neutrality, and that I was really at a loss to know what could be added to the measures the United States had already adopted to enforce it. Mr. Pasquier gave me

to understand that, if there was any defect, however trifling, in our laws, and that was amended, it would probably be sufficient to satisfy the pride of Spain, as there now appeared a real desire to ratify, provided it could be done without betraying a glaring inconsistency. He had expressed to General Vives his opinion of the impropriety of asking from the United States any promise not to recognise the independence of the insurgent colonies, and had told him that on that subject Spain could only rely on the moral effect which a solemn treaty, accommodating all her differences with the United States, would have on their future proceedings.

I expressed my hope that the explanations which General Vives was instructed to give on the subject of the grants, and to ask on that of our neutrality, might be such as to remove all the existing difficulties. But it was most important that he should arrive in the United States before the adjournment of Congress, and that he should be the bearer of the King's ratification of the treaty, so that, if every thing was arranged, those ratifications might be at once exchanged at Washington. If that was not done, the President would have no more security that the King would ratify General Vives's than Mr. Onis's acts; and it was impossible to suppose that he would run the risk of a second disappointment. This observation forcibly struck Mr. Pasquier, who said that he would make further inquiries on that point.

I saw, the same evening, the Spanish ambassador at this court, and, in the course of a short conversation, he suggested that the grants in dispute might be set aside, the grantees not having fulfilled certain conditions or formalities; and, after acknowledging that General Vives was not the bearer of the King's ratification, he hinted that he was authorized to give the United States satisfactory security that Spain would fulfil her engagements.

On the 13th I dined at the Minister of Foreign Affairs' with General Vives, who repeated to me in substance what he had said to Mr. Pasquier. I told him that the President would judge of the explanations he had to give on the subject of the grants; that he might rely on the determination of the United States to preserve their neutrality, and not less on the manner in which the laws for enforcing it were executed, than on the tenor of those laws, which, I observed, were, and had always been, more full and efficient than those of either England or France on the same subject; that I could not say whether the question of recognising the independence of the insurgent colonies would be agitated during the present session of Congress, but that, if it was, the decision would probably have taken place before his arrival.

I then repeated what I had said to Mr. Pasquier respecting the importance of his being authorized to exchange the ratifications of the treaty. He answered that, although he was not, he could, in case of an arrangement, give satisfactory security to the United States, and that it would consist in consenting that they should take immediate possession of Florida, without waiting for the ratification of the treaty.

General Vives repeated, in the course of the evening, the same thing to Mr. Pasquier, with whom I had afterwards a short conversation on the subject. He seemed extremely astonished that the Spanish Government should have adopted that course rather than to authorize their minister to exchange at once the ratifications. Since, however, the measure they proposed coincided with the views of the President as stated in his message, and would, at all events, prevent a rupture, we both agreed that no time should be lost in communicating to you General Vives's declarations.

I have the honor to be, &c.

ALBERT GALLATIN.

Extract of a letter from Mr. Forsyth, Minister Plenipotentiary of the United States in Spain, to Mr. Adams, Secretary of State, dated

MADRID, *February* 15, 1820.

By the return of Lieutenant Weaver, who came to this place yesterday, with a letter from Captain Stewart, I have a convenient opportunity of sending, enclosed, a copy of my last note to the Duke of San Fernando, (No. 1,) dated the day after General Vives left Madrid. It was written in conformity to what I believe, from the message at the opening of Congress, to be the wishes of the President. If in this I should unhappily be mistaken, the affair stands in such a state that I can at any moment correct the error. Having informed this Government that I only *detain the remonstrance*, I can at any moment present it if directed so to do, or if I shall be satisfied that the King has not given such authority to General Vives as will render unnecessary a recurrence to this disgraceful business.

Extract of a letter from Mr. Forsyth to Mr. Adams.

MARCH 30, 1820.

Soon after the change of Government was officially made known to me, I determined to see the Duke of San Fernando respecting our affairs, to learn if the powers given to Vives were such that no bad effect would be produced by the recent events upon the relations of Spain with the United States, and to endeavor to procure, in this season of generous feelings, the release of the Americans in confinement. Waiting a few days for the first bustle to be over, the duke was removed from office, and a further delay unexpectedly occurred. As the new secretary was not expected for some time, on the 27th I asked, by a written note, for an interview with Mr. Jabat, who had charge of the office; it was appointed for the 29th. I saw him at the time fixed, and had a very long conversation with him. I stated the objects I had in view; he answered with great frankness. The substance of what I learned from him is, that General Vives did not carry the treaty ratified by the United States; that the King, having taken the oath to observe the constitution, could not now ratify; that instructions had been just prepared for General Vives to apprize him of the change that had taken place, and of the want of power in the King to act further in the business; the whole matter would be laid before the Cortes, and the minister had no doubt it would be arranged to the mutual satisfaction of the two Governments, as the Cortes would probably be composed of the most liberal and enlightened men of the nation—men who had the disposition, the ability, and the courage to give and to act upon good counsel. He spoke of the resemblance of the institutions of the two nations, and of his anxious wish to see them on the best terms. Of the American prisoners he professed a desire to do what would be agreeable to us, and would bring the subject before the King. For this object it was agreed upon between us that I should address him an official note; a copy of it (marked No. 6) is enclosed. It was prepared immediately after the interview, and sent on the 30th. Mr. Jabat asked me, in turn, what would be the determination of our Government in this new state of things. I replied that I was exceedingly disappointed to learn that General Vives had not the ratified treaty to exchange in the United States; that I apprehended his going without it would produce a very bad effect; and that I had no doubt there would be an immediate occupation of Florida, as recommended by the President to Congress; that we had always the strongest desire to be friendly with Spain—a desire which recent circumstances would increase. I was perfectly aware that the King had now no power to ratify, and trusted, with him, that every thing would be arranged satisfactorily when the Cortes assembled. In the mean time, I hoped that no unpropitious

effect on the dispositions of this Government would be produced by the measures we should have been reluctantly compelled to take. I expressed the greatest satisfaction at the prospect of a favorable answer to the application in favor of the confined Americans, and assured him it would be considered as a conclusive proof, on the part of Spain, of a desire to do us justice and kindness in all things. The revolution will produce the best effects for us, if a judgment is to be formed from the language of the people in office and of those out of office. The Government of the United States is considered, with reason, more friendly to them than any other. The European Governments, without exception, see, in the change which has been produced here, a dangerous example to their people, and speculate with dread upon its probable effect. I had supposed that the influence of Great Britain would be very great under the new order of things; at present, there is a very wholesome jealousy and prejudice against that Government existing among the people, and carefully cherished by the ruling men. It is to be traced, in part, to the conduct of the English on the return of the King from his captivity; they were supposed to have had some agency in preventing at that time the King's acceptance of the constitution. The language used here is, there are but two free nations—the Spaniards and the people of the United States; the English were free, but have been recently enslaved by their ministry and Parliament. I hope that, before General Vives receives and communicates to the President the change in the Government, Florida will be occupied by us, or at least that Congress will have passed a law in such terms as to render it obligatory upon the President to take it. Delaying to take it until the news is received of the establishment of a free Government and liberal institutions here, might be injurious; at present, every body here expects it will be seized, and the event will have no bad effect unless it can, by misrepresentation, be made to appear the consequence of the recent events in Spain. It is important that Florida should be in our possession when the Cortes deliberate on the treaty. The defect of granted authority in that body to cede territory was not adverted to by Mr. Jabat, and has probably escaped notice. The general assertion, that the sovereignty resides essentially in the nation, which is represented by the Cortes, would no doubt be considered sufficient when the territory was held by us; it might admit of dispute if it was not. You will perceive that two deputies from Cuba and the Floridas are to be in the Cortes. Before July I hope to receive from you particular and special instructions on this and all other subjects connected with our interests. During the Cortes would be the most favorable time for a commercial arrangement, if one is to be made here; and I indulge the belief that, should, as is probable, the business of Florida be amicably arranged, an advantageous commercial treaty may be formed. I look with anxiety for directions from you, formed upon the determination Congress may have made.

[TRANSLATION.]

General Don Francisco Dionisio Vives to the Secretary of State.

SIR: WASHINGTON, *April* 14, 1820.

In conformity with the orders of my Government, which were communicated to Mr. Forsyth on the 16th of December last by his excellency the Duke of San Fernando and Quiroga, and with the earnest desire of the King, my master, to see a speedy adjustment of the existing difficulties which obstruct the establishment, on a permanent basis, of the good understanding so obviously required by the interests of both Powers, I have the honor to address you, and frankly to state to you that my august sovereign, after a mature and deliberate examination, in full council, of the treaty of 22d February of the last year, saw, with great regret, that, in its tenor, it was very far from embracing all the measures indispensably requisite to that degree of stability which, from his sense of justice, he was anxious to see established in the settlement of the existing differences between the two nations.

The system of hostility which appears to be pursued in so many parts of the Union against the Spanish dominions, as well as against the property of all their inhabitants, is so public and notorious, that to enter into detail would only serve to increase the causes of dissatisfaction. I may be allowed, however, to remark that they have been justly denounced to the public of the United States even by some of their own fellow-citizens.

Such a state of things, therefore, in which individuals may be considered as being at war while their Governments are at peace with each other, is diametrically opposed to the mutual and sincere friendship and to the good understanding which it was the object of the treaty (though the attempt has failed) to establish, and of the immense sacrifices consented to by His Majesty to promote.

These alone were motives of sufficient weight imperiously to dictate the propriety of suspending the ratification of the treaty, even although the American envoy had not at first announced, in the name of his Government, and subsequently required of that of Spain, a declaration which tended directly to annul one of its most clear, precise, and conclusive articles, even after the signature and ratification of the treaty.

The King, my master, influenced by considerations so powerful as to carry with them the fullest evidence, has therefore judged it necessary and indispensable, in the exercise of his duties as a sovereign, to request certain explanations of your Government; and he has, in consequence, given me his commands to propose to it the following points, in the discussion and final arrangement of which it seems proper that the relative state of the two nations should be taken into full consideration:

That the United States, taking into due consideration the scandalous system of piracy established in and carried on from several of their ports, will adopt measures, satisfactory and effectual, to repress the barbarous excesses and unexampled depredations daily committed upon Spain, her possessions, and properties, so as to satisfy what is due to international rights, and is equally claimed by the honor of the American people.

That, in order to put a total stop to any future armaments, and to prevent all aid whatsoever being afforded from any part of the Union, which may be intended to be directed against and employed in the invasion of His Catholic Majesty's possessions in North America, the United States will agree to offer a pledge (*á dar una seguridad*) that their integrity shall be respected.

And, finally, that they will form no relations with the pretended Governments of the revolted provinces of Spain situate beyond sea, and will conform to the course of proceeding adopted, in this respect, by other Powers in amity with Spain.

In submitting to you these just and natural demands, I have received the orders of the King, my master, to make known to the President that they would have been regularly communicated to the minister plenipotentiary of the United States at Madrid, if, in the excess of his zeal, he had not, at an early period, been induced to express himself in terms disrespectful to the dignity of His Majesty; and I am, at the same time, commanded to give the assurance that, in alluding to an incident of so unpleasant a nature, it is not intended to make the conduct of Mr. Forsyth a subject of complaint, but merely to make your Government fully acquainted with the motives of my august sovereign in adopting the resolution as already stated.

I flatter myself that the President, on an attentive examination of the contents of this note, entirely dictated by sentiments of justice, will see a decisive evidence of the sincere desire of the King, my master, to attain with promptitude the definitive settlement of a transaction no less important in itself than it is essential to the mutual interests of the two countries.

I eagerly avail myself of this occasion to assure you of my perfect respect and highest consideration. I pray that God may long preserve you.

FRANCISCO DIONISIO VIVES.

The Secretary of State to General Don Francisco Dionisio Vives, Envoy Extraordinary and Minister Plenipotentiary from Spain.

SIR: DEPARTMENT OF STATE, WASHINGTON, *April* 18, 1820.

Before replying to the letter which I have had the honor of receiving from you, dated the 14th instant, I am directed by the President of the United States to request a copy of your full powers, and to be informed whether you are the bearer of the ratification by His Catholic Majesty of the treaty signed on the 22d of February, 1819, by Don Luis de Onis; and are ready, in the event of suitable explanations being given upon the points mentioned in your letter, to exchange the same for the ratification on the part of the United States, if the Senate should advise and consent that such exchange of ratifications should now be accepted.

Please to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

General Don Francisco Dionisio Vives to the Secretary of State.

SIR: WASHINGTON, *April* 19, 1820.

In answer to your note of yesterday's date, and in compliance with the request stated in its first point, I have the honor to enclose a copy of my full powers.

I have at the same time to inform you that I am not the bearer of the ratification of the treaty of the 22d of February, 1819, signed by Don Luis de Onis; nor does it seem agreeable to the natural course of things, and to established usage, that a treaty should be ratified previous to a removal of the obstacles which have expressly caused the suspension of its ratification; but I am enabled to assure you that I am fully authorized to offer a solemn promise, in the name of the King, my master, that, if the result of the proposals presented in my first note be satisfactory, the ratification of the treaty will be attended with no further delay than the time indispensably necessary for the arrival at Madrid of one of the gentlemen attached to my legation, who has accompanied me for that especial purpose.

I renew to you, sir, the assurance of my distinguished consideration, and I pray God long to preserve you.

FRANCISCO DIONISIO VIVES.

Full Power of General Vives.

[TRANSLATION.]

DON FERDINAND THE SEVENTH, *King, by the grace of God, of Castile, Leon, and Arragon, of the Two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Gibraltar, the Canary islands, of both Indies, and of the isles of the ocean, Archduke of Austria; Duke of Burgundy, Brabant, and Milan; Count of Hapsburg, Flanders, Tyrol, and Barcelona; Lord of Biscay and of Molina, &c.*

The state of peace, amity, and good understanding, now happily subsisting between us and the United States of North America, being favorable to the mutual and amicable adjustment and settlement of all existing differences between the two Governments; and it being expedient to that end to authorize a person having our confidence, and possessed of the requisite information, experience, and political knowledge for so important a trust, which qualities uniting in you, Don Francisco Dionisio Vives, a major general in our service, a knight of the royal and military order of San Fernando, and member of the supreme council of the said order, a knight of the royal and military order of San Hermenegildo, twice honored by decrees of thanks for public services, decorated with the order of the north star and crosses of honor for distinguished conduct and valor at the battles of Albuera, Sorauren, Lugo, Tamanes, and Medina del Campo, the surrender of Villa Franca del Vierzo, in the operations of the army of the left at the sieges of Pampeluna and Bayonne, and our envoy extraordinary and minister plenipotentiary to the above-named States:

We have authorized, and by these presents we do authorize you, granting you full power, in the most ample form, to meet and confer with such person or persons as may be duly authorized by the Government of the United States, and with him or them to settle, conclude, and sign whatsoever you may judge necessary to the best arrangement of all points depending between the two Governments; promising, as we do hereby promise upon the faith and word of a King, to approve, ratify, and fulfil such articles or agreements as you may conclude and sign.

In testimony whereof, I have commanded the present to be issued, signed by us, sealed with our privy seal, and countersigned by the undersigned, our principal Secretary of State and of Universal Despatch. Given at Madrid, the 15th of December, 1819.

I, THE KING.

JOAQUIM JOSE MELGAREIJO DE RUIZ DEVALOS.

The Secretary of State to General Don Francisco Dionisio Vives.

SIR: DEPARTMENT OF STATE, WASHINGTON, *April* 21, 1820.

I am directed by the President of the United States to express to you the surprise and concern with which he has learned that you are not the bearer of the ratification by His Catholic Majesty of the treaty signed on the

22d February, 1819, by Don Luis de Onis, by virtue of a full power equally comprehensive with that which you have now produced—a full power, by which His Catholic Majesty promised, "on the faith and word of a King, to approve, ratify, and fulfil whatsoever might be stipulated and signed by him."

By the universal usage of nations, nothing can release a sovereign from the obligation of a promise thus made, except the proof that his minister, so impowered, has been faithless to his trust, by transcending his instructions.

Your sovereign has not proved, nor even alleged, that Mr. Onis had transcended his instructions; on the contrary, with the credential letter which you have delivered, the President has learned that he has been relieved from the mission to the United States only to receive a new proof of the continued confidence of His Catholic Majesty, in the appointment to another mission of equal dignity and importance.

On the faith of this promise of the King, the treaty was signed and ratified on the part of the United States; and it contained a stipulation that it should also be ratified by His Catholic Majesty, so that the ratifications should, within six months from the date of its signature, be exchanged.

In withholding this promised ratification beyond the stipulated period, His Catholic Majesty made known to the President that he should forthwith despatch a person possessing entirely his confidence to ask certain *explanations* which were deemed by him necessary previous to the performance of his promise to execute the ratification.

The minister of the United States at Madrid was enabled, and offered, to give all the *explanations* which could justly be required in relation to the treaty. Your Government declined even to make known to him their character; and they are now, after the lapse of more than a year, first officially disclosed by you.

I am directed by the President to inform you that explanations which ought to be satisfactory to your Government will readily be given upon all the points mentioned in your letter of the 14th instant; but that he considers none of them, in the present state of the relations between the two countries, as points for *discussion*. It is indispensable that, before entering into any new negotiation between the United States and Spain, that relating to the treaty already signed should be closed. If, upon receiving the *explanations* which your Government has asked, and which I am prepared to give, you are authorized to issue orders to the Spanish officers commanding in Florida to deliver up to those of the United States who may be authorized to receive it, immediate possession of the province, conformably to the stipulations of the treaty, the President, if such shall be the advice and consent of the Senate, will wait (with such possession given) for the ratification of His Catholic Majesty till your messenger shall have time to proceed to Madrid; but if you have no such authority, the President considers it would be at once an unprofitable waste of time, and a course incompatible with the dignity of this nation, to give explanations which are to lead to no satisfactory result, and to resume a negotiation the conclusion of which can no longer be deferred.

Be pleased to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

General Don Francisco Dionisio Vives to the Secretary of State.

SIR: WASHINGTON, *April* 24, 1820.

In acknowledging the receipt of your note of the 21st instant, I have the honor to remark, in the first place, that you appear to have misconceived a material part of my letter of the 14th, by reproducing arguments which have been already sufficiently refuted by my Government. You will, therefore, excuse me from reviving them here, in so far as they relate to the question whether a sovereign is or is not bound to ratify what may have been signed by his negotiator, it being well known that various instances may be cited of cases in which the ratification of a treaty has been justly suspended, without alleging, as the motive for so doing, that the negotiator had transcended his powers or instructions. There may, unquestionably, be other reasons sufficiently valid to exonerate him from the obligation of ratifying, supposing that to have been the case.

It is evident that the scandalous proceedings of a number of American citizens, the decisions of several of the courts of the Union, and the criminal expedition set on foot within it for the invasion of His Majesty's possessions in North America, at the very period when the ratification was still pending, were diametrically opposite to the most sacred principles of amity, and to the nature and essence of the treaty itself. These hostile proceedings were, notwithstanding, tolerated by the Federal Government, and thus the evil was daily aggravated; so that the belief generally prevailed throughout Europe that the ratification of the treaty by Spain, and the acknowledgment of the independence of her rebellious transatlantic colonies by the United States, would be simultaneous acts. The pretensions advanced by Mr. Forsyth, in relation to the eighth article, were also evidently calculated to render the treaty illusory. It is, therefore, not possible to assign reasons more powerful, or more completely justificatory of the sovereign resolution of the King, my master, to suspend his ratification of that instrument.

In my first note, I also hinted at the offensive terms employed by the American minister at Madrid, from the very outset; which you notice no further than by taking up the second point, upon which the one which I now have the honor to contest essentially turns. Although His Majesty might certainly have kept aloof from a deportment so void of moderation, and so derogatory to his dignity, it is obvious that any discussions commenced with the minister so situated were only likely to produce unprofitable results—his correspondence tending more powerfully to disunite than to reconcile the contracting parties. It was indeed a subject of great regret that the incident just referred to, the distance of Spain from the new world, which, from the obstructions to correspondence, produced unavoidable delay in receiving correct information of the events passing here, and which to His Majesty appeared incredible, and, in fine, his wish to avoid whatever had the appearance of an unfounded complaint and an unpleasant difference between the two Governments, should have retarded my arrival, and the happy conclusion of the transaction now pending.

I have further to state to you that I am not authorized by His Majesty to give the necessary orders to the Spanish authorities in the Floridas to deliver up those possessions to the United States; nor was this to be presumed, since, if it appeared contrary to the natural order of things and to established usage that the treaty should be ratified previous to receiving the explanations which necessitated its suspension, it would consequently seem the more so that it should receive its due accomplishment before it was finally ratified.

It is with equal surprise and concern that I observe, in the conclusion of your note, that you intimate the intention to decline any discussion of my proposals *previous* to the possession of the Floridas, since it appears to me that such discussion could not be long, in the event of your Government being ready to accede to them; (in which case I repeat that I am authorized solemnly to promise, in the name of His Majesty, that the ratification of the treaty shall be no longer delayed;) nor that the delay unavoidably produced by that particular cause, in the occupation of the territories in question, could be considered as derogatory to the dignity of the United States; and the more so as, until then, His Catholic Majesty would not be in the full possession of his rights.

I flatter myself that, on a consideration of the contents of this note, you will favor me with an answer more agreeable to my wishes.

In the mean time, I reiterate the assurance of my distinguished consideration and respect, praying God to preserve you many years.

FRANCISCO DIONISIO VIVES.

Extract of a letter from Mr. Thomas L. L. Brent, acting as Chargé d'Affaires at Madrid, containing the substance of a conversation between him and Mr. Jabat, 27th April, 1820, to Mr. Adams.

He [Mr. Jabat] then adverted to the bill reported by the Committee of Foreign Relations to the House of Representatives, for the occupation of Florida, and asked me if I had received instructions to give any explanations on the subject. He intimated that, if we did not extend our views farther than its occupation, every effort would be made to preserve amicable relations with the United States—every sacrifice, consistent with a due self-respect; but that the United States ought not to expect Spain would go any farther. Now that this had become a representative Government, they would be under the necessity of examining, with more scrupulous attention than ever, every act of theirs which could, in any degree, compromit the just pride and dignity of the nation. I told Mr. Jabat that I had no instructions on the subject; I only knew, I said, from the public papers, that such a bill was before Congress, and, consequently, did not feel authorized to give any explanations; that, as soon as I received, I would make them known to him. I begged him to tranquillize himself; I said I hoped, with such dispositions as were manifested by the *new* Government, and the corresponding sentiments of mine, that every thing would finally be amicably arranged, and that matters might be so managed as that the steps which the United States may have thought it necessary to take for the assertion of their rights might be made reconcileable with the pride of his Government—steps which they will have been compelled to resort to, from the conduct of the former administration of his Government, and the measures of the old system. It may be proper to notice that this minister was evidently under an apprehension that the United States might not limit themselves to the occupation of the territory of Florida alone. In the course of the conversation, Mr. Jabat said that, as there would be opposition, blood might be spilt in the occupation of Florida; and the idea of it seemed to give him great pain. Mr. Jabat's manner during the whole of this interview was mild and friendly, and mine corresponded to his.

The Secretary of State to General Don Francisco Dionisio Vives, Envoy Extraordinary and Minister Plenipotentiary from Spain.

SIR: DEPARTMENT OF STATE, WASHINGTON, *May* 3, 1820.

The explanations upon the points mentioned in your letter of the 14th ultimo, which I had the honor of giving you at large in the conference between us on Saturday last, and the frankness of the assurances which I had the pleasure of receiving from you, of your conviction that they would prove satisfactory to your Government, will relieve me from the necessity of recurring to circumstances which might tend to irritating discussions. In the confident expectation that, upon the arrival of your messenger at Madrid, His Catholic Majesty will give his immediate ratification to the treaty of the 22d February, 1819, I readily forbear all reference to the delays which have hitherto retarded that event, and all disquisition upon the perfect right which the United States have had to that ratification.

I am now instructed to repeat the assurance which has already been given you, that the representations which appear to have been made to your Government of a system of hostility, in various parts of this Union, against the Spanish dominions and the property of Spanish subjects, of decisions marked with such hostility by *any* of the courts of the United States, and of the toleration in any case of it by this Government, are unfounded. In the existing unfortunate civil war between Spain and the South American provinces, the United States have constantly avowed, and faithfully maintained, an impartial neutrality. No violation of that neutrality by any citizen of the United States has ever received sanction or countenance from this Government. Whenever the laws previously enacted for the preservation of neutrality have been found, by experience, in any manner defective, they have been strengthened by new provisions and severe penalties. Spanish property, illegally captured, has been constantly restored by the decisions of the tribunals of the United States; nor has the *life itself* been spared of individuals guilty of piracy committed upon Spanish property on the high seas.

Should the treaty be ratified by Spain, and the ratification be accepted by and with the advice and consent of the Senate, the boundary line recognised by it will be respected by the United States, and due care will be taken to prevent any transgression of it. No new law or engagement will be necessary for that purpose. The existing laws are adequate to the suppression of such disorders, and they will be, as they have been, faithfully carried into effect. The miserable disorderly movement of a number of (not exceeding seventy) lawless individual stragglers, who never assembled within the jurisdiction of the United States, into a territory to which His Catholic Majesty has no acknowledged right other than the yet unratified treaty, was so far from receiving countenance or support from the Government of the United States, that every measure necessary for its suppression was promptly taken under their authority; and, from the misrepresentations which have been made of this very insignificant transaction to the Spanish Government, there is reason to believe that the pretended expedition itself, as well as the gross exaggerations which have been used to swell its importance, proceed from the same sources, equally unfriendly to the United States and to Spain.

As a necessary consequence of the neutrality between Spain and the South American provinces, the United States can contract no engagement not to form any relations with those provinces. This has explicitly and repeatedly been avowed and made known to your Government, both at Madrid and at this place. The demand was resisted both in conference and written correspondence between Mr. Erving and Mr. Pizarro. Mr. Onis had long and constantly been informed that a persistance in it would put an end to the possible conclusion of any treaty whatever. Your sovereign will perceive that, as such an engagement cannot be contracted by the United States, consistently with their obligations of neutrality, it cannot be justly required of them; nor have any of the European nations ever bound themselves to Spain by such an engagement.

With regard to your *proposals*, it is proper to observe that His Catholic Majesty, in announcing his purpose of asking *explanations* of the United States, gave no intimation of an intention to require new articles to the treaty. You are aware that the United States cannot, consistently with what is due to themselves, stipulate new engagements as the price of obtaining the ratification of the old. The declaration which Mr. Forsyth was instructed to deliver at the exchange of the ratifications of the treaty, with regard to the eighth article, was not intended to annul, or in the slightest degree to alter or impair, the stipulations of that article; its only object was to guard your Gov-

ernment, and all persons who might have had an interest in any of the annulled grants, against the possible expectation or pretence that those grants would be *made valid* by the treaty. All grants subsequent to the 24th January, 1818, were declared to be positively null and void; and Mr. Onis always declared that he signed the treaty, fully *believing* that the grants to the Duke of Alagon, Count Punon Rostro, and Mr. Vargas, were subsequent to that date. But he had, in his letter to me of 16th November, 1818, declared that those grants were null and void, because the essential conditions of the grants had not been fulfilled by the grantees. It was distinctly understood by us both that no grant, of whatever date, should be made valid by the treaty, which would not have been valid by the laws of Spain and the Indies if the treaty had not been made. It was therefore stipulated that grants prior to the 24th January, 1818, should be confirmed only "to the same extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty." This, of course, excluded the three grants above mentioned, which Mr. Onis had declared invalid for want of the fulfilment of their essential conditions—a fact which is now explicitly admitted by you. A single exception to the principle that the treaty should give no confirmation to any imperfect title was admitted; which exception was, that owners in *possession of lands*, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, had been *prevented* from fulfilling *all* the conditions of their grants, should *complete* them within the terms limited in the same from the date of the treaty. This had obviously no reference to the above-mentioned grants, the grantees of which were not in possession of the lands, who had fulfilled *none* of their conditions, and who had not been *prevented* from fulfilling any of them by the circumstances of Spain or the revolutions of Europe. The article was drawn up by me, and, before assenting to it, Mr. Onis inquired what was understood by me as the import of the terms "shall complete them." I told him that, in connexion with the terms "all the conditions," they necessarily implied that the indulgence would be limited to grantees who had performed *some* of the conditions, and who had commenced settlements, which it would allow them to complete. These were precisely the cases for which Mr. Onis had urged the equity of making a provision, and he agreed to the article, fully understanding that it would be applicable only to them. When, after the signature of the treaty, there appeared to be some reason for supposing that Mr. Onis had been mistaken in believing that the grants to the Duke of Alagon, Count Punon Rostro, and Mr. Vargas, were subsequent to the 24th of January, 1818, candor required that Spain and the grantees should never have a shadow of ground to expect or allege that this circumstance was at all material in relation to the bearing of the treaty upon those grants. Mr. Onis had not been mistaken in declaring that they were invalid, because their conditions were not fulfilled. He had not been mistaken in agreeing to the principle that no grant invalid as to Spain should, by the treaty, be made valid against the United States. He had not been mistaken in the knowledge that those grantees had neither commenced settlements, nor been prevented from completing them by the circumstances of Spain or the revolutions in Europe. The declaration which Mr. Forsyth was instructed to deliver was merely to caution all whom it might concern not to infer, from an unimportant mistake of Mr. Onis as to the date of the grants, other important mistakes which he had not made, and which the United States would not permit to be made by any one. It was not, therefore, to annul or to alter, but to fulfil the eighth article as it stands, that the declaration was to be delivered; and it is for the same purpose that this explanation is now given. It was with much satisfaction, therefore, that I learned from you the determination of your Government to assent to the total nullity of the above-mentioned grants.

As I flatter myself that these explanations will remove every obstacle to the ratification of the treaty by His Catholic Majesty, it is much to be regretted that you have not that ratification to exchange, nor the power to give a pledge which would be equivalent to the ratification. The six months within which the exchange of the ratifications were stipulated by the treaty having elapsed, by the principles of our constitution the question whether it shall now be accepted must be laid before the Senate for their advice and consent. To give a last and signal proof of the earnest wish of this Government to bring to a conclusion these long-standing and unhappy differences with Spain, the President will so far receive that solemn promise of immediate ratification, upon the arrival of your messenger at Madrid, which, in your note of the 19th ultimo, you declare yourself authorized, in the name of your sovereign, to give, as to submit it to the Senate of the United States whether they will advise and consent to accept it for the ratification of the United States heretofore given.

But it is proper to apprize you that, if this offer be not accepted, the United States, besides being entitled to resume all the rights, claims, and pretensions which they had renounced by the treaty, can no longer consent to relinquish their claims of indemnity, and those of their citizens, from Spain, for all the injuries which they have suffered, and are suffering, by the delay of His Catholic Majesty to ratify the treaty. The amount of claims of the citizens of the United States, which existed at the time when the treaty was signed, far exceeded that which the United States consented to accept as indemnity. Their right of territory was, and yet is, to the Rio del Norte. I am instructed to declare that, if any further delay to the ratification by His Catholic Majesty of the treaty should occur, the United States could not hereafter accept either of $5,000,000 for the indemnities due to their citizens by Spain, nor of the Sabine for the boundary between the United States and the Spanish territories.

Please to accept the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

General Don Francisco Dionisio Vives to the Secretary of State.

SIR: WASHINGTON, *May* 5, 1820.

In answer to your note of the 3d instant, and in pursuance of what I expressed to you in both our late conferences, I have to state to you that I am satisfied upon the first point of the proposals contained in my note of the 14th ultimo, and am persuaded that, if the existing laws enacted for the suppression of piracy should prove inadequate, more effectual measures will be adopted by your Government for the attainment of that important object.

I also admit as satisfactory the answer given to the second point, but I cannot assent to your assertion that the laws of this country have always been competent to the prevention of the excesses complained of, it being quite notorious that the expedition alluded to has not been the only one set on foot for the invasion of His Majesty's dominions; and it is, therefore, not surprising that the King, my lord, should give credit to the information received in relation to that expedition, or that he should now require of your Government a pledge that the integrity of the Spanish possessions in North America shall be respected.

I mentioned to you, in conference, and I now repeat it, that the answer to the third point was not such as I could, agreeably to the nature of my instructions, accept as being satisfactory; and that, although His Majesty might not have required of any of the European Governments the declaration which he has required of yours, yet that ought not to be considered as unreasonable, it being well known to the King, my master, that those Governments, so far from being disposed to wish to recognise the insurgent Governments of the Spanish colonies, had declined the invitation intimated to them some time past by yours, to acknowledge the pretended republic of Buenos Ayres. I

notwithstanding renew to you the assurance that I will submit to His Majesty the verbal discussion we have had upon this point, and accompany it with such additional arguments as will, in my judgment, probably determine His Majesty to declare himself to be satisfied therewith.

In the event of the King's receiving as satisfactory the answer of your Government to the third point of my proposals, the abrogation of the grants will be attended with no difficulty; nor has that ever been the chief motive for suspending the ratification of the treaty; for the thorough comprehension of which I waive at present any reply to the remarks which you are pleased to offer on that topic. I cannot, however, refrain from stating to you that, in discussing with you the validity or the nullity of the grants above mentioned, I merely said that, "in my private opinion, they were null and void, through the *inability* of the grantees to comply with the terms of the law."

It is to me a matter of great regret that I have it not in my power to repeat the solemn promise that His Majesty will ratify the treaty; inasmuch as I cannot, agreeably to my instructions, accept as satisfactory the answer given to the third point of my proposals. I am, however, persuaded that His Majesty, upon consideration of the representation which I shall have the honor to lay before him, and of the reasons assigned by your Government for withholding its assent to the third point, will consider himself as satisfied, and ratify the treaty.

I further conceive it my duty to state to you that, at the time when I communicated to your Government the substance of my present answer, I mentioned, speaking in my individual capacity, that, although I had no official information of it, yet I consider as authentic the current intelligence of an important change said to have taken place in the Government of Spain; and that this circumstance alone would impose on me the obligation of giving no greater latitude to my promise previous to my receiving new instructions.

I therefore hope that your Government, upon consideration of what I have now submitted to you, and of the contents of my former notes, will agree to await the final decision of the King, my master, upon the only point still pending, and the adjustment of which is not within my competency; so that the past differences may be satisfactorily terminated, and the treaty receive its final accomplishment; thereby securing and perpetuating a perfect harmony and good understanding between the two Governments.

Be pleased to accept the assurances of my distinguished consideration. I pray God to preserve you many years.

FRANCISCO DIONISIO VIVES.

The Secretary of State to General Vives.

SIR: DEPARTMENT OF STATE, WASHINGTON, *May* 6, 1820.

In the letter which I have had the honor of receiving from you, dated yesterday, you observe that you renew the assurance that you will submit to His Majesty *the verbal discussion we have had* on the third point, concerning which you were instructed to ask for explanations. I have to request of you to state specifically the representation which you propose to make to His Majesty of what passed between us in conference on this subject.

I pray you to accept the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

General VIVES, *Envoy Extraordinary and Minister Plenipotentiary of Spain.*

[TRANSLATION.]

General Don Francisco Dionisio Vives to the Secretary of State.

SIR: WASHINGTON, *May* 7, 1820.

I have received the note you were pleased to address to me of yesterday's date, and, in answer thereto, I have to state that the verbal discussion between us upon the third point of my proposals is comprised in your note of the 3d, and in my reply of the 5th instant; and that, consequently, the statement of it which I shall transmit for His Majesty's information will be in strict accordance with the tenor of the said notes.

I renew to you the assurance of my high esteem, and I pray God to preserve you many years.

FRANCISCO DIONISIO VIVES.

The Secretary of State to General Don Francisco Dionisio Vives, Envoy Extraordinary and Minister Plenipotentiary of Spain.

SIR: DEPARTMENT OF STATE, WASHINGTON, *May* 8, 1820.

In the letter which I had the honor of writing to you on the 3d instant, it was observed that all reference would readily be waived to the delays which have retarded the ratification by His Catholic Majesty of the treaty of the 22d February, 1819, and all disquisition upon the perfect right of the United States to that ratification, in the confident expectation that it would be immediately given upon the arrival of your messenger at Madrid, and subject to your compliance with the proposal offered you in the same note, as the last proof which the President could give of his reliance upon the termination of the differences between the United States and Spain by the ratification of the treaty.

This proposal was, that, upon the explanations given you on all the points noticed in your instructions, and with which you had admitted yourself to be personally satisfied, you should give the solemn promise, in the name of your sovereign, which, by your note of the 19th ultimo, you had declared yourself authorized to pledge, that the ratification should be given immediately upon the arrival of your messenger at Madrid; which promise the President consented so far to receive as to submit the question for the advice and consent of the Senate of the United States, whether the ratification of Spain should, under these circumstances, be accepted in exchange for that of the United States heretofore given. But the President has, with great regret, perceived by your note of the 5th instant that you decline giving even that unconditional promise, upon two allegations: one, that, although the explanations given you on one of the points mentioned in your note of the 14th ultimo are satisfactory to yourself, and you hope and believe will prove so to your sovereign, they still were not such as you were authorized by your instructions to accept; and the other, that you are informed a great change has recently occurred in the Government of Spain, which circumstance alone would prevent you from giving a further latitude to your promise previous to your receiving new instructions.

It becomes, therefore, indispensably necessary to show the absolute obligation by which His Catholic Majesty was bound to ratify the treaty within the term stipulated by one of its articles, that the reasons alleged for his with-

holding the ratification are altogether insufficient for the justification of that measure, and that the United States have suffered by it the violation of a perfect right, for which they are justly entitled to indemnity and satisfaction—a right further corroborated by the consideration that the refusal of ratification necessarily included the non-fulfilment of another compact between the parties which had been ratified—the convention of August, 1802.

While regretting the necessity of producing this proof, I willingly repeat the expression of my satisfaction at being relieved from that of enlarging upon other topics of an unpleasant character. I shall allude to none of those upon which you have admitted the explanations given to be satisfactory, considering them as no longer subjects of discussion between us or our Governments. I shall with pleasure forbear noticing any remarks in your notes concerning them, which might otherwise require animadversion.

With the view of *confining* this letter to the only point upon which further observation is necessary, it will be proper to state the present aspect of the relations between the contracting parties.

The treaty of 22d February, 1819, was signed after a succession of negotiations of nearly twenty years' duration, in which all the causes of difference between the two nations had been thoroughly discussed, and with a final admission on the part of Spain that there were existing just claims on her Government, at least to the amount of five millions of dollars, due to citizens of the United States, and for the payment of which provision was made by the treaty. It was signed by a minister who had been several years residing in the United States in constant and unremitted exertions to maintain the interests and pretensions of Spain involved in the negotiation—signed after producing a full power, by which, in terms as solemn and as sacred as the hand of a sovereign can subscribe, His Catholic Majesty had promised to approve, ratify, and fulfil whatever should be stipulated and signed by him.

You will permit me to repeat that, by every principle of natural right, and by the universal assent of civilized nations, nothing can release the *honor* of a sovereign from the obligation of a promise thus unqualified, without the proof that his minister has signed stipulations unwarranted by his instructions. The express authority of two of the most eminent writers upon national law to this point were cited in Mr. Forsyth's letter of 2d October, 1819, to the Duke of San Fernando. The words of Vattel are: "But to refuse with honor to ratify that which has been concluded in virtue of a full power, the sovereign must have strong and solid reasons for it; *and, particularly, he must show* that his minister transcended his instructions."* The words of Martens are: "Every thing that has been stipulated by an agent, in conformity to his full powers, ought to become obligatory on the state from the moment of signing, without ever waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim that public conventions do not become obligatory until ratified. The motive of this custom clearly proves that the ratification can never be refused with justice, except when he who is charged with the negotiation, keeping within the extent of his public full powers, has gone beyond his secret instructions, and consequently rendered himself liable to punishment, or when the other party refuses to ratify."† In your letter of the 24th ultimo, you observe that these positions have already been refuted by your Government, which makes it necessary to inquire, as I with great reluctance do, how they have been refuted.

The Duke of San Fernando, in his reply to this letter of Mr. Forsyth, says, maintains, and repeats "that the very authorities cited by Mr. Forsyth literally declare that the sovereign, for strong and solid reasons, *or* if his minister has exceeded his instructions, may refuse his ratification; (*Vattel, book* 2, *chap.* 12,) and that public treaties are not obligatory until ratified."—*Martens, book* 2, *chap.* 3. *See note.* In these citations the Duke of San Fernando has substituted for the connective term *and*, in Vattel, which makes the proof of instructions transcended indispensable to justify the refusal of ratification, the disjunctive term *or*, which presents it as an alternative, and unnecessary on the contingency of other existing and solid reasons. Vattel says the sovereign must have strong and solid reasons, *and particularly* must show that the minister transcended his instructions. The Duke of San Fernando makes him say the sovereign must have strong and solid reasons, *or if* his minister has exceeded his instructions. Vattel not only makes the breach of instructions indispensable, but puts upon the sovereign the obligation of proving it. The Duke of San Fernando cites Vattel not only as admitting that other reasons, without a breach of instructions, may justify a refusal of ratification, but that the mere fact of such a breach would also justify the refusal, without requiring that the sovereign alleging should prove it.

Is this refutation?

The only observation that I shall permit myself to make upon it is, to mark how conclusive the authority of the passage in Vattel must have been to the mind of him who thus transformed it to the purpose for which he was contending. The citation from Martens receives the same treatment. The Duke of San Fernando takes by itself a part of a sentence—"that public treaties are not obligatory until ratified." He omits the preceding sentence, by which Martens asserts that a treaty signed in conformity to full powers is in rigor obligatory from the moment of signature, without waiting for the ratification. He omits the part of the sentence cited, which ascribes the necessity of a ratification to a usage founded upon the danger of exposing a state to the errors of its minister. He omits the following sentence, which explicitly asserts that this usage can never be resorted to in justification of a refusal to ratify, unless when the minister has exceeded his secret instructions; and thus, with this half of a sentence, stripped of all its qualifying context, the duke brings Martens to assert that which he most explicitly denies.

Is this refutation?

While upon this subject, permit me to refer you to another passage of Vattel, which I the more readily cite, because, independent of its weight as authority, it places this obligation of sovereigns upon its immoveable foundation of eternal justice in the law of nature. "It is shown by the law of nature that he who has made a promise to any one has conferred upon him a true right to require the thing promised; and that, consequently, not to keep a perfect promise is to violate the right of another, and is as manifest an injustice as that of depriving a person of his property. All the tranquillity, the happiness, and security of the human race rest on justice, on the obligation of paying a regard to the rights of others. The respect of others for our rights of domain and property constitutes the security of our actual possessions. The faith of promises is our security for the things that cannot be delivered or executed on the spot. There would be no more security, no longer any commerce between mankind, did they not believe themselves obliged to preserve their faith and keep their word. This obligation is then as necessary as it is natural and indubitable between nations that live together in a state of nature, and acknowledge no superior upon earth, to maintain order and peace in their society. Nations and their conductors ought, then, to

* "Mais pour refuser avec honneur de ratifier ce qui a été conclué en vertu d'un plein-pouvoir, il faut que le souverain en ait de fortes et solides raisons, et qu'il fasse voir, en particulier, que son ministre s'est écarté de ses instructions.—*Liv.* 2, *ch.* 12, § 156.

† "Ce qui a été stipulé par un subalterne en conformité de son plein-pouvoir devient à la rigueur obligatoire pour la nation du moment même de la signature sans que la ratification soit nécessaire. Cependant, pour ne pas abandonner le sort des états aux erreurs d'un seul, il a été introduit par un usage généralement reconnu que les conventions publiques ne deviennent obligatoires que lorsqu'elles ont été ratifiées. Le motif de cet usage indique assez qu'on ne peut y provoquer avec justice, que lorsque celui qui est chargé des affaires de l'état, en se tenant dans les bornes de son plein-pouvoir publique, a franchi celle, de son instruction secrette, et que, par conséquent, il s'est rendu punissable."—*Liv.* 2, *ch.* 3, § 31.

keep their promises and their treaties inviolable. This great truth, *though too often neglected in practice*, is generally acknowledged by all nations."*

The melancholy allusion to the frequent practical neglect of this unquestionable principle would afford a sufficient reply to your assertion that the ratification of treaties has often been refused, though signed by ministers with unqualified full powers, and without breach of their instructions. No case can be cited by you in which such a refusal has been justly given; and the fact of refusal, separate from the justice of the case, amounts to no more than the assertion that sovereigns have often violated their engagements and their duties: the obligation of His Catholic Majesty to ratify the treaty signed by Mr. Onis is therefore complete.

The sixteenth and last article of this treaty is in the following words: "The present treaty *shall be ratified*, in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, *or sooner if possible*." On the faith of His Catholic Majesty's promise, the treaty was, immediately after its signature, ratified on the part of the United States, and, on the 18th of May following, Mr. Forsyth, by an official note, informed the Marquis of Casa Yrujo, then Minister of Foreign Affairs at Madrid, that the treaty, duly ratified by the United States, had been intrusted to him by the President, and that he was prepared to exchange it for the ratification of Spain. He added that, from the nature of the engagement, it was desirable that the earliest exchange should be made, and that the American ship of war Hornet was waiting in the harbor of Cadiz, destined in a few days to the United States, and affording an opportunity peculiarly convenient of transmitting the ratified treaty to the United States.

No answer having been returned to this note, on the 4th of June Mr. Forsyth addressed to the same minister a second, urging, in the most respectful terms, the necessity of the departure of the Hornet, the just expectation of the United States that the ratified treaty would be transmitted by that vessel, and the disappointment which could not fail to ensue should she return without it.

After fifteen days of further delay, on the 19th of June, Mr. Forsyth was informed by a note from Mr. Salmon, successor to the Marquis of Casa Yrujo, that "His Majesty, on reflecting on the great importance and interest of the treaty in question, was under the indispensable necessity of *examining* it with the greatest caution and deliberation before he proceeded to ratify it, and that this was *all* he was enabled to communicate to Mr. Forsyth on that point."

Thus, after the lapse of more than a month from the time of Mr. Forsyth's first note, and of more than two months from the time when your Government had received the treaty, with knowledge that it had been ratified by the United States, the ratification of a treaty which His Catholic Majesty had solemnly promised, so that it might be exchanged within six months from the date of its signature, *or sooner if possible*, was withheld merely to give time to His Catholic Majesty to *examine* it; and this treaty was the result of a twenty years' negotiation, in which every article and subject contained in it had been debated and sifted to the utmost satiety between the parties, both at Washington and Madrid—a treaty in which the stipulations by the Spanish minister had been sanctioned by successive references of every point to his own Government, and were, by the formal admission of your own note, fully within the compass of his instructions.

If, under the feeling of such a procedure on the part of the Spanish Government, the minister of the United States appealed to the just rights of his country in expressions suited more to the sense of its wrongs than to the courtesies of European diplomacy, nothing had till then occurred which could have restrained your Government from asking of him any explanation which could be necessary for fixing its determination upon the ratification. No explanation was asked of him.

Nearly two months afterwards, on the 10th of August, Mr. Forsyth was informed that the King would not come to a final decision upon the ratification without previously entering into several *explanations* with the Government of the United States, to some of which that Government had given rise, and that His Majesty had charged a person possessed of his full confidence, who would *forthwith* make known to the United States His Majesty's intentions. Mr. Forsyth offered himself to give every explanation which could be justly required; but your Government declined receiving them from him, assigning to him the shortness of the time—a reason altogether different from that which you now allege, of the disrespectful character of his communications.

From the 10th of August till the 14th of last month, a period of more than eight months, passed over, during which no information was given by your Government of the nature of the explanations which would be required. The Government of the United States, by a forbearance perhaps unexampled in human history, has patiently waited for your arrival, always ready to give, in candor and sincerity, every explanation that could with any propriety be demanded. What, then, must have been the sentiments of the President upon finding, by your note of the 14th ultimo, that, instead of *explanations*, His Catholic Majesty has instructed you to demand the negotiation of another treaty, and to call upon the United States for stipulations derogatory to their honor, and incompatible with their duties as an independent nation? What must be the feelings of this nation to learn that, when called upon to state whether you were the bearer of His Catholic Majesty's ratification of the treaty to be exchanged upon the explanations demanded being given, you explicitly answered that you were *not*? and, when required to say whether you are authorized, as a substitute for the ratification, to give the pledge of immediate possession of the territory from which the acknowledged just claims of the citizens of the United States were stipulated to be indemnified, you still answer that you are *not;* but refer us back to a solemn promise of the King, already pledged before in the full power to your predecessor, and to a ratification *as soon as possible*, already stipulated in vain by the treaty which he, in full conformity to his instructions, had signed?

The ratification of that treaty can now no longer be accepted by this Government without the concurrence of a constitutional majority of the Senate of the United States, to whom it must be again referred. Yet even this promise you were, by my letter of the 3d instant, informed that, rather than abandon the last hope of obtaining the fulfilment of His Catholic Majesty's promise already given, the President would, so far as was constitutionally within his power, yet accept.

The assurances which you had given me, in the first personal conference between us, of your own entire satisfaction with the explanations given you upon *all* the points on which you had been instructed to ask them, would

* "On demontre en droit naturel, que celui qui promet à quelqu'un a lui conféré un véritable droit d'exiger la chose promisée; et que, par conséquent, ne point garder une promesse parfaite, c'est violer le droit d'autrui, c'est une injustice aussi manifeste que celle de dépouiller quelqu'un de son bien. Toute la tranquillité, le bonheur, et la sûreté du genre humain reposent sur la justice, sur l'obligation de respecter les droits d'autrui. Le respect des autres pour nos droits de domaine et de propriété fait la sûreté de nos possessions actuelles; la foi des promesses est notre garant pour les choses qui ne peuvent être livrées ou exécutées sur-le-champ. Plus de sûreté, plus de commerce, entre les hommes, s'ils ne se croient point obligés de garder la foi, de tenir leur parole. Cette obligation est, donc, aussi nécessaire qu'elle est naturelle et indubitable entre les nations qui vivent ensemble dans l'état de nature, et qui ne connaissent point de supérieur sur la terre, pour maintenir l'ordre et la paix dans leur société. Les nations et leurs conducteurs doivent, donc, garder inviolablement leurs promesses et leurs traités. Cette grande vérité, quoique trop souvent negligée dans la pratique, est généralement reconnue de toutes les nations."—*Liv.* 2, *ch.* 12, § 163.

naturally have led to the expectation that the promise which you was authorized to give would, at least, not be withheld. From your letter of the 5th instant, however, it appears that no discretion has been left you to pledge even His Majesty's promise of ratification in the event of your being yourself satisfied with the explanations upon *all* the points desired; that the only promise you can give is *conditional*, and the condition a point upon which your Government, when they prescribed it, could not but know it was *impossible* that the United States should comply—a condition incompatible with their independence, their neutrality, their justice, and their honor.

It was also a condition which His Catholic Majesty had not the shadow of a *right* to prescribe. The treaty had been signed by Mr. Onis with a full knowledge that no such engagement as that contemplated by it would ever be acceded to by the American Government, and after long and unwearied efforts to obtain it. The differences between the United States and Spain had no connexion with the war between Spain and South America. The object of the treaty was to settle the boundaries, and adjust and provide for the claims between your nation and ours; and Spain, at no time, could have a right to require that any stipulation concerning the contest between her and her colonies should be connected with it. As His Catholic Majesty could not justly require it during the negotiation of that treaty, still less could it afford a justification for withholding his promised ratification after it was concluded.

The proposal which, at a prior period, had been made by the Government of the United States to some of the principal Powers of Europe for a recognition, in concert, of the independence of Buenos Ayres, was founded, as I have observed to you, upon an opinion then and still entertained that this recognition must, and would at no very remote period, be made by Spain herself; that the joint acknowledgment by several of the principal Powers of the world at the same time might probably induce Spain the sooner to accede to that necessity, in which she must ultimately acquiesce, and would thereby hasten an event propitious to her own interests, by terminating a struggle in which she is wasting her strength and resources without a possibility of success—an event ardently to be desired by every friend of humanity afflicted by the continual horrors of a war, cruel and sanguinary almost beyond example; an event, not only desirable to the unhappy people who are suffering the complicated distresses and calamities of this war, but to all the nations having relations of amity and of commerce with them. This proposal, founded upon such motives, far from giving to Spain the right to claim of the United States an engagement not to recognise the South American Governments, ought to have been considered by Spain as a proof at once of the moderation and discretion of the United States; as evidence of their disposition to discard all selfish or exclusive views in the adoption of a measure which they deemed wise and just in itself, but most likely to prove efficacious by a common adoption of it, in a spirit entirely pacific, in concert with other nations, rather than by a precipitate resort to it on the part of the United States alone.

The conditional promise, therefore, now offered by you, instead of the positive one which you have declared yourself authorized to give, cannot be accepted by the President; and I am constrained to observe that he can consider the procedure of your Government, in thus providing you with powers and instructions utterly inefficient for the *conclusion* of the negotiation with which you are charged, in no other light than as proceeding from a determination on its part still to protract and baffle its final successful issue. Under these circumstances, he deems it his duty to submit the correspondence which has passed between us, since your arrival, to the consideration of the Congress of the United States, to whom it will belong to decide how far the United States can yet, consistently with their duties to themselves, and the rights of their citizens, authorize the further delay requested in your note of the 5th instant.

In the conclusion of that note, you have remarked, alluding to a great change which appears to have taken place since your departure from Madrid in the Government of Spain, that this circumstance *alone* would impose on you the obligation of giving *no greater latitude to your promise* previous to your receiving new instructions. If I have understood you right, your intention is to remark that this circumstance alone would restrain you, in any event, from giving, without new instructions, the unconditional promise of ratification, which, in a former note, you had declared yourself authorized, in the name of your sovereign, to give. This seems to be equivalent to a declaration that you consider your powers themselves, in the extent to which they were intrusted to you, as suspended by the events to which you thus refer. If I am mistaken in taking this as your meaning, will you have the goodness to inform me how far you do consider your powers affected by the present state of your information from Spain?

Please to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

General Vives to the Secretary of State.

SIR: WASHINGTON, *May* 9, 1820.

In answer to your note of yesterday's date, I have, in the first place, to give you the explanation requested of me, of the import of my last proposal; and, in so doing, to repeat, in other words, that I am authorized solemnly to promise to this Government the ratification of the treaty by His Majesty only in case the third point of my proposals be satisfied; but as the answer given to this point has not been such as I could, agreeably to my instructions, receive as satisfactory, I can by no means commit myself by giving a greater extension to my promise than that expressed in my note.

My object in intimating to you that, although I knew nothing officially, yet I considered as authentic the information circulating of an important change in the Government of Spain—a circumstance which would, of itself, effectually prevent me from giving greater latitude to my promise—was, to apprize your Government that as, by the adoption of the constitution of 1812 in Spain, the powers of the King would be limited, it would no longer depend on His Majesty alone to fulfil my solemn promise, admitting that my instructions had impowered me to give such a promise; so that my sole motive for offering a remark upon that topic was to strengthen the grounds on which my proposal was founded, and, further, to enable your Government so to appreciate as no longer to decline assenting to it.

I shall, on this occasion, waive all reply to the arguments again advanced by you, *in extenso*, upon the question of His Majesty's obligation to ratify the treaty, and confine myself to a single remark, namely, that all the authorities cited by you lay down the peace and happiness of mankind in general, and of states and their respective people in particular, as a fundamental principle. And having, in my first note, shown the notoriously hostile disposition prevailing throughout the Union towards the interests of the Spanish monarchy, it necessarily follows that, when the objects of treaties are not obtained, the ratification of that of 22d February, 1819, would, in like manner, become illusory; and, therefore, that His Majesty's motives for suspending it were founded upon a competent view of evident facts.

I shall also leave it to the general sense of the reflecting part of mankind to decide whether the reasoning you rely on, in stating the motives of the American Government for proposing to other Powers to acknowledge the revolted provinces of Spanish America, and in exhibiting them as favorable, not only to suffering humanity, but to the interests of Spain herself, be not, in the highest degree, specious; for if such maxims were to be adopted, nations could no longer count upon the integrity of their possessions, or upon the maintenance of that mutual amity and good understanding which it is equally their duty and their interest to cultivate in their relations with each other.

I have the honor to offer you anew the assurances of my distinguished consideration, and I pray God long to preserve you.

FRANCISCO DIONISIO VIVES.

[TRANSLATION.]

General Don Francisco Dionisio Vives to the Secretary of State.

SIR: WASHINGTON, *May* 10, 1820.

In conformity with the orders I have this moment received from my Government, I have the honor to inform you that His Catholic Majesty hath sworn to the political constitution of the Spanish monarchy as sanctioned by the extraordinary Cortes in 1812, and to enclose a printed copy of His Majesty's manifest to the nation, for the purpose of giving the President a just view of the noble and generous sentiments which actuate the august mind of the King.

Please to accept the renewed assurances of my perfect consideration, and my wish that God may preserve you many years.

FRANCISCO DIONISIO VIVES.

[From the National Press.]

GAZETTE EXTRAORDINARY OF MADRID, SUNDAY, *March* 12, 1820.

Proclamation of the King to the nation.

SPANIARDS:

When, by your heroic efforts, you succeeded in terminating a captivity in which I was detained by the most unheard-of perfidy, every thing I saw and was informed of, on my entering into my native land, conspired to persuade me that the nation wished to see revived its ancient form of government; and this persuasion must have decided me to conform myself with the general wish of a magnanimous people, who, vanquisher of a foreign enemy, feared the still more dreadful evils of intestine divisions.

I was, however, well aware that the rapid progress of civilization in Europe; the universal diffusion of knowledge, even among the lower classes; the most frequent intercourse with the different parts of the globe; and the wonderful events of the present era, have given rise to ideas and desires unknown to our forefathers, which imperiously demand the most energetic measures in the Government. I also knew well that it was indispensable that the political institutions should agree with such principles, thereby to obtain that harmony between the people and the laws on which the stability and peace of society so much depend.

But, while I was maturely planning, with the solicitude of my paternal heart, the changes to be effected in our fundamental administration, more suitable to the national character and to the present state of the different provinces of the Spanish monarchy, and also more analogous to an enlightened nation, you have let me know your wishes for the re-establishment of the constitution proclaimed at Cadiz, in the year 1812, amidst the bustle of arms, and while, to the astonishment of the world, you were fighting for the liberty of your country. I have listened to your desires, and, as a loving father, I have condescended to grant what my children thought most conducive to their happiness. I have sworn to that constitution for which you longed, and I will always be its firmest supporter. I have already taken the most effectual measures for the immediate convocation of the Cortes. In them, and united to your representatives, I will make it my glory to concur in the great work of national prosperity.

Spaniards! Your glory is my only ambition. The desire of my heart is to see you all united and happy around my throne. Trust, then, to your King, who addresses you with that sincere effusion of his soul which the circumstances in which you are, and a sense of the high duty imposed upon him by Providence, inspire him with. Your happiness will henceforth depend, in a great measure, upon yourselves. Do not suffer yourselves to be seduced by the deceitful appearances of a chimerical happiness, which often prevents the attaining of real bliss. Allow not your passions to be exalted, as they are wont to make enemies of those who ought always to live as brothers, and be as unanimous in their wishes as they are in the possession of one religion, the speaking of one language, and the conforming to the same manners and customs. Repel the perfidious insinuations so artfully disguised by your enemies. Let us conform ourselves strictly to the constitution, as I myself will be the first to do; and let us show to Europe a pattern of wisdom, order, and perfect moderation, in a crisis which, in other nations, has been accompanied by scenes of bloodshed and havoc. Let us make the Spanish name admired and respected, at the same time that we establish forever our happiness and our glory.

FERDINAND.

AT THE PALACE, MADRID, *March* 10, 1820.

[TRANSLATION.]

General Don Francisco Dionisio Vives to the Secretary of State.

SIR: WASHINGTON, *May* 11, 1820.

Among the documents transmitted with the President's message to both Houses of Congress, and published in this day's National Intelligencer, I have seen with surprise the letter of Mr. Gallatin, stating that I positively told him that "I could, in case of an arrangement, give satisfactory security to the United States, and that it would consist in consenting that they should take immediate possession of Florida without waiting for the ratification of the treaty." Although I have with all frankness proved, in my correspondence with you, that I had no such authority, and that it will not, under any view which may be taken, appear presumable that I made so doubtful, so useless, and inconsiderate a disclosure, I request, however, that you will be pleased to communicate this to the President, in order that, by giving publicity to this document, it may be understood that I made no such proposal, either to Mr. Gallatin or to Baron Pasquier. I renew, &c.

FRANCISCO DIONISIO VIVES.

[The following report on the same subject was made to the House of Representatives, March 9, 1820.]

The committee, to whom has been referred so much of the President's message at the commencement of the session as relates to foreign affairs, respectfully report:

That their attention was directed, immediately upon their appointment, to the state of the relations of the United States with Spain, and that their delay in making a report on them must be attributed to their wish "to afford an opportunity for such friendly communications during the present session of Congress" as the Government of Spain had authorized us to expect. They thought it better that Congress should postpone its determination until events might enable it to make that determination definitive, than that it should pass a contingent act for authorizing measures which it was not proposed immediately to execute; that it should found its determination upon relations ascertained to exist, than upon a calculation of events which might be expected to occur during its sitting.

But more than a year has passed since the signature of the treaty by which it was proposed to terminate the long differences between the United States and Spain; more than six months since the appointment of a new minister from Spain, who was "*forthwith*" to make known to the United States the intentions of his Government; and we have advanced so far in the session as to make it necessary to propose, without further delay, any measure on which it is expected that Congress shall act before its adjournment.

The committee will not attempt to add any thing to the exposition of the rights of the United States and the obligations of Spain which is contained in the correspondence between the two Governments. We can hardly expect from continued negotiation the redress which has been claimed for twenty years, and promised for eighteen; which has been a second time promised, and a second time withheld. In such a negotiation, the signature of a treaty seems to be a mere incident, and not its term.

For the spoliations which have been committed upon the property of our citizens, for the invasion of our soil, for the weakness or partiality which has made a Spanish territory the place of rendezvous and encampment of an enemy, and which has, still more lately, permitted the Indian inhabitants of that territory (whom Spain was bound by treaty to restrain) to engage in savage hostilities against us—for all these acts of war, a people less attached to peace would seek redress only by war. To capture and confiscate the ships and property of the wrong-doer would be admitted to be a policy of mildness and forbearance. But, by such reprisals, the Government that does the wrong suffers less than the unoffending subject. It seems a more just reprisal to occupy the province which has been made an instrument of injury, which has been designated by Spain herself as the fund for our indemnity, and whose occupation by the United States will stop the accumulation of those claims for compensation and redress which the misgovernment of that neglected colony continually produces. The committee submit to the House a bill to authorize the President of the United States to take possession of East and West Florida, and establish a temporary Government therein.

There appears too much reason to believe, from the mistake of the Spanish negotiator as to the dates of the Spanish grants which it was intended to annul if the projected treaty had been ratified, that the crown lands in Florida may be insufficient to provide the expected indemnity for our losses. But these may be applied, as far as they will go, to the compensation of our citizens; and for the excess of our claim, Spain, by whose act the domain of Florida has been rendered inadequate, must expect us to look westward. Perhaps, when our attention is thus forced to a direction more interesting to Spain, her Government may at last admit that it is as much her interest as ours that the just claims of the United States should be provided for by friendly convention, and we may hope that the next treaty between the two nations may be executed as well as signed.

Extract of a letter from Mr. Forsyth to Mr. Adams, (No. 18,) dated

MAY 20, 1820.

By the Gibraltar mail of the — instant, I received the duplicate of your No. 11. You will herewith receive copies of Mr. Jabat's letter, giving notice of the birth and title of the son of the Infante Don Francisco de Paula, and my answer.

On the 12th I paid the minister a visit at the Office of State, and, as I expected, he inquired if I had any recent advices from America. I stated to him very frankly that I had received nothing but the permission from our Government to return to the United States, which, from a belief that it would be most agreeable to the President, I should not use until after the celebration of the Cortes. He professed to be much gratified by this determination, which he thought was calculated to promote that good understanding between our respective Governments, to secure which was the object of our mutual wishes. From this, the conversation naturally turned to the unofficial notices from the United States, and particularly to the report of the committee on the affairs of Florida. He did not appear to apprehend that we should do more than occupy the territory; but he expressed a great deal of dread lest there should be blood shed in effecting that object, and carrying into effect the act proposed by the committee.

As I had been told (as stated in my No. 17) that some uneasiness was felt on the first point, I thought it prudent to show him that, with the dispositions now entertained in Spain, there was no reason to fear that we should be disposed to go beyond the limits of the treaty of February, 1819. He would recollect that the only motives we could have were to procure satisfaction for the injury sustained by the delay of Spain to ratify the treaty, and compensation for any deficiency in the fund for the payment of our citizens occasioned by the mistake of Mr. Onis about the date of the large grants. On the first, I was sure a reasonable explanation would be deemed sufficient; on the second, there could be no difficulty, as the abandonment of all pretension in favor of the grantees was more necessary to the character of Spain than it was important to the interests of the United States.

I did not suppose there was much ground for the fears he seemed to entertain of a formidable resistance to the occupation of Florida; nevertheless, as he was seriously apprehensive, I suggested that the President would no doubt employ a force so powerful that resistance would be hopeless, and I presumed the good sense of the Spanish authorities would prevent them from making a useless sacrifice of the lives of the soldiers committed to their care. It was obvious, from the conversation of Mr. Jabat, that the seizure of the territory was anticipated, and that the only fear really entertained was, that the mode of occupation would impose an obligation on the present rulers to make a noise about it. The interview terminated by a renewal of the assurances formerly given, of the desire of the Government to establish a permanent friendship with us, and with the hope, reciprocally expressed, that nothing might occur to render it difficult. On the 15th, I received a note from Mr. Jabat, (copy enclosed,) inviting me to see him the next day at eleven. I saw him at the hour appointed, and his first question was, "Have you any thing from Washington?" To my reply in the negative, he said, "Then I shall have the pleasure of giving you very recent advices from that place." He showed me a despatch from Mr. Serna, of the 28th of March, enclosing copies of the President's message to the House of Representatives of the 27th, and of the documents accompanying it. Mr. Jabat was highly gratified; said nothing could have occurred more favorable to the future amity of the two nations;

that he had shown these papers to the King, who was pleased both with the measure proposed, and the reasons offered for it by the President. Mr. Jabat did not omit to suggest, *what I knew perfectly well, that the accomplishment of the expectations of the President would have to be imputed to the recent revolution in Spain.* He explained to me what I did not understand in our previous conversation—the foundation of his fears of a formidable resistance in Florida. It seems the ports of the territory had been reinforced from Cuba, and the governor general of that island had given official notice of it to the Secretary of State. Joining with the Spanish secretary in his expressions of satisfaction, I suggested the hope that General Vives would not arrive until after the adjournment of Congress, as it was impossible to foresee what might be the effect produced by his arrival without competent power to meet the just expectations of the American Government. I did not fear any ill consequences if news of the revolution in Spain should reach Washington before a determination was taken. I was confident that, irritating as this want of authority might be, the President would be disposed to give to the King of the Spains proofs of the moderation and good-will which had distinguished the conduct of the United States to the King of Spain. Taking the time at which Congress has usually adjourned as the criterion, I supposed that General Vives would scarcely see Washington before the adjournment of the legislative body. I have since learned from our newspapers that Congress would have continued its session until the beginning of this month, and that General Vives reached New York on the 5th of April. I now hope that Mr. Hackley, who carried my despatches of the 9th March, and who left the Straits of Gibraltar about the 27th March, will be in the United States within a short time after the arrival of the Spanish minister. In the present state of things, nothing could be more auspicious than the proposed delay of acting against Florida, although the President will have perceived, from your first communications with General Vives, that, but for recent events, we should have given another proof of useless forbearance, if the utility of forbearance was to be estimated by the good effect it would have produced on the Government of Spain. Mr. Jabat proposed to me to see the King at the circle that day—a ceremony I have not thought it necessary to observe since the postponement of the ratification of the treaty. Always, however, replying politely to the notes sent on particular occasions, and once calling at the palace when the King was ill, I had resolved to renew these visits of ceremony immediately after the liberation of the Americans, prisoners in Spain, and therefore the more readily acceded to this proposal. I attended the circle with the diplomatic body, and was received, as I had been taught to expect, perfectly well, and as if there had been no interruption in my visits to it.

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Extract of a letter from the same to the same, (No. 19,) dated

JULY 13, 1820.

A few days after the arrival of the Minister of State, (Perez de Castro,) I called at his office to see him on our affairs. I stated that the time for the meeting of the Cortes was near at hand, and I was desirous to know what was proposed by this Government to be done. He declared himself to be unable to converse on the subject of the negotiation with the United States. He was not master of the correspondence, and that his numerous and pressing engagements had rendered it impossible for him as yet to become so. He was examining, and hoped to speak advisedly on it in a short time. I gave him a translation of the remonstrance of the 18th of October, to apprize him of the state of the dispute in relation to the eighth article of the treaty, not officially, but as a document for his own examination, telling him that I did not conceive it necessary, from the disposition manifested since the revolution, to make an official representation on this subject. He received it very willingly. He had seen, as he stated, in the foreign newspapers, that it was asserted by the American Government that the treaty was obligatory upon Spain, although not ratified: this position he could not consider as founded either in the opinion of the best authorities, or in the usages of nations. I explained to him that we considered the treaty as obligatory *in justice and in honor* as if ratified by Spain. As no satisfactory reason had been, or, as we believed, could be given for the refusal to ratify, there could be no question as to our right to resort to any measure we deemed proper to obtain satisfaction. The least we could do was to execute the treaty; and when we gave to Spain all the advantages she could derive from it, we should take from her all just cause even to complain of the course pursued. He spoke a good deal at large of the charge of bad faith which was urged against Spain, and said she had no motive of avarice or ambition to gratify in her negotiation with us; and if her policy required her to procrastinate, this was no reason to charge her with ill faith. To all this I answered that the systematic procrastination, although at all times vexatious, had never been urged as a proof of bad faith; it was the non-compliance with engagements actually made by persons duly authorized and impowered by this Government; that, if the avarice or ambition of the Government was not known in the negotiation, that of individuals who had possessed influence in Spain was but too visible. I saw him again after ten days. He had run over the whole correspondence; talked of the treaty of 1802; the proposals of Mr. Pinckney; the guaranty of the Spanish American dominions, as an inducement to cede Florida; in short, of all that had passed prior to the convention of 1819; of the losses Spain had sustained, and of our gains. I listened patiently to all he had to advance; when he had finished, I replied that we had gained nothing from Spain; if her arrangement with another Power was matter of regret, it was not our fault; what we had obtained was purchased and paid for; that I had no instructions from the President since August, 1819, and, therefore, could not speak certainly of what might be the wish of my Government; but that it appeared to me it would be better for Spain, at the present juncture, not to look beyond the treaty of 1819, but to consider what obligations were imposed upon her by it, and by her as yet unexplained refusal to ratify it. He did not seem unwilling to adopt this idea, and entered into a short examination of the conduct of the United States in the dispute between the colonies and Spain; the expeditions fitted out by Miranda, Mina, &c. &c.; of the patriot privateers, &c. I replied that we had done all Spain had a right to expect from us; that, determining to be neutral between the contending parties, we had taken every means necessary to preserve that neutrality. If the laws of the United States had been sometimes violated with impunity, it was what had occurred, and would occur, in all nations, by the escape of persons who had committed offences; that all reclamations founded upon them by causes of complaint were removed by the convention, &c. Previous to this conversation, I had seen in the English newspapers the President's message to Congress of the 9th April, headed by a sort of abstract of your correspondence with General Vives, in which it was stated that this Government had not asked explanations of me relative to the treaty because of my intemperate conduct. I remarked to the minister that this was not the fact. Explanations were not asked of me, because, anticipating what would be required, I had given the ministry to understand that, upon the subject of the dispute with the colonies, I had no explanations to give, and that it was informally made known to me, before the 22d of August, that I could have the convention if I was authorized to promise that the Government of the United States would not recognise the independence of any of the Patriot Governments. He said he had read the note I had given him, and those previously written, and that there were expressions stronger than he had ever met with in diplomatic correspondence, but he supposed they were written when I was a little warm. I questioned whether he had ever met with a similar case in the history of diplomacy, and that I was not a little warm, but indignant at seeing the character of a great nation, and its peace, and that of my own country, put in jeopardy for the sake

and by the intrigues of selfish individuals. As the minister had not seen the message, I promised to procure and send it to him. He was not prepared to say what course would be recommended to the Cortes, upon whom every thing depended. I pressed upon him the necessity of doing what was done promptly. He was satisfied of the importance of doing so, and promised to let me know the determination of the ministry as soon as it was made. At parting, he referred to the assistance received from Spain during our revolutionary war, which he said we ought not to forget. The reply was, we never forget when you permit us to remember it. I met the Secretary of State at dinner on the same day at the English ambassador's. He told me he had received that morning, from General Vives, despatches, the President's message, and the correspondence sent with it to Congress. He had not yet had time to read them attentively, but appeared to be pleased with what he had seen in glancing over the papers. On the 4th of July Mr. De Castro dined at my house, and brought with him a copy of the message and correspondence, which he left with me, to be returned, as he had but the one copy. On the 6th, the Cortes was installed; Espiga chosen president, a priest, but one of the most liberal; and Quiroga vice president. I was in the tribune prepared for the diplomatic corps during the votation, and went from it to the office of Mr. De Castro, to restore to him the documents he had loaned me. He was just going to the King, and had but a few moments to converse with me. In these few, he said he thought that the President did not look beyond the ratification of the convention, the grants being set aside, and there could be no difficulty about them. It was his opinion that this should be done. I do not say, he continued, it will be done; that depends on another body; but it is my opinion that it will be. What say you, he asked—will this be satisfactory? I reminded him that I had no instructions—hoped to receive them. I could give him only an opinion in turn. Judging from the correspondence and message, I saw no sufficient reason to change the opinion already given to Mr. Jabat, that the ratification of the treaty, accompanied by satisfaction for the injury caused by the delay, would be accepted by the United States. I was present at the session of the Cortes on the 9th. The oath required by the constitution was taken by the King in due form, and an address made to him by the president. The King said a few words in reply, and then read his speech. Copies furnished by the Department of State are enclosed, as also copies of the answer of the Cortes, prepared by a select committee appointed for that purpose. The answer to that part of the King's speech which refers to the dispute with the United States is marked by the introduction of a very emphatic word. The King says: "Although a complication of various circumstances has not permitted as yet the adjustment of those differences, (with the United States and Portugal,) I hope that the justice and moderation of the principles which direct our diplomatic operations will produce a result decorous to the nation, and agreeable to the pacific system, &c. &c. of Europe." The answer is: "The Cortes only regret that there exist differences with the United States and His Most Faithful Majesty; but the principles of moderation that will direct *now* our diplomatic negotiations give hope to the Cortes that they will conclude in terms which, being a termination decorous to the nation, may not interrupt the pacific system, &c. &c. of Europe."

On the 11th, the Minister of State read his report to the Cortes, and gave them an account of the state of the dispute with the United States. I was not present. A very imperfect account of it is published in the newspapers. I hope to procure it to send with this despatch, as also a very interesting report of the Minister for the Government of the Peninsula, Augustin Arguelles.

Extract of a letter from the same to the same, (marked private,) dated

JULY 30, 1820.

On the 22d I wrote to Mr. De Castro, to say to him that the President would accept the treaty of 1819, subject to the advice and consent of the Senate, if immediately ratified by Spain. Had the Secretary of State been in Madrid, after what has occurred in our conversations, I should only have stated to him, verbally, what I had been instructed to say; but, as the time of his stay at Sacedon was uncertain, I thought it better to write than to ask an interview at that place, as the latter might be imputed to an anxiety on the subject which I was instructed not to discover. His answer is of the 25th, and is perfectly satisfactory. He has the commands of the King "to bring the business of the negotiation immediately before the Cortes, and is using all exertions to do so." Mr. Jabat called on me on the 27th, to say that, in consequence of this correspondence, the King would shorten his stay at Sacedon, would come to Madrid on the 10th of August, and that the negotiation would be, by the 12th, before the Cortes. There is, therefore, every reason to hope that all will be finished by the 20th. As so little time is to elapse before I shall have it in my power to say what has been done, I write hastily, intending, immediately after the determination of the Cortes, to forward copies of the correspondence, and a more formal statement of what has occurred and may occur.

Extracts of a letter from the same to the same, (marked private,) dated

AUGUST 27, 1820.

My hopes of seeing the business of the Florida treaty definitively arranged by the 20th of this month have been disappointed. The King did not come from Sacedon until the 12th. I was taught to expect an immediate movement in our affairs, but it was not made. Early last week I had an accidental interview with one of the ministers, (Mr. Jabat,) who told me the necessary papers were prepared, and would be before the Cortes during the week. Yesterday morning, as nothing had been done, I called at the office of Mr. De Castro, to know what was the motive for delaying to present the subject to the Cortes. Mr. De Castro imputed it entirely to the press of important matters at home. He had just sent to ask the Cortes to designate the day and hour when he could lay before them, in the name of the King, the business of the treaty for the cession of Florida. Before I left the office, the Secretary of State was informed that the Cortes would receive him immediately. At one o'clock yesterday, the Cortes had a secret session, and no doubt the proper communication was made. I still refrain, therefore, from sending you copies of the previous correspondence with this Government, believing that within a few days I shall be able to give you the result of the deliberations of the National Cortes.

With the expectation of giving you, in a very short time, the final resolution of this Government on the affairs of the treaty, I am, dear sir, respectfully, your most obedient servant.

Extract of a letter from Mr. Forsyth to Mr. Adams, (marked private,) dated

SEPTEMBER 21, 1820.

Apprehensive that the decision of the Cortes on the business of Florida will not be made in time to enable me to give you notice of it before the meeting of Congress, I have thought it prudent to forward to you my despatch

of this day's date. You will see the grounds I had for believing that a speedy decision would be made, and that the decision would be what was desired by the President. Although the delay is apparently without motive, I have no reason to doubt that the decision, when made, will be what we have a right to expect. I saw Martinez de la Rosa, appointed to the political commission in place of Count Toreno, who was elected president of the Cortes three days since; he told me the Secretary of State had pressed them to make an early determination, and that the report of the commission would be soon prepared; he acknowledged, at the same time, that he did not know the state of the business. Mr. De Castro on Tuesday expressed the greatest anxiety to have the affair arranged before the meeting of Congress, and had directed General Vives to give you every assurance of the wish of the Government to satisfy us. It is true that the change in the head of the political commission accounts for a portion of this delay, and that the Cortes have been occupied by the consideration of questions apparently more pressing, as they related to the affairs of the peninsula, and were connected with the public tranquillity; still, however, there has been ample time for the adjustment of this business.

Mr. Onis has published a memoir on the negotiation between the United States and Spain, with a statistical notice of our country—a work that does little credit to his penetration or candor. He accuses us of ambition and avarice, and yet endeavors to show that the treaty of cession of Florida ought to be considered as a treaty of exchange of Florida for Texas, a country more extensive, fertile, and valuable. I send you an extract from that part of the work which relates to the correspondence on the subject of the grants after the treaty was signed. In another part of the work he imputes the refusal to ratify prior to August, 1819, to a belief that England would make use of the cession of Florida to us as a pretext to seize the island of Cuba, and to a belief that we would occupy the territory by force, and by this means secure the donations to Alagon, Punon Rostro, and Vargas.

Extract of a letter from the same to the same, (No. 20,) dated

SEPTEMBER 21, 1820.

In a postscript, dated July 20, to my despatch of No. 19, I had the honor to acknowledge your No. 12, of the 25th of May. On the 21st I wrote to Mr. De Castro, who was at Sacedon with the King, a note, (copy marked No. 1.) His answer, (copy marked No. 2,) dated the 25th, was received on the 26th July. On the 27th I had a visit from Mr. Jabat, who called by the desire of Mr. De Castro. Mr. Jabat informed me that the King would shorten his stay at Sacedon; would be in Madrid on the 10th of August; that all the documents relating to the treaty of cession, and the late correspondence, would be presented by the 12th to the Cortes, and he hoped all would be despatched before the 20th. For the reasons explained in my private letter of the 27th August, the necessary communication was not made to the Cortes until the 26th. The subject was referred to the political commission, who have not yet given to the Cortes the result of their examination of it. Mr. De Castro has uniformly assured me of his anxiety to have an immediate decision. He solicited a speedy decision when he presented the papers to the Cortes. Although I look daily for further information of the movements of that body, I am without the means to know certainly when they will be made.

No. 1.

Mr. Forsyth to Don Evaristo Perez de Castro, Secretary of the Despatch of State, &c.

SIR: MADRID, *July* 21, 1820.

In the several conversations I have had with your excellency on the relations of our respective Governments, arising from the convention of 1819, I have expressed my conviction that, notwithstanding what has occurred, a prompt ratification of that instrument by Spain, accompanied by satisfaction for the injuries sustained by the United States in consequence of its being heretofore withheld, would be accepted by my Government. I have now the instructions of the President, and am authorized to assure you that the immediate ratification by Spain of the convention of February, 1819, will be accepted by the President, subject to the advice and consent of the Senate of the United States.

Relying implicitly upon the assurances received of the desire of this Government to terminate at once, and in the most amicable manner, the dispute with the United States, I with pleasure avoid the unpleasant task of remarking upon the disagreeable occurrences connected with this subject, since my residence near the person of His Catholic Majesty, or upon the surprise and disappointment felt in the United States on the discovery of the object of the mission of General Vives, and the limited power granted to him. Your excellency is already apprized that the Government of my country has been induced to delay acting decisively against Spain by the extraordinary change in the constitution of this monarchy—a revolution without example in the history of the world—the admiration of the present, as it will be of every future age. The expectation that all differences between Spain and the United States would be speedily and satisfactorily adjusted as soon as this Government was completely organized on the principles of the change which had taken place, was the cause of this delay. The moment has arrived which will see this expectation realized or disappointed. His Catholic Majesty now sees in his capital the representatives of the people. The Cortes are in the full and tranquil exercise of the high and important duties confided to them by the constitution of the Spanish monarchy. I refrain from indulging the free expression of my congratulation to the King and to the nation at the interesting events of which I have been the witness. Were I to use the only language I am accustomed to use, that which truly expresses my sentiments, my motives might be misunderstood, or I should be accused of substituting the effusions of enthusiasm for the offerings of diplomatic respect. I content myself, therefore, with the simple expression of my satisfaction at the situation in which this Government finds itself, as it affords the opportunity of bringing to its close the long-protracted negotiation with my own country. The attention of the Cortes has been already called to this subject, and they have been informed by His Majesty that their intervention will be, under the present system, necessary to its final settlement. This intervention cannot be too prompt, considering either the effect to be produced on the future relations between the two countries, or the time which has elapsed, not only since the signature of the convention, but since the expiration of the period at which the ratifications of it were, by express stipulation, to have been exchanged. The only questions presented for decision are of a character that demand but little consideration. The principles which must regulate this decision are so well known as scarcely to admit a difference of opinion respecting them.

What are the obligations imposed upon Spain by the signature of the treaty, and the subsequent failure to ratify it? The obligation to ratify is the inevitable result of the formation of a treaty, and can only be avoided by showing (what, in this case, has never been asserted) that the negotiator who signed it stipulated, in the name of his Government, what he was not authorized to stipulate. Upon the principles universally recognised by the law of

nations, it is beyond dispute that the faith of the nation, once pledged by its monarch, having competent power, no change in the internal government can release it. The promise of the King once given to a foreign Government, no subsequent engagement with his own subjects, or with other nations, can impair its strength. If these principles are true, the obligations consequent upon the failure to ratify are unquestionable. The first of these is the prompt ratification of the instrument; the second, an explanation of the causes justifying the *postponement*, to this time, of the ratification, or an atonement for the injuries resulting from it. In urging an immediate decision, I am specially instructed to add, that it is not the intention of the President to avail himself of the incidents of this negotiation, and of the principles of the laws of nations applicable to them, to fasten a hard and unequal bargain upon Spain. He has always considered, and still views, the treaty as highly advantageous to Spain, and would not now desire its ratification if, in the *just* and reasonable estimation of Spain herself, it could be viewed in any other light.

The causes which have heretofore delayed this ratification here present themselves for examination; but, for the reason already indicated, and from a desire to avoid all unpleasant and useless recollections, I shall not dwell upon them; it is enough that, however satisfactory they may have been made to appear to His Catholic Majesty, they do not justify, in the eyes of the United States, the course that has been pursued. But even these causes, so far as the judgment of His Majesty's minister in the United States can be relied upon, no longer present obstacles to the immediate and final decision of this affair. But, while the Government of the United States is far from considering the delay which has taken place as justifiable, I am not instructed by the President to insist upon, or even to ask, satisfaction for the injuries occasioned by it. That this satisfaction has not been claimed by the United States, is to be imputed not to any doubt of their right to demand, or of the obligation of Spain to afford it, but has sprung from the desire to manifest more clearly the principles of forbearance and moderation that have governed their march in this negotiation.

That it is not asked now arises from sentiments towards the Spanish nation, no one more truly than your excellency can understand and appreciate.

What follows will, I trust, be found to be altogether unnecessary; nevertheless, it is incumbent upon me to say to your excellency that, if the determination of Spain to ratify the convention of February, 1819, is not immediate, the claim to further satisfaction will be no longer waived; that, upon any future adjustment, the United States will insist upon an indemnity; that an additional provision will be indispensable for the existing claims of their citizens upon the Spanish Government; and that the right of the United States to the western boundary of the Rio del Norte will be reasserted, and never again relinquished.

I renew to your excellency, whom may God preserve, the assurances of my perfect respect.

JOHN FORSYTH.

His Excellency Don Evaristo Perez de Castro,
Secretary of the Despatch of State, &c.

No. 2.

[translation.]

Don Evaristo Perez de Castro to Mr. Forsyth.

Sir: Sacedon, *July* 25, 1820.

I have lost no time in laying before the King, my august master, the contents of your excellency's note of the 21st instant. His Majesty has received with the greatest interest and satisfaction the information contained in the communication which you were pleased to make to me concerning the instructions which you had received from your Government, and which are conformable to what has been communicated by the minister of Spain at Washington. You may be firmly persuaded that the desires of this cabinet to see a prompt termination of the business left pending by the non-ratification of the treaty of February, 1819, on the part of the King, are as lively and sincere as its will is decided; and it is full of hope that the decision of this subject will be satisfactory for both states, and apt to be found upon unalterable bases the friendship which His Majesty is desirous of preserving with the United States.

It being indispensable to hear the Cortes of the kingdom, before the King, my master, can take the final step which the President desires, and with which His Majesty flatters himself to see the present dispute happily terminated, he has been pleased to command me to put this business in a state of being presented to the National Congress so speedily as that it may experience no more delay than may be absolutely indispensable to accomplish it. I have received this order with singular pleasure, as being so agreeable to my personal sentiments, and overcoming, by dint of activity, every impediment which might oppose the desired ready despatch of this important subject, through my recent entrance into this ministry, and the imperious necessity of my informing myself of its former and present state. I have the honor to assure you that I hasten, and, if I may be allowed the expression, count the moments, to present myself before the Cortes with this business; it being my solicitude to give every activity to its resolution, and not to delay an instant the desired conclusion of the whole. In the mean time, His Majesty has seen with satisfaction the sentiments which animate the President of the United States, (an estimable proof that he has confidence in those of the King, my august master, and in the punctuality and good faith of the nation, happily regenerated by the new institutions,) which cannot fail to designate in the acts of the Government that firm and loyal march of which the noble Spanish character and the wisdom of their representatives are the guarantees.

I avail myself of this occasion to reiterate to you the demonstrations of my great consideration; and I pray God to preserve you many years.

Your most obedient servant,

EVARISTO PEREZ DE CASTRO.

Mr. Forsyth to Mr. Adams, (marked private.)

Dear Sir: October 5, 1820.

Three days since, the political commission made a report to the Cortes, and this day, in secret session, that body advised the King to cede the Floridas to the United States. They have also declared null and void the cessions of land to Alagon, &c., although the treaty of February, 1819, should not be ratified. I presume I shall receive from the Minister of State early information of the King's ratification of the treaty.

I am, dear sir, sincerely and respectfully, your obedient servant,

JOHN FORSYTH.

John Quincy Adams, *Secretary of State.*

Mr. Forsyth to Mr. Adams, (No. 21,) dated

SIR: MADRID, *October* 11, 1820.

On the 5th I had the honor to inform you that the Cortes had authorized the King to cede the Floridas to the United States, according to the convention of February 22, 1819. On the 6th I received from Mr. De Castro an official notice of the determination of the Cortes, and a request to be informed of the wishes of the American Government in regard to the eighth article, as I supposed with a view to have the ratification of the King in such terms as to prevent the necessity of any thing but the mere delivery of the treaty at Washington, where the ratifications are to be exchanged. A copy of his note is enclosed, marked No. 1. I replied on the 7th; a copy of my answer is marked No. 2. This answer I carried with me to the palace, it being court day. In the Secretary of State's office I received a message from Mr. De Castro, who was confined to his bed at home, requesting me to visit him. I went immediately, and carried with me my answer to his note. As he reads English with difficulty, he opened, but did not read it. His object appeared to be to ascertain if I was authorized to make any stipulations about the eighth article of the treaty, or if there was a probability of obtaining any stipulations in Washington favorable to Spanish claimants for injuries suffered from the United States. He said the Cortes had given the King authority to execute the treaty, and to set aside the grants of Alagon and Punon Rostro; that of Vargas was out of the question, being subsequent to the 24th January, 1818. He spoke of the cession of Vargas as a fund for the payment of American claims on Spain; said the treaty was clearly in favor of Alagon and Punon Rostro. The 24th of January was not assumed as an arbitrary date, but fixed upon on principle by Mr. Onis, who, in his letter to Mr. Adams of the 10th March, stated, after acknowledging he believed them to be posterior to the 24th January, that he would have insisted on their being admitted as valid had he known them to be anterior. Mr. De Castro had no desire to procure any thing for such people as Alagon and Punon Rostro, but thought it equitable that the United States should set apart a portion of this fund, increased by Spain's abandoning the literal import of the treaty, for the benefit of Spanish subjects. To all this I answered what was contained in my letter—I had no authority to make any stipulations. So far as regarded the Government of the United States, the question was considered as settled. I begged him not to think of asking any thing at Washington; it could not be granted; might do injury; could not produce any good result. I reminded him that the offer made in October, 1819, to the Duke of San Fernando and Quiroga, the admission of the American declaration against the grant, was a condition upon which alone the ratification of the treaty by Spain could be admitted; and also of the declaration of General Vives, that, upon the subject of the grants, he was satisfied with the explanations given to and received from Mr. Adams, at Washington; and that these donations were never insurmountable obstacles to the ratification of the treaty on the part of Spain. He replied that this admission was on the supposition that the other explanations would be satisfactory. Satisfaction not having been received on the last and most important, the others might again be brought into view. He talked of the guaranty offered by Mr. Pinckney; of there being no provision in the treaty for Spanish claimants, as there was in that of 1802; and how desirable it would be if something could be procured for them on the adjustment of this difficulty in the convention—an adjustment in which Spain gave up what was clearly secured to some of her subjects. I remarked to him that the offer made by the instructions of the President in July last was made on the admission of General Vives that there would be no demur respecting the grants. If these were brought again into question, my Government was not bound by the offer then made. He said it appeared somewhat unequitable and hard to insist upon the alteration or modification of the treaty without any equivalent. To this I answered, that all he had urged might have been plausible if urged before the 22d of August, 1819; but, after the delays which had occurred, and the incidents of the negotiation, we thought we exercised a degree of unexampled moderation in agreeing to take the ratification on the terms originally agreed upon and understood between the two negotiators. We had some conversation on the mode of ratification by the King, to obviate all difficulty at Washington. I stated to him that this, of course, was a matter in which we would do whatever was agreeable to the Spanish Government. The American declaration of the force of the eighth article might be received by Spain; a declaration might be made by the King, declaring the sense in which His Majesty understood it; or a joint declaration might be made. He proposed seeing me again on the following day at twelve, in company with a confidential person, at the office, if he was able to go out, or in his room, if he was not; to which I consented. At parting, I pointed out to him, in the published documents relating to the treaty, which I carried for the purpose, the declaration I was directed to present by my first instructions; the instructions relating to it; the subsequent instructions modified, which came to me by the Hornet; and my offer to the Duke of San Fernando and Quiroga, made in conformity with them. He said he would examine the papers, sketch something to show me in our next interview, would despatch every thing with the greatest possible expedition, and send off a messenger to Washington.

On the 8th I saw him again at his house, at twelve; he had with him the elder Heredia; the conversation was a repetition of that of yesterday. The only new idea expressed was, that it was important to the new Government to gain credit by procuring some advantage in arranging the business of the treaty, and a suggestion that Mr. Onis would not have made the treaty in any terms but those in which the eighth article is expressed. To the first I replied that the new Government would deserve and receive all praise for saving the country from the consequences of the impolitic steps of the old, and preserve the honor of the nation by abandoning pretensions which injured its character; to the last, that this suggestion was altogether at variance with the declaration of Mr. Pizarro, with Mr. Onis's expressed willingness to give up the donations, and with the remark made to me by Mr. Casa Yrujo, "that he regretted that the grants had not been executed by name." Heredia urged, in the conversation, that the United States had, in the treaty, admitted it to be necessary to the King's honor that the grants prior to the 24th of January, 1818, should be preserved. This conclusion I positively denied. In allowing Mr. Onis to shape the eighth article, we did not become parties to the correctness or propriety of his opinions; on the contrary, in our opinion, the honor of the King was concerned to make void all donations made subsequent to the date of his full power to his negotiator to cede the Floridas. The conversation concluded by a formal request from Mr. De Castro to know what my impressions were on this point, and whether they could calculate on my good offices with my Government to procure some advantage to Spain, in consideration of its desire to gratify us in this business, and of the similarity of the institutions of the two Governments. I gave him my thoughts without reserve: "that the ground which must be taken was altogether untenable; that it would injure, could not benefit, the Spanish Government; that the United States would receive any intimations on this point with surprise and regret. As for myself, with the strongest desire to do every thing to gratify this Government, I could not say any thing to my own in favor of pretensions I believed to be altogether unreasonable." Mr. De Castro said that, in presenting the subject, it would be done in such a way as to prevent any bad effect: turning to Heredia, he remarked that it must be attempted at Washington. He concluded by saying that he should pass to me a note, embodying what had been urged in our conversation, which he hoped I would answer in the shortest convenient time, as he was anxious to send off a messenger to the United States. This I promised, stating to him, at the same time, the necessity of despatching his messenger at the earliest hour possible, as Congress would be in session before he could possibly arrive.

On recollection, I find I have omitted a remark made by both Heredia and De Castro, that, according to my first instructions, as contained in the printed documents, I was authorized to exchange the ratifications without insisting upon the declaration of the import of the eighth article being received; that this exchange would have secured to the claimants the large grants, which they might have recovered in the courts of the United States. To this I answered that such were my instructions, bu' they were founded upon the belief that the notice given to the Spanish Government, through Mr. Onis, rendered the declaration unimportant; that, certainly, if the treaty had been ratified by Spain, the question of the grants would have become a judicial in place of a political one. But supposing, what I could not admit, that the tribunals of the United States could have decided in favor of the claimants: this decision would have been the foundation of a demand on Spain for an equivalent or satisfaction. This conversation endured two hours. In this, as well as in that of the 7th, I am unable to give any thing but the substance, without regarding the order of what was said. My impressions are, that, after making all exertions to obtain some advantage, and failing, they will proceed on the business as they ought to have done without having made any exertion. What is most unpleasant is, to perceive that the opinions of Mr. Onis, as expressed in his book, have weight with this Government, and that what is done is rather a sacrifice to policy than founded on a conviction of the justice and equity of our demands, or on a proper sense of our moderation and forbearance.

Late at night on the 9th I received Mr. De Castro's letter of that day's date, the copy of which is marked No. 3, to which I replied on the day succeeding; the copy of the answer is marked No. 4. This reference to the affair of the grants is disagreeable, and will be altogether unexpected. After what has occurred, I cannot suppose the Spanish ministry can hope to succeed in procuring any thing more at our hands; perhaps the sole object is to enhance the value of the ratification on their part. I am endeavoring to procure accurate information of all that occurred in the Cortes. My private letter of the 5th is almost a literal translation of a note from one of the deputies; and I have been since informed that the Cortes would not hear a petition from Punon Rostro in relation to his claim, considering the whole affair at an end by their previous decision on the treaty.

Shortly after the publication of Mr. Onis's book, I conceived that some of its statements were so injurious to us as to require examination, and proposed to publish a review of it, to be distributed among the members of the Cortes. The affair of the treaty came so soon under the consideration of that body after I had procured a copy of the book, that it was impossible to do more than to make a few hasty remarks upon it, and to have distributed five or six copies of a translation of them among the principal members. A copy of this translation is sent to you, marked No. 5. No. 6 is the copy of an original paper received from ———, an extract from which, in cipher, was forwarded to you some time ago.

The Cortes have resolved, according to the constitutional provision, to continue their session until November.

AT NIGHT.

At 5, this afternoon, I received Mr. De Castro's letter of this day's date, which I answered immediately. The copies of the letter and answer are marked Nos. 7 and 8.

This last letter confirms the conjecture I have made that the object is to enhance the value of what will be called the concession of Spain to the American construction of the eighth article of the treaty. I regret extremely that any thing has been said by the ministers of this Government on this topic, as it will have the effect of weakening, in some degree, the confidence, not so much in the uprightness of their intentions as in the frankness of their mode of proceeding. No doubt something will be said by General Vives on this point, or, at least, he will formally communicate the letter of Mr. De Castro of the 9th. I shall send triplicates of this communication—one by Bordeaux, one by Gibraltar, and one by the Spanish courier who carries the ratified treaty to the Spanish minister at Washington.

As soon as he is fairly out of Madrid, I shall think of using the permission of the President to return to the United States; before I leave this, however, I shall have occasion to write to you again.

I am, sir, very respectfully, your humble servant,

JOHN FORSYTH.

JOHN Q. ADAMS, *Secretary of State.*

No. 1.

[TRANSLATION.]

Mr. De Castro, Minister of Foreign Despatch, to Mr. Forsyth, Minister Plenipotentiary of the United States of America.

SIR: MADRID, *October* 6, 1820.

I have the honor to acquaint your excellency that the Cortes of the nation, in secret session, have authorized His Majesty's Government to ratify the cession of the territory situated east of the Mississippi, which is known by the name of East and West Florida, to the United States, and that, consequently, there is no inconvenience in proceeding, on the part of the King, to the ratification of the treaty concluded at Washington on the 22d day of February, 1819.

His Majesty would have immediately proceeded to command the ratification of the treaty to be extended, had it not been for the interference of the circumstance that your excellency's Government, after confirming and ratifying, on its part, the said instrument, as the plenipotentiaries duly authorized by the high contracting parties had extended it, manifested its desire to have some explanations or modifications in the text of the eighth article, which relates to the property of certain unoccupied and royal lands in both Floridas. This incident, or proposal of modification, made by the Government of the United States, which has contributed, in a great part, to the delay and difficulties which have occurred, might have rendered improper, at that time, and an event little agreeable to the American Government, a ratification extended in the usual form, which, relapsing upon the said instrument with all and each of its clauses and articles, would, consequently, embrace those of the eighth article, referred to in the form in which it had been conceived. This being the case, and His Majesty being desirous, conformably to the intention of the Cortes, that the ratification of the treaty should terminate at once all the differences which have for so many years existed between two Governments whose interest in a reciprocal good understanding has been increased by the nature of their political institutions, has thought it necessary that, for extending the ratification, an explanation should precede, limited and circumscribed to the point of the modifications which your excellency's Government requires to be in the text of the eighth article, since all the other articles present no difficulty, nor need any further explanation in order to be ratified, on the part of His Majesty, according to their literal tenor. Your excellency's Government has indicated a desire of having a modification in the context of the said article; and as, for determining what ought to be and what is agreeable to the interest of both countries, it may be necessary to proceed by common consent, I am desirous of knowing if your excellency is authorized to point out the modification and explanation, as I also am by His Majesty for the same purpose. If your excellency be so, we

might, in a very few days, have this point settled in a manner reciprocally satisfactory; and, in case of your not being so, I could desire at least that we had a conference for the purpose of agreeing on the means by which this only obstacle may be removed, which might present itself to the exchange of the ratifications in Washington, if it should be remitted by His Majesty, extended in the usual form, embracing all and each of the clauses of the sixteen articles of the treaty confirmed at Washington on the 22d of February of the past year, 1819.

I therefore renew to your excellency the assurances of my distinguished esteem, and pray God that you may live many years.

I am your excellency's most obedient, faithful servant,

EVARISTO PEREZ DE CASTRO.

No. 2.

Mr. Forsyth to Mr. De Castro, dated

SIR: MADRID, *October* 7, 1820.

I had the honor to receive yesterday your excellency's official, announcing to me that the Cortes had authorized the Government of His Majesty to ratify the cession of the Floridas to the United States. In reply to the inquiry contained in it, I must refer your excellency to my letter of the 21st of July, in which I stated, by the instructions of the President, that, under the constitution of the United States, it would be necessary that the advice and consent of the Senate should again be given, before the exchange of ratifications of the treaty of the 22d February, 1819, could take place, inasmuch as the six months within which it should have been made had expired. I am not, therefore, authorized to do more than has already been done. Perfectly possessed, however, of the opinions and wishes of my Government in relation to the eighth article of the treaty, I can give your excellency all the information that can be desired to prevent the possibility of any difficulty in the exchange of ratifications at Washington. In my official communication of the 2d of October, 1819, to the Duke of San Fernando and Quiroga, accompanied by the copy of a declaration to be delivered on the exchange of ratifications, should it be made, your excellency will probably find all that it may be important to know. If these should not be sufficient, it will give me pleasure to confer with your excellency at any hour it may be convenient for you to appoint. In expressing to your excellency the very great satisfaction I have received from the near prospect of a most friendly termination of the disputes which have so long unhappily agitated our respective Governments, I must take leave to add that the United States have never desired to change or modify any part of the treaty of 1819; their sole object has been, and still is, to have it ratified upon the well-known terms, and according to the acknowledged intentions of the respective negotiators of it.

I renew to your excellency, whom may God preserve, the assurances of my most respectful consideration.

JOHN FORSYTH.

His Excellency Don EVARISTO PEREZ DE CASTRO,
Secretary of the Despatch of State, &c.

No. 3.

[TRANSLATION.]

Mr. De Castro, Minister of Foreign Despatch, to Mr. Forsyth, Minister Plenipotentiary of the United States of America, dated at

SIR: MADRID, *October* 9, 1820.

On the 6th current I had the honor to communicate to your excellency that the Cortes had authorized His Majesty's Government to cede the Floridas to the United States; and that, in consequence of that act, no other obstacle presented itself against proceeding, on the part of the King, to the ratification of the treaty confirmed at Washington the 22d February, 1819, except that which arose from the modification or explanation of the eighth article of the same treaty, solicited by the American Government after the confirmation, and even the ratification, on its part, of the said agreement; adding that, if your excellency were authorized, we could proceed to make the desired explanation, with regard to the object of said eighth article, in terms agreeable to the interests of both countries; that we could terminate this business very soon; and that, by all means, I was desirous of a conference between us, in order to the removal of this only obstacle which could oppose the exchange of the ratifications in Washington. Your excellency has had the goodness to reply to me, dated the 7th, complimenting me on the proximity of an order that went to terminate the differences that had existed for so long a time between the two Governments, but manifesting to me at the same time that, in consequence of the period fixed for the ratification of the treaty by that instrument having been overrun, it ought again to be presented to the Senate of the United States, agreeably to the constitution; by which circumstance your excellency had not power to act in the negotiation further than you had done, although, being perfectly instructed in the intentions of your Government upon the said article of the treaty, you could furnish me with the necessary dates in regard to them in the conference which we might have, and which we actually had on that day.

Both yesterday and before, I had the honor to point out to your excellency the difficulties which opposed the explanation or modification demanded by the American Government of the context of the eighth article, since, according to the literal and very explicit tenor of it, every donation or grant of lands in the Floridas made by authority of His Majesty, prior to the 24th January, 1818, was declared valid or firm, at the same time that every grant made after the said 24th of January was annulled. It appeared, at the same time, that the determining of that date was not a casual occurrence, unpremeditated, and directed solely to mark one day or epoch; since then nothing could have been more obvious and natural than to have designated the 1st day of the same month of January, 1818, which was the beginning of the year; and it was distinctly considered that the intention of the plenipotentiaries was to establish a principle legal and justly expressed in the text of the same article, in continuance from the date, which it was to give for a foundation—that His Majesty's plenipotentiary on that day solemnly offered the cession of the Floridas to the United States, in order to denote that it was then, and not before, when His Majesty, by said offer, tied up his hands from making innovations in those territories, and when, by the same offer, the indisputable right, which, without that, enabled him to dispose of the absolute property of any lands belonging to his crown, was suspended. The tenor of this article was already not only admitted and confirmed by the plenipotentiaries, but was also ratified by the American Government, jointly, with all the other articles which the treaty embraced, when the Secretary of State, Mr. Adams, thought fit to ask of Mr. Onis an explanation about the grants of land made by His Majesty at the end of the year 1817, the validity of which appeared to have been recognised by the letter of the treaty, they being anterior to the 24th January, 1818, and upon which both plenipotentiaries were supposed to have proceeded with a certain equivocation of the fact, having believed them posterior to the epoch mentioned. Mr. Onis, notwithstanding

that all his functions and powers upon the subject had expired with the conclusion and confirmation of the treaty, did not refuse to give a firm proof of the good faith of his Government, and of his own, by frankly confessing that in fact he had understood that the grants of land referred to were posterior to the 24th January, 1818, but added at the same time a circumstance worthy of notice, and perfectly conformable to the tenor of the eighth article; and it was that, as the fixing of that epoch had been founded upon the principle that the 24th January, and not before, was the day on which, by means of the solemn offer of the Floridas, the indisputable power which His Majesty before had of disposing of those lands remained suspended, if he had known that all or any of said grants were anterior to the 24th January, he would have insisted upon the acknowledgment of such as were so, and would not have consented to their being annulled. Taking the first part of this declaration of Mr. Onis as a foundation, and feigning ignorance of the second, the American Government solicited, by means of your excellency at this court, that, to the ratification of the treaty on the part of His Majesty, an explanation should be added, which was fundamentally a real revocation of the literal context of the eighth article. The scrupulous good faith of His Majesty's Government restrained it from entering upon a question about what wrong the equivocation, or, to speak more properly, the want of exact knowledge of a fact, authentic, solemn, and of more than a year's notoriety and publicity in a supreme council and chancery of the nation, could do to one who had the means, and, in a certain degree, the necessity of being informed of it with evidence. But two essential points did not cease to call the attention of His Majesty: 1st. That if any equivocation could have happened about the date of the grants, in order to their being a pure deed, it never could have been, nor was it, in the recognition of the principle which served as a basis, and was the real foundation of the eighth article—that is, that the Spanish Government did not consider itself bound, nor did the American Government consider it bound, in the use of its right as absolute lord of the lands of Florida, unless by means of the offer made on the 24th January, 1818, and only from that epoch; that an essential equivocation could have been in this date, it was necessary to prove that it was not that of the said solemn offer, since that was the module or symbol to which all the dates of the grants ought to be adjusted, and with which they ought to be compared, in order to decide upon their validity or nullity, and not to pretend, as had been pretended, to accommodate it to the others, by altering that date inversely. 2d. That if the American Government availed itself of, and founded its desires of an explanation upon, the former part of Mr. Onis's declaration, which in any way favored it, neither could it in honor and good faith reject the second part of that declaration, to constitute the whole one self-same act and a single document. If Mr. Onis confessed the equivocation about the date of the grants, he also confessed that he would not have, for his part, subscribed to annul that which had taken place anterior to the 24th January. What will be inferred, then, in reality and sound logic, from that declaration, taken conjointly? Will it be an accident which had expressed the real, or at least the intentional, connivance of both the plenipotentiaries concerning the annulling of the grants referred to, which were anterior to the 24th January, as the American Government pretends? An interpretation like this is diametrically opposite not only to the second part of the declaration of Mr. Onis, but even to the legal principle established in the same eighth article. All that can be inferred, at most, was, and is, that the error into which both parties had run about the substance of the eighth article had rendered it null, invalid, and baseless; and that it was necessary to remodel it, and agree upon something to the point by a new mutual agreement, and not by the way of a declaration or explanation, which its context did not admit.

The question accidentally presented in this humble view would not have been offered, nor given an opportunity for the many difficulties which have occurred. The grants made to Don Pedro de Vargas could have been immediately separated, and, as being posterior to the 24th January, 1818, might have been declared the property of the United States, according to the letter and spirit of the article; and, with regard to the other two, anterior to the said day, upon which grants the equivocation had relapsed, the liberal medium might have been adopted, which is generally used in doubtful cases, by yielding to each one a part of his claims, in compliance with a good understanding. But as this was not solicited by your excellency, and if the text of the eighth article, whose letter, and the principle which supported it, favored Spain, might yet receive an interpretation diametrically opposite to the said letter, being founded for that purpose on a declaration of Mr. Onis, the second part of which evidently resisted a similar interpretation, difficulties seemed easily to arise from hence, which, with more or less foundation, might be likewise converted into suspicions concerning the stability of the other articles of the treaty, on seeing the readiness with which doubts had arisen also concerning one, the literal tenor of which seemed less ambiguous. This disposition of the thoughts brought to recollection the offer of a guaranty of the Spanish possessions in North America, made by his excellency Mr. Pinckney, on the 7th of February, 1802, in the name of the United States, in case the Spanish Government would consent to cede the Floridas to the United States for a sum to be stipulated—a guaranty which was not asked by the Government of Spain, and yet offered in the name of the United States, but to which my Government gave so much importance, that, if his offer had been renewed, it would have ceded in compensation any right over the grants of land which remained by the eighth article of the treaty. From these principles flowed, no doubt, the new mission of General Vives to the United States, and all the other incidents of which your excellency is informed.

The changes which happened a little afterwards in the Government of Spain, and the reunion of the national representation, have been the cause that the Government of His Majesty, complying with the provision of the constitution of the state, should offer to the consideration of the Cortes all that has occurred in this long and complicated negotiation, for the purpose of obtaining their consent, as well as that the dismemberment of the Spanish territory in America might be discussed. It must have been a sensible grief to the representatives of the nation, in the first steps of their august functions, to be obliged to authorize a dismemberment of the territory; they have been solely guided by the consideration that this sacrifice may be conducive to cement upon a solid basis the relations of friendship and harmony between Spain and the United States, by avoiding the causes of future discords, and establishing a fixed and permanent dividing line which shall prevent all ambiguity and indecision for the future. Besides the reciprocal interests which ought always to unite the Governments of both countries, the great analogy which now actually exists between their political institutions, after the change that has occurred in those of Spain, appears to have given greater weight to that interest, and to have increased the importance of a good understanding. These, at least, are the dispositions which have produced the resolution I have mentioned of the representatives of the Spanish nation: may they be answered with similar and reciprocal dispositions on the part of the Government and people of the United States for the well-being of both nations! But, at the same time that the Cortes and His Majesty's Government have rendered easy even the most serious difficulty which the subject could present, they could not but direct their attention to the reflections made known to your excellency, which have been expressed above, on the explanation which the American Government desired to give to the eighth article, diametrically opposite to its literal tenor, and to the principle or rule which is established in the same article. The Spanish Government does not pretend that it may not be firm and be executed as it is printed; its delicacy does not permit it to pretend ignorance of the equivocation committed, which the declaration of Mr. Onis lays open sufficiently in its first part; but this equivocation does not destroy the principle which serves as the basis for the formation of the article to which the second part of the declaration of the same Mr. Onis is evidently referred. It cannot be agreeable to the honor and the good faith of the American Government to take advantage of that part

of the declaration of the said minister, or of any act or instrument which it may find useful, in order to tie it down and quote it in its favor, and to pretend not to understand that which does not favor it in the same instrument. No impartial person, who examines the eighth article, and the declarations of Mr. Adams and Mr. Onis, will see in the whole of it any thing else but that, by the involuntary error which has intervened, there has not been a real contract or agreement upon the point of the waste lands; and that, if there is any thing existing in the article, it is the rule or principle of leaving untouched what the King did when his hands were not bound by means of the offer of the 24th of January, 1818.

In this case, then, it appears that harmony, the desire of peace, the honor of both Governments, and the necessity of repairing an equivocation that had passed their plenipotentiaries, dictate that middle path which is proper in doubtful cases and questions of this nature. The grants made to Don Pedro de Vargas may remain immediately in favor of the United States, because, inasmuch as they are posterior to the 24th January, 1818, they are excluded by the letter and by the spirit of the eighth article; and those, respectively, to Alagon and Punon Rostro, which, as anterior to the 24th of January, 1818, constitute the real point of the doubt, may be divided by equal parts, or by the mode which may be agreed upon by the Spanish and American Governments. His Majesty, agreeably to the intentions of the Cortes, is desirous of being able to make a better exchange of property by applying one part of this fund to the redress and indemnification of the Spaniards injured, and comprehended in the agreement of 1802, whose indemnification was at the charge of the American Government, even whilst the treaty was not ratified, and whose lot was entirely unattended to by the plenipotentiaries of 1819. The American Government and Congress, so jealous of the interests of their fellow-citizens, can do no less than applaud these correct intentions of the King and the representatives of the Spanish people towards their own people. On the other hand, it would appear very indecorous that the Cortes, in the commencement of their august functions, should not only have to authorize the dismemberment of the territory, but also to assent that a doubtful act, which was in favor of Spain, (the letter of the article, and the foundation on which it is supported,) should be explained in a sense diametrically opposite to its tenor, and that upon the basis of a declaration of the Spanish minister truncated and disregarded in its second part.

If the means hinted had not been thought admissible, there still remained another equally conformable to the spirit and to the letter of the treaty. All the waste lands of the Floridas, including the three grants of Vargas, Alagon, and Punon Rostro, may be valued according to the prices of lands of their class in the bordering territories of the United States; the amount of $5,000,000 may be deducted from their value, in which the same treaty adjusts, and with which the American Government obliges itself to satisfy, the amount of the claims; and the surplus may be declared to belong to Spain, because it can liquidate the indemnifications of its subjects, for which the United States are responsible by the agreement of 1802, which continues in force whilst the treaty is not ratified. It may be objected that the claims exceed the sum agreed upon; but it ought also to be considered that, even to this day, an examination or liquidation of such claims has not taken place; and that, if the agreement of 1802, and the mixed tribunal established by it, had been carried into effect, perhaps the claims admitted and approved of by the mixed Spanish and American tribunal might not have amounted to said sum, especially if the fifth commissioner, chosen by lot, had been of the nation which was bound to pay them; so that, on the whole, $5,000,000 being the sum which the treaty fixes, and there having been even to this day no examination or liquidation of individual claims, this sum, and no other, is that which legally represents the amount of said indemnifications.

Such have been the reflections and observations which I have had the honor of making to your excellency in our two conferences, by order of His Majesty, conformably to the intentions of the Cortes. By these, and by all besides, which I have had the honor to point out by word, your excellency will have come to the knowledge of His Majesty's resolution to terminate entirely the subjects pending by means of a prompt exchange of the ratifications of the treaty. I have been very sensible that your excellency has not been authorized to agree to the explanation which the eighth article requires, but I am assured, by the candor, good faith, and spirit of conciliation, which animate your excellency, that you will present to your Government the observations referred to, in regard to the only point upon which an explanation is desired by both parties—that, at the time of General Vives's presenting the ratification of the treaty on the part of His Majesty's Government, which it is about to send, an explanation may be presented and submitted of the sense of the eighth article, in the terms of equity and reciprocal satisfaction which I have hinted, or others equivalent, such as the good faith and the honor of both Governments dictate. The King and the representatives of the Spanish nation see, in this honorable and impartial explanation, the beginning of a new order of political relations, which, by tightening the bonds of friendship between both nations, present the most sure guaranty of their union and prosperity in future.

I renew to your excellency the assurances of my most exalted and distinguished consideration, and pray God that your excellency may live many years.

Your obedient, humble servant,

EVARISTO PEREZ DE CASTRO.

No. 4.

Mr. Forsyth to Mr. De Castro.

SIR: MADRID, *October* 10, 1820.

I had the honor, late last night, to receive your excellency's official of the 9th. From our two conversations, previously held, and from your letter embodying the substance of what was suggested and urged in those conversations, I learned, with concern, that I had mistaken the object and intention of the note of the 6th instant. I supposed it intended merely to enable your excellency to determine on the most convenient mode for the ratification of the convention of February, 1819, by His Catholic Majesty, to prevent any discussion or delay preceding the exchange of the ratifications at Washington. It was with unfeigned surprise and great regret that I discovered that the object was to bring again into view what is considered by the Government of the United States as no longer a subject of discussion with that of His Majesty. In the verbal communications I have made in our two conversations, my intention was *solely* to prevent, if possible, any further attempts to discuss this matter, satisfied that no advantage could be derived from a reference to a topic of such an unpleasant character. As I have had the misfortune not to produce this desired effect, I do not think myself authorized to enter into any further investigation of the subject. I shall communicate to my Government the notes received from His Majesty; and such replies will be given to General Vives as the case may require. But I cannot take leave of the subject, without stating, explicitly, that the official communication made to your excellency on the 21st July was framed and bottomed upon the admission of General Vives, that he was satisfied with the explanations given at Washington on the subject of the eighth article of the treaty, and that it was the determination of his Government to assent to the total nullity of the large grants. If this admission was unauthorized, the offer of the President I had the honor to com-

municate to His Majesty, through your excellency, is not obligatory upon the United States; the whole ground of dispute is open for re-examination; and the original claims and pretensions of my Government will be reasserted and maintained.

Although beyond my duty, I cannot forbear to remark to your excellency that a great error is committed in supposing the construction put on the eighth article by the United States is founded altogether upon the declaration given by Mr. Onis after the signature of the treaty. This construction is taken from the instrument itself, explained and elucidated, as all instruments must be, by the intention of the parties, and the nature of the subject-matter of it. Mr. Onis's letter of the 10th October is no further of importance than as a simple evidence to all nations, and to His Catholic Majesty, of the act and intention of his minister to annul the large grants, and the express recognition by him of the correctness of the assertion of the American negotiator, that the phrases supposed to be equivocal were admitted *only upon the condition* that the annulment of those grants was not affected by the use of those favorite phrases. The qualifying addition to Mr. Onis's frank declaration of what he believed and understood, amounts to nothing more than an assertion that the treaty would not have been agreed to without a recognition of such of the large grants as were of a date prior to the 24th January, 1818—an assertion altogether at variance with the declarations of Mr. Pizarro to Mr. Erving, that these donations would not be obstacles to the treaty, contradicted by Mr. Onis's perfect readiness to annul them, and by the reasons he assigned for it, "that the essential conditions of them had not been complied with," and altogether irreconcilable to a remark made to me in person by the Marquis of Casa Yrujo when Minister of State *ad interim*, "that he regretted the large grants had not been particularly named in the treaty, and their annulment expressly stipulated."

From an anxious desire to see buried in oblivion all recollections unfavorable to the perfect harmony between Spain and the United States, in closing this note, I would entreat His Majesty's Government to re-examine this whole subject before it is again pressed; to reflect that all that has occurred has arisen from a reliance on the information and good faith of the minister, and confidence in the purity of the Government of Spain. The Duke of San Fernando stated that the American Government wished to change the eighth article by a declaration, a copy of which I had enclosed to him. Your excellency now tells me the wish of the American Government is diametrically opposed to the literal text of the treaty, inasmuch as Alagon and Punon Rostro's grants are of a date prior to the date fixed in the eighth article. The Duke of San Fernando refused, as inconsistent with the honor of the King, to order me copies of those donations! What would your excellency think, were I to say to you, "Sir, I do not know that your assertion is true; show me the donations!" If the Duke of San Fernando and Quiroga thought his general assertion that the declaration changed the treaty was so full that further information could not be asked without reflecting upon His Majesty's honor, what would be the reply to a doubt of the correctness of your excellency's unqualified, deliberate, and explicit assertion? Yet, in relying upon the information and the word of Mr. Onis, the United States had the same reason to confide, as they now have, in the assertion made by your excellency, unless it should be supposed that there is a difference in the degree of confidence due to the representative of Spain at home and abroad. I feel, however, that I am treading upon the yet warm ashes of a previous unprofitable controversy, and exceeding the limits to which, at the outset, I proposed to confine myself.

I hasten, therefore, to assure your excellency that the United States wish nothing but what they believe to be just and equitable; what is equally honorable to Spain and to the United States; nothing inconsistent with the decorum and glory of His Catholic Majesty, or with the duties and obligations of the Cortes, by whose advice and authority the treaty of February, 1819, is to be ratified.

I renew to your excellency, whom may God preserve many years, the assurance of my perfect respect.

JOHN FORSYTH.

His Excellency Don EVARISTO PEREZ DE CASTRO, *Secretary of the Despatch of State, &c.*

No. 7.

[TRANSLATION.]

Mr. De Castro, Minister of Foreign Despatch, to Mr. Forsyth, Minister Plenipotentiary of the United States of America at Madrid.

SIR: PALACE, *October* 11, 1820.

I have received your excellency's note of yesterday's date, in which you seem to agree with mine of the 9th. In said note I proposed to myself to recapitulate, and send to you all the essentials of the controversies which we had on the two antecedent days, not with the view, which your excellency appears to have apprehended, of commencing new discussions incompatible with the desire which animates His Majesty of seeing all the points which have been the object of the treaty speedily terminated, but with that of agreeing here with your excellency upon the proper terms of extending the explanation or declaration of the eighth article in a mode satisfactory, and such as that the exchange of the ratifications might not experience any obstacle or inconvenience at Washington.

On a view, therefore, of what your excellency had the goodness to express in the said conferences, and of what you manifested in your said note of yesterday, I confine myself to secure that which was contended for in the ratification on the part of this Government; which will be sent back to the United States, in terms which will be no doubt satisfactory to the American Government, and which avoid the discussions which your excellency seems to fear, to ascertain that neither the tenor of our conferences, nor that of my said note, is intended for this object, which inspires your fear.

If your excellency should please, in order to forward despatches to your Government, to avail yourself of the opportunity of a courier, who must be despatched as soon as possible, with the ratifications and packets for General Vives, you may begin to prepare them immediately; in expectation of which, I shall again give you information some hours before the departure of the courier.

I renew to your excellency the assurances of my high consideration, and pray God that you may live many years.

I am your obedient and humble servant,

EVARISTO PEREZ DE CASTRO.

No. 8.

Mr. Forsyth to Mr. De Castro.

SIR: MADRID, *October* 11, 1820.

I have received, with great satisfaction, your excellency's note of this day's date. If I have misapprehended the object in our conferences, and the tenor of the note of the 9th, your excellency must do me the justice

to impute it to my imperfect knowledge of the Spanish language, and to my anxiety to comply with your excellency's request to give an immediate answer to the note.

I shall with pleasure use the occasion you have offered to me of sending despatches to my Government by the Spanish courier. A messenger will go from this legation to the United States the close of the present week. Should your excellency have any thing to send to General Vives, it will gratify me to forward it by this opportunity.

I renew to your excellency, whom may God preserve many years, the assurance of my most distinguished consideration.

JOHN FORSYTH.

His Excellency Don Evaristo Perez de Castro, *Secretary of the Despatch of State, &c.*

Mr. Forsyth to Mr. Adams, (marked private.)

Dear Sir: Madrid, *October* 12, 1820.

I have this moment learned that the Cortes, in authorizing, by an almost unanimous vote, the ratification of the treaty, and annulling the donations, at the same time recommended to the ministers to *endeavor* to procure some advantages to the nation on account of the difficulty about the eighth article. With this recommendation the ministers must comply, even although they may be satisfied the effort will be useless. The attempt once made, and failing, the affair will proceed to its proper conclusion without further trouble.

I am, dear sir, very sincerely, your obedient servant,

JOHN FORSYTH.

Hon. John Quincy Adams, *Washington.*

Mr. Forsyth to Mr. Adams, (marked private,) dated

Dear Sir: Madrid, *October* 15, 1820.

In great haste I send you a rough copy of a note from Mr. De Castro to Count Bulgary, of this day's date. I believe the Count Bulgary has enclosed in the accompanying letter to Mr. Poletica a copy of the same paper.

I had on the 14th a short conversation with the Spanish minister, which served to confirm the opinion expressed in my private letter of the 12th instant.

I am, dear sir, respectfully, your obedient servant,

JOHN FORSYTH.

Hon. J. Q. Adams, *Secretary of State.*

[translation.]

The Spanish Minister to the Chargé d'Affaires of Russia.

Sir: Madrid, *October* 15, 1820.

His Majesty's Government having given information to the Cortes of the nation concerning the existing differences with the United States of America, resulting from the treaty entered into between Spain and that Power on the 22d of February, 1819, and not ratified by the King, in order that the legislative power might authorize His Majesty to cede the two Floridas, as is stipulated in one of the articles of said treaty, and grant power to proceed, consequently, to the ratification of it, which His Majesty has thought fit to do, and the Cortes having resolved to give to the Government the authority required, carries into effect the ratification.

His Catholic Majesty, to whom are evident the good offices of His Majesty the Emperor of all the Russias at several stages of the negotiation with the American Government, proving his august and friendly solicitude in favor of Spain, discharges the grateful task of communicating to the cabinet of His Imperial Majesty the flattering state in which this affair is, and the resolution of His Majesty to ratify the treaty mentioned, which will produce the re-establishing of that perfect harmony between Spain and the United States which it is of so great importance to both Powers to maintain without the least shadow of discord.

With this motive, the King rejoices to repeat to his august friend the Emperor of all the Russias the esteem and gratitude with which, on all occasions, he has seen His Imperial Majesty take the most distinguished interest in the prosperity of His Majesty, and that of his people, &c.

[Signed by the Spanish minister, and addressed to the Chargé d'Affaires of Russia.]

Extract of a letter (No. 22) from Mr. Forsyth to Mr. Adams.

Madrid, *October* 24, 1820.

The delay of the departure of the Spanish messenger enables me to give you copies of my correspondence with Mr. De Castro subsequent to the decision of the Cortes on the cession of Florida, in regard to the execution of the convention of February 22, 1819. No. 1 is a copy of my note calling the attention of the Spanish minister to the provisions of the first and seventh articles of the treaty. I saw Mr. De Castro on Saturday; he had received my letter; the propriety of issuing the order suggested in my note had not escaped him, and he would send, as I requested, a copy of it as soon as it was made. To-day I received his answer, with a copy of the order to which it refers. Copies are marked Nos. 2 and 3.

No. 1.

Mr. Forsyth to Mr. De Castro.

Sir: Madrid, *October* 17, 1820.

By the seventh article of the convention of the 22d February, 1819, the ratification of which is preparing on the part of His Catholic Majesty to be sent to General Vives, at Washington, it is stipulated that the officers and troops of His Majesty shall evacuate the Floridas within six months after the exchange of ratifications, or sooner

if possible, and shall give possession of them to the officers or commissioners of the United States who may be properly authorized to receive them. Calculating on a speedy exchange of ratifications, I would suggest, if it has not already occurred to your excellency, that it would be extremely convenient if the order of His Majesty for the evacuation and delivery of the territory, as also the archives and documents relating to the sovereignty and property of the same, should go to General Vives with the ratified treaty, to be forwarded to the proper authority on the exchange of ratifications, as by these means the United States would have timely notice to prepare the escort and transports to carry the officers and troops of His Majesty and their equipage to the Havana, in conformity with the obligation of the said article. I should be pleased to be enabled, by the politeness of your excellency, to furnish to my Government a copy of this order, if His Majesty's Government should send it to General Vives.

I seize with avidity every occasion to offer to your excellency, whom may God preserve, the assurance of my distinguished respect.

JOHN FORSYTH.

No. 2.

[TRANSLATION.]

The Minister of Spain to Mr. Forsyth.

SIR: PALACE, *October* 24, 1820.

I have received your esteemed note of the 17th current, in which you say that you have taken the liberty of suggesting to me, in case it should not have already occurred to His Majesty's Government, that it would be extremely convenient if the order of His Majesty for the evacuation and delivery of the Floridas, and of the archives and documents relating to the sovereignty and property of those provinces, should go to General Vives with the ratification of the treaty; that it should be sent, at the same time, to the proper authorities, in order to be transmitted after the exchange of the ratifications; and that it would be very agreeable to your excellency to have it in your power to send a copy of said order to your Government, if His Majesty should transmit it to General Vives, and should find no inconvenience in granting it.

The idea had occurred to His Majesty's Government, as it could not fail to do, of transmitting to General Vives the proper order for the delivery of the Floridas, and whatever else is stipulated in the seventh article of the treaty of the 22d February, 1819, in order to be forwarded to the proper authorities, after the exchange of the ratifications. Estimating, as it deserves, your excellency's suggestion, produced, no doubt, from a desire of connecting more closely the relations of amity and good understanding between Spain and the United States, by removing every obstacle or distant incident which might retard so desirable an object, and cheerfully acceding to the desire which your excellency has manifested to me of obtaining a copy of the order which may be sent to the proper authority for carrying into effect the seventh article of the treaty, I have the honor of enclosing to you a copy of that which is addressed to the Captain General of the island of Cuba, through the medium of General Vives, in order that he may make use of it immediately after the exchange of the ratifications has been certified.

In all to-morrow an extraordinary courier will go to convey the despatches of the Government to His Majesty's minister in the United States; and I have the satisfaction of giving your excellency this advice beforehand, that you may, if you please, forward any packets to your Government by this opportunity; in which case, I hope you will have the kindness to send me them by two in the afternoon of to-morrow, the 25th current.

I renew to your excellency the assurances of my distinguished consideration, and pray God that you may live many years.

Your most humble and obedient servant,

EVARISTO DE CASTRO.

No. 3.

Translation of the royal order of the King of Spain to the Captain General and Governor of the island of Cuba and of the Floridas.

OCTOBER 24, 1820.

FERDINAND THE SEVENTH, *by the grace of God, and by the constitution of the Spanish monarchy, King of the Spains, to you, the Captain General and Governor of the island of Cuba and of the Floridas:*

Know you, that, by a treaty concluded in the city of Washington on the twenty-second of February of the last year, one thousand eight hundred and nineteen, by plenipotentiaries duly authorized for the purpose of arranging the differences which have existed between the Government of Spain and that of the United States of America, and the limits of their respective territories, there was stipulated, on the part of Spain, the cession to the United States of all the country situated east of the Mississippi, known by the name of East and West Florida; the adjacent islands dependant upon the two Floridas being comprehended in said cession; together with all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, with the archives and documents which relate directly to the property and sovereignty of said provinces; it being provided at the same time that the inhabitants of the territories so ceded shall be secured in the free exercise of their religion without any restriction; and that all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, in order that they may better effect their purpose without being subject, in either case, to duties; and that those who prefer remaining in the Floridas shall be admitted, as soon as possible, to the enjoyment of all the rights of citizens of the United States; it being added, by another article of the same treaty, that the Spanish officers and troops shall evacuate the said territories ceded to the United States six months after the exchange of the ratifications of the same treaty, or sooner if possible, and shall give possession of them to the officers or commissioners of the United States duly authorized to receive them; and that the United States shall provide the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana. And I, having considered and examined the tenor of the articles of the treaty, after having obtained the consent and authority of the General Cortes of the nation with respect to the said cession, have thought proper to approve and ratify the treaty referred to, the ratification of which must be exchanged at Washington with that which was formed by the President of the United States with the advice and consent of the Senate of the same; after which exchange, the said treaty will begin to be obligatory on both Governments and their respective citizens; therefore, I command you, and ordain, that, after the information, which shall be seasonably given you by my minister plenipotentiary and envoy extraordinary at Washington, of the ratifications having been exchanged, you proceed, on your part, to make the proper dispositions, in order that, at the end of six months, counting from the date of the exchange of the ratifications, or sooner if possible, the Spanish officers and troops may evacuate the territories of both Floridas, and that possession of them be given to the officers or commissioners of the United States duly authorized to receive them, in the understanding that the United States shall provide the transports and escort necessary to convey the Spanish

officers and troops and their baggage to the Havana. You shall arrange, in proper time, the delivery of the islands adjacent and dependant upon the Floridas, and the public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, as also the archives and documents which relate directly to the property and sovereignty of the same two provinces, by placing them at the disposal of the commissioners or officers of the United States duly authorized to receive them; and all the other papers and the effects which belong to the nation, and which have not been comprehended and mentioned in the expressed clauses of the cession, you shall have conveyed and transported to another part of the Spanish possessions which may be most convenient for the public service. As, also, you shall take care that, previous to the delivery, it may be made known by edicts to all the present inhabitants of the Floridas that they have power to remove to the Spanish territories and dominions, the sale or exportation of their effects being permitted to them by the United States at any time whatever, without being subject to duties; and also the advantages stipulated in favor of those who shall prefer to remain in the Floridas, to whom I have wished to give this last proof of the protection and affection which they have always experienced under the Spanish Government. Of the delivery which you may make, or may be made by your delegation, in the form which has been expressed, you shall make, or cause to be made, a corresponding receipt, duly authenticated, for your discharge; and, in order that you may proceed with entire knowledge in the execution of this commission, there shall be likewise sent to you, by my minister plenipotentiary at Washington, an authentic copy of the treaty referred to of the twenty-second of February, one thousand eight hundred and nineteen, with the insertion of the ratifications of both parties, and of the certificate relative to the exchange of the same; of which documents, and of this my royal order, you shall send a copy, in authentic form, to the governors of both the Floridas, and to the person or persons who may have, in your name, the accomplishing of the delivery, if it has not been made by yourself.

All which you shall well and completely execute in the form which I have prescribed to you, agreeably to the public service, advising me of your having executed it through my underwritten Secretary of Despatch of State.

Given at Madrid, the 24th of October, 1820.

Mr. Adams to General Vives.

SIR: DEPARTMENT OF STATE, WASHINGTON, *February* 28, 1821.

I have submitted to the consideration of the President of the United States the observations which, in conformity to the instructions of your Government, were verbally made by you in the conference which I had the honor of holding with you, when you notified me of your readiness to exchange the ratifications of the treaty of 22d February, 1819, between the United States and Spain.

With regard to the omission on the part of the Spanish negotiator of the treaty to insist upon some provision of indemnity in behalf of Spanish claimants, to whom a pledge of such indemnity had been stipulated by the previously ratified convention of 1802—an omission stated by you to have been peculiarly dissatisfactory to the Cortes—I am directed to observe that, as in all other cases of the adjustment of differences between nations, this treaty must be considered as a compact of mutual concessions, in which each party abandoned to the other some of its pretensions. These concessions on the part of the United States were great; nor could it be expected by the Spanish nation that they would be obtained without equivalent. Probably the Spanish negotiator considered the claims of Spanish subjects embraced by that convention so small in amount as scarcely to be worthy of inflexible adherence to them; he certainly considered the whole treaty as highly advantageous to Spain—a sentiment in which the Government of the United States always entirely participated, and still concurs.

This also furnishes the reply which most readily presents itself to the proposition which you have also been instructed to make, that some compensation should be allowed by the United States for the benefit of the grantees of lands recognised by the treaty to have been null and void. While appreciating in all its force the sense of justice by which, after the maturest deliberation and the fullest examination, the Cortes have declared that those grants were so, as at the signature of the treaty they had been clearly, explicitly, and unequivocally understood to be by both the plenipotentiaries who signed it, the President deems it unnecessary to press the remark which must naturally present itself, that, to grantees whose titles were in fact null and void, and by all parties to the negotiation were known to be null and void, no indemnity can be due, because no injury was done.

Nor can it be admitted that this is one of the cases of misunderstanding from which the grantees could be entitled to the benefit of a doubtful construction. The construction of the article was in nowise doubtful; for any construction which would have admitted the validity of the grants would have rendered impossible the fulfilment of other most important stipulations of the treaty.

The discussion of this subject, having already been a subject of correspondence between the Minister of Foreign Affairs of your Government and Mr. Forsyth, could now be continued to no profitable purpose. I take much more satisfaction in assuring you of the pleasure with which the President has accepted the ratification of the treaty, as an earnest of that cordial harmony which it is among his most ardent desires to cultivate between the United States and Spain. This disposition he cherishes the hope will be further promoted by the community of principle upon which the liberal institutions of both nations are founded, and by the justice, moderation, and love of order which they combine with the love and the enjoyment of freedom.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

General Don FRANCISCO DIONISIO VIVES,
Envoy Extraordinary and Minister Plenipotentiary from Spain.

[The following resolution was thereupon adopted by the Senate of the United States.]

IN SENATE OF THE UNITED STATES, *February* 19, 1821.

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate, having examined the treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty, made and concluded on the 22d day of February, 1819, and seen and considered the ratification thereof made by his said Catholic Majesty on the 24th day of October, 1820, do consent to and advise the President to ratify the same.

16th Congress.] No. 322. [2d Session.

SPAIN: RICHARD W. MEADE.

COMMUNICATED TO THE SENATE, FEBRUARY 14, 1821.

To the Senate of the United States: WASHINGTON, *February* 13, 1821.

I transmit herewith to the Senate a copy of a memorial received from Richard W. Meade, together with a report of the Secretary of State concerning it.

JAMES MONROE.

DEPARTMENT OF STATE, *February* 13, 1821.

The SECRETARY OF STATE, to whom has been referred the letter and memorial to the President of R. W. Meade, has the honor of reporting his opinion:

That, from the nature of the claim, now first announced by Mr. Meade in the letter, it will be proper that it should be communicated to the Senate, when the ratification by Spain of the treaty signed on the 22d of February, 1819, shall be submitted to that body for their advice and consent to receive it in exchange for the ratification of the United States heretofore given.

With regard to the material facts alleged by Mr. Meade in support of his claim to a distinct and separate engagement, involved in the treaty on the part of the United States, to pay the whole of his liquidated demand upon Spain, he has been misinformed. Neither his nor any other individual claim was ever mentioned between the negotiators of the treaty; no proposal was consequently ever made by Mr. Onis that it should be inserted by name. It was known that Mr. Meade had a large unliquidated claim on the Spanish Government, and he had been informed, according to his request, that it would be considered by the Government of the United States in common with others at the negotiation of the treaty; but of the amount or validity of the claim this Government had no knowledge sufficient to warrant any special engagement to assume it, had such a proposal been made; and by Mr. Meade's own statement, it was not liquidated until nearly a year after the signature of the treaty, and then without the privity of this Government, and not in the manner prescribed by the treaty for all claims provided for in it.

The argument of Mr. Meade's memorial, drawn from the law of nations as in his opinion applicable to the case, and founded upon a statement of facts, the most essential of which are unfounded, may be left to the sound judgment of the Senate.

The distinction drawn in the memorial between the claims of a citizen of one country upon the Government of another, arising from *contract* or from *wrong*, is undoubtedly so far just, that the claimant by contract cannot resort to the interposition of his own Government to obtain from the other satisfaction for his claim to the same extent as the claimant from wrong. The Government of the claimant by contract can interpose in his behalf only by its good offices, and cannot, as the memorial states, press to the extent of reprisals for the satisfaction of the claim. It has no right to interpose at all, without the solicitation of the claimant himself, who, having stated his interest upon his own confidence in the Government with which he contracts, may properly abide by the result of that confidence, without calling upon his country to make itself a party to his demand. But if he does appeal to his own Government for that adventitious aid to which other contractors with the same party, and on the same security, cannot resort, he thereby voluntarily makes his claim a subject of negotiation and of those compromises in which all national adjustments of individual claims must and do always consist. It is unnecessary to pursue this position into the detail of argument by which it is susceptible of illustration. No special provision for the individual claim of Mr. Meade, no express renunciation of it, was ever made or contemplated by the treaty; nor was any mention made of it by General Vives in delivering to me the ratification of his sovereign.

By the statement of the memorial itself, it was questionable to the Cortes and to the Spanish Minister of Finance whether it was included in the renunciations of the ninth article or not. If it was, Mr. Meade will be entitled to the indemnities stipulated by the treaty, and in the forms provided by the same instrument; if it was not, his resort is, as it originally was, exclusively to the Spanish Government; and the Cortes, in recognising his claim, have given directions for its payment.

JOHN QUINCY ADAMS.

To the PRESIDENT OF THE UNITED STATES.

MEMORIAL.

SIR: WASHINGTON, *February* 8, 1821.

Since the recent intelligence from Spain has reduced it nearly to a certainty that the treaty concluded at Washington on the 22d February, 1819, has been ratified by the Government of Spain, and that it is speedily to be offered for the ratification of this Government, it becomes highly expedient that all the collateral and implied as well as the direct and explicit obligations which such ratification may carry with it should be fully understood and distinctly recognised before any definitive and irrevocable determination be taken in the business. My most vital interests are so deeply involved in the interpretations with which the terms of the treaty may be understood and accepted, and may, moreover, enter so essentially into the motives which might dictate the ratification or rejection of it, in the whole or in part, that I owe it as a duty equally to myself and to the Government to make a preliminary and frank declaration of the nature and extent of the indemnities which the ratification of the treaty may give me a right to claim from the United States. The validity of such a claim was, without doubt, prospectively contemplated and admitted by the functionaries directly concerned in the negotiation, if, as I have every reason to conclude was the fact, it formed the groundwork of any one of the treaty stipulations; nor do I apprehend that the tedious procrastinations and vexatious shifts which have since been interposed by the late administrators of public affairs in Spain have at all impaired the force of the original considerations and impressions by which our own Government was actuated. But the more definite and authentic shape which subsequent events have given to my claim, and the further development of the views of the Spanish Government respecting it, would alone have justified the propriety of this preliminary explanation, even if the full execution of the treaty did not mainly depend upon the collective wisdom and discretion of Congress, to whom the involved consequences of its stipulations are not supposed to be so distinctly enunciated as to the original negotiators. I shall submit it, with the most entire

deference and respect, to your known judgment and discretion to devise the most proper and effectual mode, when the occasion shall arise, of communicating to the Senate an official notification of this claim, and also of recommending to Congress, among the measures necessary to carry the treaty into practical effect, a distinct provision for the complete and immediate satisfaction of the claim; so that its distinct recognition as one of the treaty stipulations may be concomitant with the treaty through its several stages of final ratification and complete execution. The advantages resulting from this mode of clearing away all ambiguities, and obviating future misunderstandings, are evident, besides saving me from expensive solicitations and ruinous delays.

In conformity to these views, I shall proceed, without further apology, to lay before you a summary exposition of my claim (as it has been fully recognised and admitted) upon the Spanish Government, and of the process by which the Government of the United States may become identified with that of Spain in the obligation to satisfy that claim immediately upon the exchange of ratifications.

As soon as I was released, through the humane and decided interposition of my country, from the prison to which I had been consigned by the unparalleled injustice and perfidy of some of the ministers and agents of the restored Government which superseded the illustrious Cortes, by whose wisdom and heroic constancy Spain had been saved from a foreign yoke, I lost no time in preferring the most urgent solicitations for the settlement of my claims, to an immense amount, upon the Spanish Government. These claims were due on account of extensive supplies of provisions and advances of money, at a time when the nation was in the most trying and doubtful crisis of its fate; to the timely assistance of which supplies and advances, it has been distinctly and gratefully acknowledged by the great body of patriotic Spaniards, both in public and private life, that the nation was mainly indebted for the ultimate achievement of its independence. Notwithstanding the counteractions thrown in my way from the same corrupt sources of selfish intrigue by which my most iniquitous imprisonment had been planned and prolonged, so manifest and so cogent was the equity of my claims, and so powerful the appeal to the gratitude of the nation, that the Government could not avoid giving serious attention to the case. It was notorious enough how unprepared they were to meet my demands, and, indeed, that the conscious embarrassment of the Government on that head was one of the mainsprings of action put in motion by the intriguers, who were permitted, for so long a time, to evade the pressing instances of Mr. Erving and my friends for my release, and even to nullify the effect of royal orders ostensibly commanding it. Very soon, however, after my release, they turned their attention to the crown lands in Florida as a resource for discharging the debt; and, accordingly, it was insinuated to me that I might receive payment by means of an equivalent in those lands. But I knew that the Government of the United States had long contemplated a cession of the Floridas as the ultimate satisfaction and indemnity for the insults and injuries which our flag and commerce had sustained through the instrumentality, active or passive, of Spain. I therefore felt myself not only bound by the general obligations of a good citizen, but especially moved by the strongest sense of gratitude for the disinterested and magnanimous interference of my country in my behalf, to avoid every step which might possibly traverse even the ulterior and contingent views and projects of the Government in its diplomatic relations with Spain; and, accordingly, without stopping to inquire whether the negotiation had assumed such a shape as to give the United States any right, either absolute or inchoate, to insist upon specific indemnity in the Floridas, I addressed a letter to Mr. Adams, dated on the 6th June, 1818, (eight months before the signature of the treaty,) in which I stated the proposition, expressly with a view to ascertain whether my acceptance of it would be agreeable to this Government. As soon as the answer of Mr. Adams, dated on the 18th September, 1818, informed me that this Government apprehended ill consequences from admitting the precedent of the grant in question pending the negotiation, as it might open a door for other grants, tending materially to diminish the value of the desired cession, I abandoned all thoughts of accepting payment in that mode, and applied myself exclusively to the direct means of obtaining satisfaction. Having experienced, throughout the whole affair, the greatest inconvenience from the dilatory proceedings of the Spanish Government, I presented, in the month of December, 1818, a memorial to the King, backed by an official letter from Mr. Erving, urging the appointment of two or three persons in the entire confidence of the King to audit and settle my claims. My petition was finally granted, and a junta or commission, consisting of four counsellors, was accordingly appointed by a royal order. The report of that junta, on the 30th September, 1819, after a laborious and minute investigation of six or seven months' duration, and a critical examination into all the merits of the case, specifically admitted and passed my claim, to an amount less than I had all along stated, both directly to this Government and to Mr. Erving. The report of the junta, in frank and explicit terms, acknowledges and enforces the most cogent motives for the speedy satisfaction of the debt by the Spanish Government—motives avowedly derived, not only from the faith of the most solemn contracts, but from the national gratitude for the signal and meritorious services I had performed in the execution of those contracts. That report or award has been approved, ratified, and adopted, in all its terms, by the Spanish Government, and sanctioned by all the highest solemnities that can be invoked to bind the faith of the state.

The delay of the report to so late a period as September, 1819, was, in a great measure, occasioned by the multiplicity of contracts to be examined, and of departments from which information was to be sought. After the report had been sent in, it was returned, with various suggestions and observations from the Minister of Finance to the junta, who, after considering the suggestions of the minister, on the 15th November, 1819, confirmed their first report, reasserting and enforcing all the reasons upon which it was founded, and even declaring that the sum awarded was less than what, in justice and equity, the Government ought to pay me. Still the Minister of Finance thought it necessary to consult, in succession, the Treasurer General of the kingdom and the Comptroller General of Accounts; and their decision concurring with that of the junta, the King finally ratified the award. A formal certificate was made out and delivered to me, signed by all the members of the junta, and approved by the Minister of Finance, by order and acting in the name of the King; and the royal seal is affixed thereto—solemnities observed only in cases of high commissions, and in affairs of the utmost importance. This certificate, (which, together with another royal order, was transmitted to me in May, 1820, by Mr. Arguelles, the new Minister of Finance,) imports the clearest and most unequivocal acknowledgment that the Spanish Government is indebted to me in the sum of $491,153 33, and directs that the same shall be paid out of the funds of the Royal Finance Department, with interest.

The embarrassments of the new revolution, which ensued in the interval between the definitive award of the junta and its final ratification by the King, delayed and impeded the full measure of justice which I had every reason to expect from the more enlightened and just Government of the Cortes, which that revolution has now restored to Spain. I nevertheless pressed for a settlement with all the diligence that the magnitude of the claim and my necessities justified and required; and, as soon as its definitive and official recognition, in the form of the certificate just mentioned, was communicated to me by the Minister of Finance, I petitioned the Cortes to order its immediate payment, and to designate the mode of payment. I could obtain no definitive resolution from the Cortes till the 5th October last, the day they decided in favor of ratifying the treaty for the cession of the Floridas to the United States; upon which occasion they ordered that my memorial should be united with the papers relative to the treaty, and submitted to the King, in order to have it ascertained whether the American Government had consented to the introduction of my individual claim into the negotiations on the treaty; and, if so, that the American Government had

distinctly assumed upon itself the payment of my claim, and had wholly exonerated Spain from it; but, if it should be found that my case had not been taken into view by the negotiators, and was not distinctly understood as embraced in the treaty stipulations, they, in that case, decreed the immediate payment of the debt by the Spanish Government. Upon this reference from the Cortes, the Spanish Minister of State pronounced an unequivocal opinion that the debt had been distinctly and specifically assumed by the United States, in exoneration of Spain, or would be so upon the exchange of ratifications; consequently, I was referred to the eventual ratification of the treaty for the ultimate satisfaction of my claim. The opinion of the minister was founded (as I was informed from high authority) upon facts said to have been notorious to the negotiators of the treaty, and verified, as it was said, by the official communications of Mr. Onis to the Spanish Government, to wit, that my claim had been introduced by name into the discussions between Mr. Adams and Mr. Onis, who finally agreed, in their *verbal conferences*, that it should be assumed and paid by the United States; that Mr. Onis proposed the insertion of my name, and a specific stipulation to that effect in the treaty, but that Mr. Adams thought it unnecessary to do so, though he agreed to the insertion of a clause intended to comprehend my case without naming it, and to exonerate Spain from the debt, with the understanding, nevertheless, that it was to be specifically assumed and paid by the United States. The clause alluded to as the one intended to embrace my claim is the *fifth* of the renunciations declared on the part of the United States in the ninth article of the treaty.

From an examination of the three documents—the protocol of the treaty as delivered by Mr. Onis, the counter-projet of Mr. Adams, and the treaty as it was actually concluded and signed, so much is certain and evident, that the protocol contains a clause nearly equivalent to the one in question, which is entirely omitted in the counter-projet; and so it becomes highly probable that it was inserted in the treaty in consequence of some new arrangement or substantive understanding, discussed and adjusted in the latter stages of the negotiation. What were the nature and extent of such arrangement or understanding, and of the preliminary discussions which led to it, and whether Mr. Onis had made an accurate report of them in his alleged communications to his own Government, are matters of which you, sir, must have far more authentic and certain information than any I can pretend to offer. If the fifth renunciation on the part of the United States were, in fact, designed to extend *beyond* such claims as arose out of injuries and aggressions in which the nation, in its sovereign capacity, was immediately concerned, and for which it might, conformably to the law and usage of nations, have claimed restitution and indemnity under the peril of reprisals; and if, in truth, it were intended to reach and comprehend claims arising out of civil contracts—in other words, *bona fide* debts due from the Spanish Government to private citizens of the United States—then it is perfectly clear that the sweeping terms of the stipulation are broad enough to embrace my identical claim; and it is equally clear and certain that it was the *identical* claim (if not the *sole* and *only* one of the kind) *intended* to be so embraced. It may, therefore, be conceded that the Spanish Government, so far, was warranted in concluding that they were to be as effectually exonerated and discharged from their debt to me as if it had been mentioned by name in the treaty; and their corollary, that the United States would then be bound to pay and satisfy that debt without defalcation or delay, was surely a very natural one, and as surely founded in the soundest principles as well of the moral as of the conventional law.

I have, however, positively denied and formally protested against one of the postulates assumed by the Spanish Government, which is, that any stipulation of the United States could be competent, *per se*, to cancel the debt, and exonerate Spain from her original and inherent obligation, in any other way than by actually paying the debt to me. Not that I have ever been in the least averse from accepting the United States for my debtor in lieu of Spain; on the contrary, if the undertaking of the United States were co-extensive in point of legal and moral obligation with that of Spain, so that the existing pecuniary debt of the one, with all its concomitant duties, becomes identically the debt of the other, I should then most willingly accede to the proposed transposition of the indebted party. But it is precisely on this point that the most alarming ambiguity exists; for, if this particular debt be embraced by the terms of the fifth renunciation on the part of the United States, and was so intended by the negotiators, then there is no distinct and substantive provision for the payment of it, unless the official report, alleged to have been made by Mr. Onis, of a verbal arrangement and understanding on the subject between him and Mr. Adams, and not fully expressed on the face of the treaty, should be distinctly and formally recognised by this Government. The terms of the treaty, taken simply and strictly, without being interpreted by any such supplemental arrangement or understanding, clearly import that all the claims embraced by all the five renunciations on the part of the United States are to be thrown into one heterogeneous mass, and placed on the same level, and subject to the same rule of compensation: whereas nothing could be more unjust and injurious than such an operation in regard to my claim; because nothing can be more dissimilar in their nature, in their origin, and in all their circumstances, and nothing more unequal in the cogency of the legal and moral obligations out of which they arise, than my claim, and the mass of others with which it is apparently confounded.

The broad distinction, in all their moral and political consequences and relations, between a mere debt voluntarily contracted by a state in the ordinary transactions of business with a private person, whether citizen or foreigner, and a claim for unascertained damages on account of injuries to private property, involved and bound up in national injuries, is manifest and universally admitted. Depredations upon the commerce, aggressions upon the flag, either of the military or commercial marine of a nation, equally with invasions of its territory, are always considered and treated as direct aggressions upon the sovereignty of the nation, and equally to be resented and repelled as acts of hostility, if a reasonable satisfaction be not made. All forcible and violent seizures, at sea or upon land, of the persons or property of private citizens, partake of the same character of hostility, and, according to the various degrees of the offence, may give just cause for reprisals. When the state is injured or insulted in the persons of its citizens, if the aggression be manifestly and flagrantly unjust, the state is bound by its correlative duties to its citizens, whilst it avenges its own wrongs, or, by peaceable means, vindicates the violated rights of its sovereignty, to demand just reparation for the injuries inflicted on its citizens. In all these cases, however, the compensations for the private injuries, equally with the satisfactions for the public wrongs, must necessarily be fair subjects of compromise and mutual accommodation. The offended state is not bound, nor has it any right, to set up its own judgment as paramount and infallible, and to insist upon the *summum jus*, according to that judgment; otherwise, disputes and wars would be interminable. These compromises between states, both of the public wrongs and of the private injuries involved in them, are of necessity, and agreeable to the universal usage of civilized nations; but that a mere failure in contract, on the part of one state towards a private citizen of another, should be treated as a violation of the high rights of sovereignty, so as either to justify reprisals, or to give occasion for any of those compromises or mutual concessions usually incident to a treaty of pacification, would be an assumption as absolutely destitute of any countenance from precedent as from any of the analogies of public law.

From the following comparison of my actual condition, as an acknowledged creditor of Spain, having a present and perfect right to demand instant payment, with that to which I should be reduced as a deferred claimant of a precarious dividend under the eleventh article of the treaty, there will appear abundant cause for my anxiety, and for my having protested to the Spanish Government, as I now do to this, against the competency of the treaty, either

to operate the release, without providing for the payment of the debt, or to annex to its transposition such interpolations upon the terms of the original obligation as the letter of the said eleventh article would seem to imply.

I have shown what procrastinations, what long, wearisome, and expensive solicitations and investigations I have had to wade through; and what sacrifices of my time, my means, and my comforts, I have had to endure, in order to have my claim definitively and conclusively adjusted, ascertained, and settled, by the only party connected with me in the contract, or responsible to me under it, by a party in all respects competent to take upon himself the most perfect obligation. After I have surmounted every difficulty, and have at last conclusively fixed upon this party a consummate obligation to pay me an ascertained sum of money, *instanter;* upon what terms and for what equivalents am I called upon to renounce or to transpose this perfect right? Why, if the ostensible stipulations of the treaty, as defined in the eleventh article, are to be strictly taken as the only rule for determining the equivalents, then what is now an ascertained debt, standing upon the basis of a consummate obligation, is reduced to a mere outstanding claim, open to fresh and reiterated contestations from unknown parties, from intermeddling strangers without privity or interest in the original contract, or any motive for engaging in the controversy but an eager emulation for the apportionment of the very inadequate sum set apart for the satisfaction of all the claims. It is to be re-examined and adjudicated over again by a new commission, which may not, and probably will not, be closed in less than a period of three years, commencing from some undefined point of time hereafter, viz: the meeting of the commissioners in Washington; and which, if it decide, as possibly it may, to investigate over again the merits and details of my claim, will have to invoke documentary evidence from the bureaus of a foreign country peculiarly tenacious of its archives. Now, suppose the claim, as it stands adjudicated by the Spanish authorities, to be affirmed by the American commissioners; then, instead of a present right to demand payment of the whole sum, without defalcation or delay, from a party abundantly solvent and of presumed good faith—a party not yet declared bankrupt, either in character or circumstances—I am to wait for a contingent *quota* or *dividend* out of the gross sum set apart for the satisfaction, *pro rata*, of the entire mass of claims; and even that quota cannot be ascertained and declared until the *whole of the claims* are finally adjudicated, within the aforesaid period of three years. Lastly, this tedious process being accomplished, and the commission *functus officio;* all the claims being definitively adjusted, and the respective *quotas* ascertained and declared; even then, the *mode* and the *time* of payment are left at the absolute discretion of Congress, viz: first, immediately at the Treasury; or, secondly, in six per cent. stock, payable out of the proceeds from the sales of public lands in the ceded territory; or, lastly, in such *other manner* as Congress may prescribe by law.

I beg leave to advert, very cursorily, to the principles of public law and of natural justice upon which I have founded my protest against the assumed power so to dispose of my rights of property, if, indeed, contrary to my best hopes and expectations, any such power was ever intended to be exerted in the case.

All debts, both public and private, are universally held, among civilized nations, as a species of property more sacred and inviolable than any other. This principle seems to have been peculiarly acceptable to the moral sense of the people of the United States. The constitution, whilst it leaves to the several States the discretionary rights of sovereignty over the ordinary property of their citizens, expressly prohibits them from making any thing but gold and silver coin a tender in payment of debts, and from passing any law impairing the obligation of contracts—a clause which, in its established construction and practical effect, has been held to annul all State laws professing, under any pretext, to discharge debtors from the obligation of their debts. By the treaty of 1794, with England, all debts, both public and private, are to be held absolutely inviolate in case of war between the two nations, whilst every other species of property is left exposed to belligerant confiscation and reprisals. That clause of the treaty is further remarkable for its clear and emphatic enunciation of the abstract principles of national morality and good faith upon which the stipulation is founded. Since the benign and prevailing influence of these principles has been able to relax the iron grasp of war, I cannot doubt their sovereign efficacy in that temperate state of the body politic when its passions or necessities claim no prescriptive charter to consecrate force and vengeance on the altars of justice and mercy. With respect to private property in general, the power of the sovereign to cede or dispose of it without the consent of the owner has been held to result from the various modifications of that high prerogative of majesty supposed to be vested in absolute princes, and by some jurists and writers on public law styled the *eminent domain;* by virtue of which, in its pure, unmodified state, all property is theoretically supposed to be enjoyed by the citizens under the tacit condition of being resumed by the sovereign when the necessities or the safety of the state shall require it. It is agreed, however, by all the most approved expounders of the laws of nature and nations, that this right of ceding private property, in virtue of the *eminent domain*, is restrained within certain rules, founded in natural justice, which cannot be transgressed by any state that is civilized and governed by laws, no matter how absolute the form of government in other respects. In the first place, it is lawful only upon occasions of the highest state necessity and for the public safety; and, in that case, *full compensation* must be made to the owner; for which purpose, if the ordinary revenue of the state be inadequate, the deficiency must be made up by contributions from all the citizens. The power to cancel debts, under any circumstances, is treated as one of the most questionable and pernicious results of the *eminent domain*, and, of course, cannot be justified by any inferior necessity than what is requisite to give validity to cessions of other property. It is no ordinary conjuncture, no inducement of mere expediency or convenience, no bargaining or compromising for the settlement of disputed limits or of indemnities for injuries—it is nothing, in short, but an imperious political necessity and an indispensable regard to the common safety, that can justify even an absolute prince in bartering away, by a treaty of cession, the private property of the citizen, and then only upon the condition of making full compensation. Indeed, no treaty can well be brought within these rules but a treaty of peace for the conclusion of some destructive war menacing extreme danger to the state, and for the termination of which cessions of private property had, in some way, become necessary. If, by the common consent of mankind, an absolute monarch cannot transgress these wholesome regulations of the *eminent domain* without the stigma of a lawless violator of public faith, far less admissible would be the supposition that the Government of the United States could ever have aimed at any more unlimited prerogative. Indeed, so little do the assumed privileges of this *eminent domain* accord with the theory of our Government, and the known and defined origin and limits of its powers, as to have raised no inconsiderable doubt of the expediency of that amendment to the constitution which forbids the taking of private property for public use without just *compensation*, apprehending that it was calculated to extend, by implication, rather than to limit the specific powers of the General Government; since, without the aid of such implication, the power to take private property for public use, upon any terms, might not have been inferred. However that be, it is certain that the practice of the Government has strictly and invariably conformed (unless this treaty shall so be interpreted and executed as to establish a solitary exception) to that great principle of universal ethics and public law so distinctly recognised and imperatively enjoined by the constitution; for, upon all the occasions when the prerogative of taking private property for public use has been exerted, (and it has been exerted only in cases of the highest necessity, and for the public safety,) *full compensation* has invariably been made to the citizen. Witness the numerous instances of the last war—a war of invasion and devastation—in which it became necessary, occasionally, to take military occupa-

tion of private houses, which caused their destruction; or to burn bridges, and otherwise use or destroy private property, for the advancement of military operations: in every case the proprietor has been compensated to the full value of the property lost.*

I need not institute any comparison between that sort of *necessity* contemplated by the great expounders of public law, when they undertake to define the rightful limits of the *eminent domain*, and that necessity created by the motives of profit or convenience, which operated in the present instance; nor any inquiry into the authority of the Government of the United States, by mere dint of power, to release a claim under the circumstances of mine, namely, a debt due from a foreign state, upon a contract not made within the jurisdiction nor under the legal sanctions of the United States, of which they had no privity or control but what may have resulted from the mere circumstance of the creditor's being a citizen, sojourning and carrying on trade in foreign parts. All that can be required to make out my case is this brief and simple state of it: my property, to the value of near half a million, is taken to pay for the Floridas. Then, upon any principle of public law, or of a constitutional bill of rights, what is there to cast the shadow of a doubt over my claim to be compensated and reimbursed that instant the cession of the Floridas is consummated?

The history of the negotiation, through all the stages of its progress, whereof any monuments are extant, infers an *intent* entirely conformable to the legal and moral *obligations* (such as I have endeavored to expound them) of the high contracting parties. Upon the great question of adjusting the equivalents for the long desired, anxiously expected, and all-important cession of the Floridas, it has already been shown how material a term in the calculations of the parties, and how much discussed, was that of exonerating Spain from her debt to me: being first demanded by Mr. Onis, as appears by his protocol; at first refused by Mr. Adams, as appears by his counter-projet; still insisted on by Mr. Onis; at length conceded by Mr. Adams; and, accordingly, the fifth renunciation, framed purposely to embrace that specific object, was admitted in the treaty. There is one other circumstance, however, of itself, conclusive to expound the genuine intent of the parties at that stage of the transaction. It is this: in the counter-projet of Mr. Adams, the gross sum of $5,000,000 is designated for the aggregate satisfaction of all the claims proposed to be renounced by that instrument; which, be it remembered, did not include mine, or any of the like description; yet, after the *fifth* renunciation (including my claim, and every other of the like description, and enhancing by so much the price of the cession, comes to be inserted) nothing more is appropriated by the treaty for private indemnities than the same identical $5,000,000. Thus the sum of compensation remains precisely the same; whilst the sum of claims to be compensated is so materially increased, by the addition of this entirely new description of claims to the list of renunciations. This fact alone imperatively demands the hypothesis of an implicit understanding between the parties that the satisfaction of my claim was to be substantively provided for, apart from the others renounced by the treaty; otherwise, we have a paradox equally perplexing to the casuist, the arithmetician, and the jurist; namely, that the price to be *received* by the *vender* may be increased *ad infinitum*, without adding any thing to the price to be *paid* by the *vendee*.

If the report said to have been made by Mr. Onis to his Government, corroborated as it is by so many circumstances, should encounter no emphatic contradiction from any quarter which we are bound to consider as more authentic, it must be taken as a *concession* that the debt was to be fully and absolutely assumed by the United States: and so the case becomes clear and intelligible, and the whole proceeding fair and just. Nothing then remains but to clear it from all ambiguity, by distinct recognitions in the act of ratification, and in the appropriations for carrying the treaty into effect.

But, suppose it turn out that no verbal or implicit arrangement or understanding, supplemental to the letter of the treaty, can be admitted; still there is no essential difference in the right of the case; for it is clear the debt is embraced by the sweeping terms of the fifth renunciation, and was intended to be so: then the United States have stipulated absolutely to cancel the debt and exonerate Spain, and must, at all events, perform that stipulation. How is it to be performed? Why, there is but one just and rightful way, which is, simply, to pay the debt. It signifies nothing to say the treaty designates the mode and the extent in which the debt shall be compensated, and binds the United States to nothing more; because, I answer conclusively, first, the act is yet *in fieri;* and the precise question is, how shall it be consummated? Whether in conformity, or in direct opposition, to principles consecrated by public law, by the constitution, and by the faith of nations; and, secondly, when consummated, it is *res inter alios acta;* it concludes the high contracting parties as to all that it stipulates for the benefit of either: but as to any stipulation volunteered for or against him who was neither party nor privy, and whose particular claim was not necessarily involved or committed in the negotiation, it concludes not him; he is perfectly free to accept it, if it be for his benefit, or to renounce it, if it be otherwise. I maintain that Spain cannot be exonerated; the debt cannot be *cancelled* until it is *paid*, either by Spain herself, or by some guarantee for her. Until then, it subsists, *de jure*, in as full force *after* as *before* the ratification of the treaty; and unless it be distinctly pronounced by the terms of the ratification that the United States are to be made the guarantee, I shall not cease to urge Spain for payment, by all the sacred and inviolable ties of national faith and honor, and to avail myself of all the legal remedies that her tribunals are competent to entertain. Then, would not a clear right result to Spain to come upon the United States for indemnity, under the stipulation which obliges them to cancel the debt and exonerate Spain? That stipulation is not made to depend upon the condition of my accepting this or that equivalent, but is absolute; and if the United States cannot have the debt cancelled, and Spain exonerated, in the way most agreeable to themselves, it is their business to devise an adequate mode; but, at all events, their duty to *exonerate* Spain. So long as the obligation, legal or moral, of Spain, is permitted to continue in force, though there be no adequate remedy for coercing her to payment, still, if one *scintilla juris* be left unextinguished, she cannot be said to be *exonerated*, in any sense of the term; her appeal to the yet untarnished faith of the United States could not be resisted. Thus, the United States, by taking the direct course of paying the debt to me, do nothing more than strictly fulfil a clear and unconditional stipulation with Spain. In no other way can it be fulfilled; and no better can be desired. The only alternative is an arbitrary invasion of private right, and a very ambiguous implication of the faith of treaties.

I would also submit, with great deference, that the circumstances of this transaction have given me a strong claim to the equitable consideration of the Government. In the purchase of the Floridas, my property has been freely used, and every advantage has been derived from it, just as if it had been committed to the negotiation by the most valid assignment. Now, whether the stipulation to cancel the debt and exonerate Spain be effectual or not, yet, in fact, that stipulation has supplied to Spain an apology, a pretext, and a color of right, to deny or evade the payment of a debt, otherwise acknowledged under circumstances of such persuasive and cogent equity as to have made the prompt payment of it necessary and inevitable. I need not remark how notorious it is that, with sovereigns, who are amenable only to the *ultima ratio*, an apology, a pretext, or a color of right, is too often equivalent to a legal defence or plea in bar in disputes between private persons amenable to the ordinary process of

* For the rule of indemnity to individuals for losses by war, vide Grot. De Jure Bel. et Pa. 3, 20, § 8; Puf. 8, 5, § 7; Vat. 3, 15, § 232.

law. I can truly say that, under my present circumstances, with all my means and resources absorbed and bound up in this large debt, the delay is little less than the denial of justice.

In every possible view that can be taken of the case, as regards the question either of strict right or of equitable discretion, I humbly submit whether it be not obviously just and expedient for the Senate to annex to the ratification of the treaty, by way of rider, a distinct recognition of my claim, so that it may be specifically provided for amongst the appropriations necessary to carry the treaty into effect. But if, for any reason, it be decided that the debt shall not be so assumed by the United States, then I think there is one act of justice I may boldly presume to ask, without fear or hesitation; and that is, to have the fifth renunciation distinctly *excepted* from the ratification, and expunged from the treaty, or, at least, to have my claim excepted from it by name. I shall then be left free to prosecute it where it is unquestionably due, unembarrassed with the imposing renunciation of my country. I have the most assured confidence that Spain, when her moral sense and good faith are no longer perplexed by the salvo of that renunciation, cannot resist one moment my instances for an immediate liquidation of the debt. In all events, it is my clear and decided election to abide the issue of an appeal to the moral sense and good faith of that nation, rather than the chances of that contingent and long-deferred indemnity provided for the other claims, into whose company mine has been introduced by the treaty, though introduced as casual acquaintances merely, and not, I hope, with any view to force them into a loathed and unnatural union.

For the freedom (and, probably, the superfluous elaboration) with which I have thus claimed your attention to the facts and the principles upon which my rights are asserted, I have no apology but my deep interest in the consequences of the public act about to become the subject of executive and legislative deliberation. Indeed, if an individual interest were at stake, of far less import than the fruits of a life of honest enterprise and active exertion, in the preservation of which the inestimable blessings of personal independence and the comfortable existence of a large family are involved, I should do injustice equally to the spirit of our institutions and the character of the Government, if I thought it necessary to deprecate censure or offence for a respectful and well-founded remonstrance against the effect of any public act, consummate or intended, upon my private rights. The implicit confidence, so absolutely due to the Government collectively, would be most unjustly withheld, sir, from any department of it under your exclusive administration. I therefore repose myself with an unlimited trust in the habitual equity of your mind, when I defer to your judgment and discretion that disposition of this memorial which may give me the benefit of the facts and the reasons it advances, wherever the authority resides to administer the proper remedy.

With the profoundest sentiments of respect, I remain your much obliged and grateful fellow-citizen,

RICHARD W. MEADE.

To the PRESIDENT OF THE UNITED STATES.

NOTES.

"Every thing in the political society ought to tend to the good of the community; and if even the citizen's *person* is subject to this rule, his *fortune* cannot be excepted. The state cannot subsist, or constantly administer public affairs in the most advantageous manner, if it has not the power of disposing, on occasion, of all kinds of goods subject to its authority. It may even be presumed that, when the nation takes possession of a country, the property of certain things is only *allowed* to individuals, with this *reserve*. The right which belonged to the society, or to the sovereign, of disposing, in case of *necessity*, and for the *public safety*, of all the wealth contained in the state, is called the *eminent domain*. It is evident that this right is, in certain cases, necessary to him who governs; and, consequently, is a part of the *empire*, or *sovereign power*, and ought to be placed in the number of the *prerogatives of majesty*. When, therefore, the people submit the *empire* to any one, they at the same time yield to him the *eminent domain*—at least, if it is not expressly reserved. Every prince who is truly a sovereign is invested with this right, in the same manner that his authority is limited in other respects.

"If the nation disposes of the *public property*, in virtue of his *eminent domain*, the alienation is valid, &c.

"When he disposes, in like manner, in a case of *necessity*, of the possessions of a *community*, or of an *individual*, the alienation will be valid for the same reason. But justice demands that this community, or this individual, be recompensed out of the public money; and, if the treasury is not able to pay it, all the citizens are obliged to contribute to it," &c.—*Vat. b.* 1, *ch.* 20, § 244.

"The *necessity* of making a *peace* authorizes the sovereign to dispose of things even belonging to private persons; and the *eminent domain* gives him this right. In some degree, by virtue of the power which he has over all his subjects, he may dispose of their *persons*. But these cessions being made for the common advantage, the state is to indemnify the citizens who are sufferers by them."—*Vat. b.* 4, *ch.* 2, § 12.

"The promises, the conventions, all the private contracts of the sovereign, are naturally subject to the same rules as those of private persons. If there arise any difficulty, it is equally conformable to prudence, to the delicacy of sentiment that ought to be particularly conspicuous in a sovereign, and to the love of justice, to cause it to be decided by the tribunals of the state. This is the practice of all the states that are civilized and governed by laws."

The author next treats of the conventions and contracts made by the sovereign, in his quality of sovereign, and in the name of the state, with private persons, either subjects or foreigners, and of the manner of deciding controversies arising from such contracts; and he then proceeds as follows:

"Authors add that the sovereign may *cancel* these contracts if he finds they are contrary to the *public welfare*. He may, doubtless, do it, though not from any reason taken from the particular nature of these contracts, but either from the same reason that renders even a public treaty invalid when it is *fatal* to the state and contrary to the *public safety*, or in virtue of the *eminent domain*, which gives the sovereign a right to dispose of the property of the citizens with a view to the *common safety*. We speak here of an *absolute sovereign*."

"The conductor of the nation may have his private affairs, and his particular debts; these kinds of debts he is obliged to pay out of his own private fortune. What he borrows for the *service of the state*, the debts contracted in the administration of public affairs are contracts of *strict right*, obligatory upon the *state* and the *whole nation*. Nothing can dispense with the discharging of these debts. As soon as they have been contracted by a lawful power, the right of the creditor is not to be shaken," &c.—*Vat. b.* 2, *ch.* 14, § 213, 214, 216.

For a further development and various illustrations of the doctrine, vide Grot. De Ju. Bel. et Pa. 1, 1, § 6. Id. 2, 14, § 7. Id. 3, 8, § 4, (3.) Id. 3, 20, § 7, 8, 16. Puf. 8, 3, § 23, n. (11.) Id. 5, § 7. Id. 6, § 19, 20. Id. 8, § 3. Id. 10, § 7. Id. 12, § 2. Hub. De Ju. Civ. 1, 3, 6, 44. Bynk. Q. J. P. 2, 15, p. 290. Turnbull's Heinec. 2, 8, § 166-170. Burl. 3, 5, § 5, 6, 25-29.

[The following papers relating to the same subject were presented to the Senate, January 10, 1825.]

To the Senate and House of Representatives of the United States of America in Congress: The memorial of Richard W. Meade respectfully shows:

That the practical operation and effect of the "treaty of amity and limits between the United States of America and His Catholic Majesty," originally signed at Washington on the 22d day of February, 1819, but, after having expired in its unratified and inchoate state, and become void by its own limitation, renovated and proposed by the Spanish Government in October, 1820, and finally concluded and ratified at Washington on the 22d of February, 1821; and the result of the commission established by the said treaty, for the adjudication of the claims

therein provided for, have confirmed all the anticipations of your memorialist, originally communicated by him to the President of the United States and to both Houses of Congress, by way of preliminary caution at the inception and in the inchoate state of the treaty, that the Government of the United States would find itself bound, by good faith and justice, to make some special provision, separate and apart from any mode of indemnity provided by the treaty, for a debt due from the Spanish Government to your memorialist—a debt originating in considerations the most meritorious, and of the most indispensable obligation upon the moral sense, the gratitude, and the justice of the Spanish nation; acknowledged and secured to him by all the highest solemnities and sanctions that can be invoked to bind the faith of a state; and which, as he is ready to prove, nothing but the interposition of this treaty, and its ostensible but fallacious transfer from Spain to the United States of the duty to pay the debt, has prevented from being fully and satisfactorily discharged by his original debtor. The history and nature of your memorialist's connexion with the Spanish Government, and of his claims upon the same, have already been so amply unfolded, upon more than one occasion, to the Government and people, as to make it necessary now to recapitulate only such of the facts connected with it as tend to illustrate the kind and degree of the obligation which, he conceives, has devolved upon the United States.

Your memorialist was originally led to Spain, in the year 1803, to solicit the restitution of property to a large amount, belonging to himself and other citizens of the United States, which had been detained at Buenos Ayres. The Spanish Government having refused to ratify the convention of 1802, and all his solicitations proving fruitless, he was induced, during his long detention in the country, whilst engaged in this pursuit, to form some commercial connexions which led to the establishment of a commercial house at Cadiz; and, in the year 1806, he received the appointment of navy agent of the United States for the port of Cadiz, which office he held till the year 1817. A succession of complicated engagements and difficulties prolonged his sojourn in Spain very far beyond his original intention, and he did not quit the country till the spring, or early in the summer, of 1820.

The various revolutions and wars which succeeded the attempt of the French Emperor to subjugate Spain, after having led her Kings into captivity, found your memorialist engaged in very extensive commercial business in the country, and especially in vast consignments of American produce. His principles, his habits of thinking, and the sympathies thence resulting, led him into very extensive commercial transactions with those parties among the Spaniards whom he found to be actuated by the most patriotic and disinterested motives, and not so much bigoted to particular dynasties as possessed with enlarged and liberal views of national independence, and of reforms in their domestic institutions. With a country distracted and torn to pieces by intestine factions, passing through all the stages of confusion and perplexity from wild anarchy to wholesome revolution; pressed by foreign invasion from an overwhelming Power, and their finances prostrate; the popular Governments which had been established in the several provinces, as well as the General Regency which had assumed the reins of government in the name of their captive King, found themselves in the greatest straits for the various supplies absolutely necessary to keep their armies and *guerrillas* on foot. In these circumstances, your memorialist, from time to time, entered into contracts with the local authorities in Spain for the furnishing of these necessary supplies upon a vast scale; his contracts, from first to last, amounting to many millions. These transactions, in several instances, brought him under an actual *advance* of a million of dollars, at times when the Spanish cause was almost despaired of by its most devoted partisans and defenders. His claims were acknowledged with the most explicit demonstrations of gratitude, and he received a public vote of thanks from the Cortes. Indeed, the great body of patriotic Spaniards, both in public and in private life, did not hesitate to admit that the supplies were of the last necessity in the then existing state of the country, and publicly avowed their conviction that the success of the revolution mainly depended on the financial facilities afforded by his commercial credit and enterprise. There was no objection, no difficulty, no hesitation, about the acknowledgment and remuneration of his claims, but what arose from the present defect of available funds—a subject of as much regret to the debtor as to the creditor; and no exertion was spared by the existing Government to discharge a debt admitted as of the most sacred and indispensable obligation. But, after all they could do, they were still left in very great arrears to your memorialist. These difficulties, however, were merely temporary, and must soon have yielded to the wise and patriotic measures of the revolutionary Government, from which he entertained no doubt of speedy and liberal remuneration. But the most extraordinary and perplexing difficulties were thrown in his way by the new troubles and unlooked-for changes which followed the restoration of the King, in person, to the Government of the country, under the patronage of the prevailing system of *legitimacy* in Europe. The Cortes, who, during his captivity in France, had governed in his name, and, by their wisdom and energy, had preserved the country from foreign domination, being dissolved by military force, their wholesome reforms in the system of government abolished, the patriotic party become the object of hatred and persecution, and its more prominent leaders proscribed and in exile, the claims of your memorialist shared in the neglect and aversion with which the royal Government treated the party it had superseded, and under whose administration the debts were contracted.

The first difficulty thrown in his way was an attempt to incorporate the debt due to him in the funded debt of the nation—a depreciated fund, in accepting which he would have suffered great loss. This attempt was made under a royal order of the 12th of September, 1815, from which *debts* due to *foreigners* were distinctly and in terms excepted, and nearly a year was consumed in dilatory discussions whether your memorialist came within the exception. On the 26th April, 1816, the report of the assessor general to the captain general of the province ascertains that your memorialist was a *foreigner* within the meaning of the exception—in other words, a citizen of the United States—and that the *debt due to him* is one of the *debts* excepted in the royal order, and *ought to be paid*. On the 30th of the same month, the captain general made an official report of the same tenor; and, on the 9th September following, the intendant communicated to the treasurer of the army and of the royal finance of Cadiz a royal order, dated on the 22d of August, by which the *debts due* to your memorialist, and some others named in the order, were recognised as exceptions from the said order of the 12th of September, 1815, and were ordered to be *paid*, as had been *promised*, after the same are duly liquidated, &c. The debt due to your memorialist was thus authentically and repeatedly acknowledged, in the most unequivocal terms, as early as the years 1815 and 1816, by the highest authorities under the immediate government of the King, as it had been before by the Regency and the Cortes. The allusion in this last order to a due liquidation of the debts, in so far as it practically affected the principal mass of his demands, already liquidated in the form of *libramientos*, or orders upon the treasury, was merely formal.

But this species of vexation was a trifle to the oppressions and persecutions which were practised upon him the same year by means of the darkest intrigues and conspiracies against his liberty and fortune. He alludes to his long and cruel imprisonment in the castle of St. Catalina, at Cadiz, from the 2d May, 1816, to the 7th May, 1818, under the most fraudulent pretexts, and without any shadow of justice. The history and the character of this proceeding are so well known from the diplomatic correspondence of the two Governments, and the communications of the Executive to Congress on the subject, and from the proceedings and resolutions of Congress denouncing the injustice and iniquity of it, that it is only necessary, on this occasion, to advert very succinctly to some passages of the

affair to illustrate the sources and the causes of his difficulties with the Spanish Government, and the true character of his transactions and connexions with it, so as to determine how consistent they were with the most punctilious regard to his duties as an American citizen.

In the year 1811 he had been appointed, by the royal tribunal of commerce at Cadiz, in virtue of its unquestionable power and jurisdiction in such matters, assignee of one Glass, an Englishman, resident at Cadiz, who had been declared bankrupt in England in consequence of his connexion with a mercantile house in London. Bond, with security, was given by your memorialist, making him responsible solely to the said tribunal for the proceeds of the bankrupt's estate, and restraining him from making any disposition of it without their sanction. After having settled the affairs of the estate, and satisfied all demands on the same in Spain, there remained in his hands a balance of about $52,000, which he solicited the tribunal to permit him to remit to the assignees in England, and he several times petitioned the tribunal to that effect. The delays incident to all Spanish proceedings postponed any decision till a Mr. Hunter, a partner in the bankrupt house, was sent out to Cadiz for the purpose of winding up its concerns. But, before the business could be settled, Glass laid an injunction on the funds, pretending that he had been illegally included in the bankruptcy of the English house. After some difficulty and delay, produced by this dispute, Hunter appointed one McDermot, a British subject, his agent; and the tribunal decreed that, upon his giving the necessary bond and security, the effects should be delivered over to him, and the bonds of your memorialist cancelled. McDermot being at a loss for the requisite security, the tribunal at length ordered your memorialist to pay the money forthwith into the *King's treasury*, and appointed an hour on the following morning for his so doing, under the penalty of sequestration of all his property. This order was punctually complied with, and he produced the treasurer's certificate of the deposite. In a few days a question was raised, at the instigation of McDermot, whether this deposite had been made in *specie* or in treasury notes; and the intendant, in answer to an official letter from the tribunal, certified that "the deposite had been made in due form, and in *effective specie;* and that, whenever required by the tribunal, His Majesty would pay it in the same coin." Notwithstanding all this, a suit was commenced against your memorialist, and, strange as it may appear, the tribunal, in order to get rid of responsibility for the irregularity of their own procedure in directing the deposite, decreed him to pay the money over again. From this decree he appealed to a superior tribunal called the *alzadas*, being the proper tribunal to which he was entitled, by the treaty, to appeal as an American citizen. Pending this appeal, McDermot, through the influence of the British minister, procured an order for the removal of the cause to the council of war at Madrid, by which the sentence of the tribunal of commerce at Cadiz was confirmed; and the appeal of your memorialist from that decision was refused, contrary to all law and usage. Upon his application to the King for redress, it was ordered that the cause should be reheard before the same tribunal, with the addition of five associates, nominated in the order. But, before any definitive proceeding could be had in this tribunal, McDermot, still backed by the influence of the British minister, obtained from Mr. Cevallos, the Minister of State, with the secret advice of the same council of war, an order of immediate arrest against your memorialist for the payment of the said sum of money so remaining on deposite in the royal treasury; under which order your memorialist was arrested, imprisoned in the castle, and there detained, under circumstances of aggravated cruelty and oppression, for more than two years. In the mean time, the urgent and repeated remonstrances of Mr. Erving, the American minister at Madrid, and his peremptory demands for the release of your memorialist, were shamefully evaded by every species of mean subterfuge and chicanery, from the highest officers of state down to the most corrupt of their tribunals and the most servile of their official instruments. Indeed, the system of intrigue against your memorialist in the court of the King himself, countenanced as it was by the known wishes and imposing influence of the British party and their minister, was carried to a degree of baseness and perfidy unparalleled, it may be hoped, by the conduct of any civilized Power in the world; for they were detected in having procured a direct instruction of the council of war, in an official letter from Don Manuel Aurajo, Minister of Finance, importing "that it was His *Majesty's will* that, notwithstanding the letters or *royal orders* which it might receive through the Secretary of State, pressing for a decision of the affair of Mr. Meade, the same should be *delayed as long as possible;*" the avowed motive for which most extraordinary order was, that, whatever might be the decision, His Majesty would be called on to pay the money in dispute, which, owing to the scarcity of funds, was particularly inconvenient. Nothing prevailed, at last, to put an end to these outrages against the rights of humanity and every law, public and municipal, but the resistless energy infused into the ordinary channels of communication between the two Governments by those glorious resolves of Congress which have afforded such precious evidence of the inviolable sanction with which a nation renowned for justice and magnanimity may surround the persons of its citizens. The royal order under which he was finally released promulgated his innocence, and denounced and condemned the illegality and iniquity of his imprisoment just as unreservedly and emphatically as if the Government, or its highest and most trusted officers, had not participated in all the guilt of the corrupt and shameful arts by which it had been effected. The facts to which your memorialist has adverted, with all the concomitant circumstances of superfluous injustice and meanness, are now matter of history, and may be found authentically stated in the documents among the archives of Congress.

These circumstances sufficiently demonstrate how entirely his Spanish transactions and connexions were severed from and irreconcilable with every party that might have identified him or his claims with any of the odium attached either to an *ultra-royal* or a *British* faction. In truth, he had deeply offended the *ultra-royal* faction under the Regency, and had severely suffered for that offence, which was further remembered to his cost when the restoration of the King gave complete ascendancy to that faction, and unlimited sway to its remorseless vengeance; and as to any *British* connexion, his character of American citizen, and the corresponding principles and motives which had brought him into contact with the liberal and patriotic party in Spain, were causes of mutual repulsion too powerful to be overcome by any accidental coincidence in the means of obtaining different ends. Indeed, your memorialist has always suspected, upon the strongest probabilities, and the best information, that the Spanish Government would never have ventured to proceed the lengths they did against him but for the countenance and imposing influence of the British minister and his party at court, who acted ostensibly from the motive of patronizing the unprecedented and iniquitous pretensions of his countrymen.

During the imprisonment of your memorialist, all payments on account of the debt due to him from Spain, (except some few partial payments, which he was enabled to obtain at a sacrifice of from twenty to thirty per cent.,) and all effectual means of prosecuting the recovery of it, were entirely suspended—a suspension which was doubtless felt to be very convenient to the Government, and which, it may well be supposed, they were in no hurry to remove, if it did not form one of the leading motives for the perfidious and cruel means by which it had been prolonged. As soon as he obtained his release from prison, he set on foot the most active and strenuous exertions to assert his claims, and to press upon the Government and its tribunals the duty and necessity of an immediate settlement. He renewed and pushed, with all his energy, the prosecution of the suits which, with the permission of the Government, he had instituted in the tribunals before his imprisonment. He added to the large amount of his pecuniary claims one for compensation in damages for the now confessed injustice and iniquity of his long and rigorous imprisonment. Not only were the tribunals and the proper officers of the department urged to a speedy

decision of the pecuniary claims cognizable by their authority, but the Government was pressed by memorials, embracing both the branches of the claim, for the pecuniary debt and the unliquidated damages; and these memorials were supported by the earnest and pressing remonstrances of Mr. Erving in his diplomatic communications, who also kept his own Government regularly informed of the nature of these claims, and of his exertions to advance them. It would be tedious and useless upon this occasion to recapitulate all the steps pursued by your memorialist, with the direct co-operation and assistance of his country's representative at the court of Madrid, in order to obtain justice; the most authentic documents, furnishing this information in detail, are either among the archives of Congress, or ready to be produced. He will now confine himself to some of the more prominent circumstances necessary to trace and explain generally the process by which the claim, as it now stands, was finally ascertained and adjudicated; the indissoluble connexion between all the parts and stages of that process, whether before or after the signature of the treaty; the unity and identity of the claim, in its essence and in all its elements, as it stood on the 22d of February, 1819, when the treaty was signed, on the 22d of February, 1821, when the ratifications were exchanged at Washington, and as it now stands; and the official recognition of that claim, in its present shape, on the part as well of the Government of the United States as of Spain; and also to illustrate how, and in what degree, it has been affected, or was capable of being affected, by the treaty, or by any proceeding under it.

Your memorialist had not been discharged from prison a month, when it was hinted to him, in a way that left him no doubt of the official and high source from which the intimation proceeded, that, if he would make some further advances of money to the Spanish Government, he might obtain a grant of land in either of the Floridas, sufficient to cover both the presumed amount of such advance, and of that of his existing claims upon the Government. This was a most tempting offer, under the circumstances in which he found himself; for, doubtless, he had every reason to expect that when, urged by present need, and harassed with his unceasing importunities, they had once made up their minds to carve out satisfaction of his demands from the crown lands in a distant and neglected province, he should, in all likelihood, receive no stinted measure; besides, in the then unsettled and menacing relations between the two countries, he had every thing to apprehend from delay; for if the discussions had ended in a rupture, as indicated by their tone, he had every reason to apprehend that it would be fatal to his claims. But having understood that a cession of the Floridas was looked to as the ultimate satisfaction and indemnity for the injuries which our commerce had sustained from Spanish aggressions and abuses, he conceived himself peculiarly bound to observe the most scrupulous caution, and to avoid every step that might traverse, directly or indirectly, the policy of his own country. He accordingly addressed a letter to the Secretary of State, Mr. Adams, in which he mentioned his having claims upon Spain, and proposed the question, how it might comport with the views of Government for him to receive satisfaction in Florida lands. Mr. Adams, in his answer, September 18, 1818, communicates to your memorialist the disapprobation with which any private grant from Spain of land in Florida would be received; and, after hinting at the intention of the Government to provide (in case a treaty should be made) for the claim of your memorialist, concluded with an intimation that there was no hope of an *early* and *favorable* conclusion to the negotiation. The President had himself endorsed on the original letter from your memorialist to Mr. Adams, a memorandum of his decision to the same effect. Your memorialist, however, had intermitted none of his efforts to obtain justice from the Spanish Government, but continued to urge his demands as if he had entertained no expectations, either from a specific grant in Florida, or from the result of the negotiations between the two Governments; and when he received Mr. Adams's letter, he abandoned all hopes from either. In July, 1818, he had transmitted, through Mr. Erving, to Mr. Pizarro, the Spanish Secretary of State, a memorial, demanding of the Spanish Government, in strong terms, a settlement of his claims, and compensation for his sufferings and losses; and Mr. Erving communicated the same to Mr. Adams on the 3d of August following. This was followed up, the ensuing December, with a second memorial, delivered by Mr. Erving in person to the Spanish Secretary of State, accompanied by strong representations in support of it. In January, 1819, a third memorial was addressed to the Spanish Government, in which he demanded the appointment of a junta, or special commission, to audit and liquidate all his claims, including his losses and personal sufferings, induced by the illegal proceedings of the council of war, and his consequent imprisonment. This memorial was enclosed in a letter from Mr. Erving to the Marquis Casa Yrujo, Spanish Secretary of State, dated January 18, 1819, and in which he insisted that the claims of your memorialist as a creditor on the royal *hacienda* were undeniable, and appealed to the King's sense of the very important services rendered to the nation, which form the groundwork of the claim, and give to it the most *sacred* character, and entitle it to the *first consideration* and to immediate settlement. And, lastly, in March, 1819, he sent in a fourth memorial through the same channel, reiterating the request contained in his last. The prayer of these two last memorials was granted, by the appointment, on the 7th of May, 1819, of a junta or commission for the purpose of auditing and liquidating his claims. This junta proceeded forthwith to execute its commission; but from the extent and variety of the contracts to be examined, the number of departments from which information was to be sought, and the multiplicity of documents, vouchers, and evidence to be examined, they did not make their report till the 30th September, 1819. In that report, the importance and value of the services rendered by your memorialist, and of the supplies which he had furnished, at the most doubtful and trying crisis of the national struggle, are liberally and gratefully acknowledged; and the aggregate of the sums awarded to him, both in his own right and in his character of agent for other American citizens whose property had been disposed of to the Spanish Government, was little short of half a million, with interest. But the sum found due to him in his own right, and awarded to him accordingly, was $373,879 88, which comprised the balances due to him under his contracts; upon *libramientos*, protested bills, with interest and damages upon the same, balances of account current, and an allowance for the depreciated value of the paper in which payments had been made to him—this last *item* being a deduction, in proportion to such depreciation, from the credits to the Spanish Government, for the payments they had made on account; added to all which was compensation in damages for his imprisonment, liquidated at $75,000. This award was sent back to be reconsidered by the junta, with various objections from the Minister of Finance; and, on the 15th of November, 1819, the *junta* confirmed their award, reasserting and enforcing the reasons on which it was founded, and even declaring that it was less than what in justice and equity the Government ought to pay. The Minister of Finance, not yet satisfied, thought it necessary to consult, in succession, the Treasurer General and Comptroller General of Accounts; and their decisions concurring with that of the junta, the King finally ratified the award on the 9th of May, 1820; and your memorialist received a formal certificate of the same, directing the amount to be paid out of the funds of the Royal Finance Department, with interest; which certificate was signed by all the members of the junta, and by the Minister of Finance, acting by order and in the name of the King, with the royal seal affixed—solemnities observed only in cases of high commissions and in affairs of importance. This result was communicated to Mr. Forsyth, then our minister at Madrid, in a letter dated June 10, 1820, from Mr. De Castro, Spanish Secretary of State, requesting, in substance, that, as the Government of the United States had taken part in the transaction, and manifested an interest in the fortune of the individual concerned, the result should be communicated to the President, "inasmuch as the respect he deserves has had much influence in it." Mr. Forsyth, in answer, June 29, 1820, promised to communicate this information, as requested, to his own Gov-

ernment, who, he intimates, would receive it with pleasure, as an indication of good-will from His Catholic Majesty; and he communicated it accordingly in his letter to Mr. Adams, July 13, 1820. Your memorialist left Spain in May, or early in June, 1820, a few days after receiving the said certificate of the ascertained amount due to him, and returned to the United States with despatches from Mr. Forsyth; amongst others, with a letter, dated May 20, 1820, to Mr. Adams, in which the arrangement of the claim is announced. Immediately on his arrival at Philadelphia, in August, 1820, he sent to Mr. Adams copies of the official documents of the adjustment; and Mr. Adams, in his answer of September 6, 1820, congratulates him "on the adjustment of his accounts with the Spanish Government, and assures him that this Government feels not a little gratification in having at all *contributed* to the *satisfactory result*"—an assurance that should, perhaps, have dispensed with the recapitulation of the *circumstances*, from which it has been made so clearly to appear that this Government concurred, and went hand in hand, and step by step, with the Spanish Government, and with your memorialist, in all the proceedings by which that result had been produced; contributed to produce it; admitted it to be satisfactory; and, of course, must be altogether incapable of denying to it the attribute of presumptive if not of conclusive verity and justice; or of disclaiming any of the duties ascertained and defined by that result as inherent to the intrinsic merits of the original claim; for all of which conclusions the compendious evidence of this assurance might have sufficed. And if any further confirmation of them were requisite, it may be found in the highly respectable evidence of Mr. Juan Rico, late vicar-general of the armies of Spain, and one of the patriotic and virtuous, therefore proscribed and exiled deputies of the last Spanish Cortes, who circumstantially and distinctly proves the prevailing influence with which the direct agency and co-operation of our Government and its ministers operated in producing this result.

In order to explain the subsequent proceedings of the Spanish Government in relation to this claim, it may be remarked that, in the interval between the first award of the *junta*, in September, 1819, and its final ratification in May, 1820, another revolution in the Spanish Government had occurred, by which a constitutional frame of government and the legitimate functions of the Cortes were restored, and limitations imposed upon the power of the Crown. The unsettled state of the country, and the embarrassments and confusion inseparable from such revolutions, necessarily impeded and delayed the full measure of justice which your memorialist had every reason to expect from the more enlightened and just administration of affairs under the constitution which this new revolution had re-established. He nevertheless persevered in his active exertions to obtain payment of the debt now ascertained to be due to him; and, accordingly, when he quitted Spain in the spring of 1820, he left instructions with his agent to present to the Cortes, at their first meeting in July, a petition for the immediate satisfaction of his claim. This was done accordingly in his absence; and the subject would have been taken up by the Cortes and some provision made, without delay, but for the then exhausted state of the treasury, and an assurance from Mr. Arguelles, Minister of Finance, that, if the treaty should be ratified, this debt would be included in it and paid by the United States; or if, contrary to expectation, the treaty should not be ratified, your memorialist might be indemnified out of the crown lands in Florida, or some other territory.' When the Cortes afterwards (some time late in September, or early in October, 1820,) proceeded to discuss the expediency of advising the ratification of the treaty, they at the same time took into consideration the petition presented in behalf of your memorialist, and immediately instituted the most anxious and minute inquiries whether, if the treaty should be ratified, this debt would be embraced by it, and assumed and paid by the United States. The subject was referred to the Minister of State for information; and his official report gave the most unequivocal assurance of the debt being so embraced, assumed, and paid, in the event of ratification. Not content with these domestic sources of information, a committee of the Cortes, and several of the eminent and leading individuals among the deputies, called upon Mr. Forsyth for information, and, from their conversations with him, were satisfied, as they informed the Cortes, that the United States recognised the debt as comprehended in the treaty, admitted the justice of it, and intended to assume it. In short, the most distinct assurance of the assumption of this debt by the United States was made a *sine qua non* to the ratification of the treaty by the Cortes; and, if they had not been completely satisfied on that head by the report of their own minister, confirmed by their conversations with Mr. Forsyth, they would never have consented to ratify the treaty with the *rider*, by which the grants to Alagon, Punon Rostro, and Vargas were annulled, and by which the lands comprehended in those grants were, in effect, ceded to the United States; but they would have set aside these grants in virtue of an ancient law, well known to the history of Spanish legislation, called the law of *reversion* and *incorporation*, by which royal prodigality to favorites was restrained; and having thus converted these lands into *national property*, they would instantly have appropriated the same to the satisfaction of the debt due to your memorialist, either by a specific equivalent in land, or by a sale of the same, and an appropriation of the proceeds to that object. But, with the clear and express understanding, and upon the declared faith and confidence that the nature and amount of this debt were well known to our Government, that Spain would be exonerated from it by the treaty, and that the United States would assume and pay it, they proceeded, on the 5th of October, 1820, to decree (what they would not have done upon any other condition) the ratification of the treaty; and it was accordingly ratified by the King on the 24th of the same month. All the facts and circumstances above adverted to as conducing to the ratification of the treaty subsequent to the liquidation of the debt in May, 1820, and identifying the assumption of that debt by the United States as the *sine qua non* to the ratification, are proved in the fullest and most positive manner, with such circumstantial details as leave no doubt of their truth and accuracy, by the same Mr. Rico above mentioned, and by four of the prominent and leading deputies who took an active part in the proceedings and discussions which led to the renovation and ratification of the treaty by the Cortes in the autumn of 1820. The depositions of these gentlemen, who are all sharing in the proscription and exile of Mr. Rico, and for the same glorious cause, have been recently taken, and are herewith submitted, with the utmost confidence in the credit that will be found due to them, as well from the consistency and circumstantial accuracy of the testimony as the high character of the witnesses.*

Your memorialist now begs leave to advert to the circumstances under which an authority was assumed by the ministers of the high contracting parties to include his claim in the renunciations and provisions of the treaty, by which Spain was to be exonerated, in terms, from the obligation to pay it, and that duty transferred to the United States.

He had, from the commencement of his difficulties, invoked and obtained the good offices and active assistance of his country's representative at the court of Madrid, and enjoyed the benefit of them throughout the whole of his toilsome and long-deferred solicitations for justice; but he availed himself of them merely to reinforce and sustain his own personal exertions to obtain a specific settlement between the Spanish Government and himself, and by no means as committing the claim to the fate of any negotiation between the two Governments on affairs of national import. This will be evident enough from a mere inspection of the correspondence of our ministers at

* See the depositions of Mr. Juan Rico, vicar-general of the armies of Spain, and late a deputy to the last Spanish Cortes, and of Messrs. Joseph Moreno de Guerra, Joseph Becerra, Francisco Fernandez Gasco, Juan Palarea, and Estevan Desprat, late deputies to the Cortes for the years 1820 and 1821.

Madrid with both Governments on the subject. The only circumstances which ever have given any pretence for inferring his assent to abandon his claim unconditionally to the fate of the negotiation, and to abide such compromises as it might suit the political views of the two Powers to make concerning it, have, as he conceives, been greatly misconstrued. But whatever strained constructions or far-fetched inferences may be deducible from them, of this he is certain—that such a conclusion never was contemplated by him; was always contrary to his most settled intentions; and utterly irreconcilable with the whole tenor of his conduct, and with every manifestation of his intention from his acts—acts done with the privity and concurrence of the ministers of both Powers, and in entire conformity with their own concomitant acts and declarations. There are only two passages in the history of this business, from which he understands the inference of his assent, and the consequent authority of the Government to dispose of his claim at discretion, are deduced.

1. The first is in his aforesaid letter to Mr. Adams, (June 6, 1818,) in which, looking forward to certain events that might justify his despondency, he alludes to a resolution, merely contingent, and in the event of a final disappointment of all his expectations of a settlement with Spain, either through the proposed grant of Florida lands, or otherwise, to *enter* his *protest*, *quit* the *country*, and *abandon* his claim to the protection of his country. After all that has appeared, and will be made to appear, on this subject, it is almost superfluous to remark that this intention was never carried into effect, but was as emphatically renounced and relinquished by the whole tenor of his subsequent proceedings, and of his correspondence and connexion with the diplomatic agents of his country, as it was possible for the united force of deeds and words to have renounced it. But it is a sufficient answer to any argument drawn from an *intention* thus contingently and hypothetically stated, to say it was never *carried into effect*, without showing that it was renounced. Connected with this letter is the answer of Mr. Adams, (September 18, 1818,) which contains the *first* and *only* notice ever received by your memorialist of any intention on the part of the Government to provide for his claim by treaty; and that so indeterminate and hypothetical, and depending upon contingencies so remote, if not improbable, (as if stated by way of softening the President's refusal to admit the overtures for the Florida grant,) that he could not have been expected to rely on it; and it was certainly and officially known that he did not rely on it, but upon his own unremitting diligence and persevering exertions, backed by the *good offices* of the American minister to effect a specific settlement between himself and the Spanish Government, as the only creditor and debtor concerned in the business. Besides, he never imagined that any thing was meant by such suggestion but to assume the specific debt, with all its concomitant obligations, precisely as it was due from Spain, in consideration of some satisfactory equivalent to the United States. It never entered into his thoughts that the delegation of an unlimited authority to dispose of the claim at discretion was, or ever could be, asked for or expected.

2. The next warrant for the authority assumed in this case is the statement of the general heads, and the *sum total* of his claim, dated November 5, 1818, sent by him from Spain to Mrs. Meade at Philadelphia, and by her transmitted in her letter of January 17, 1819, to the Department of State, where it was received two days afterwards. This statement was sent in consequence of his having received, whilst deeply engaged, in concert with Mr. Erving, in pressing the Spanish Government for a settlement, a confidential intimation from a member of Congress that a negotiation was going on which would probably terminate in a treaty making provision for private claims, and that none would probably be admitted but such as should be stated and sent into the Department of State before the signature of the treaty; and your memorialist was advised that it would be a prudent precaution to send in a statement of his own. This paper is a simple statement of the *general heads* and *sum total*, and nothing more: it applies for nothing; communicates no authority to do any thing; and refers nothing to the will or discretion of the Government, unless it purport to *apply* for the *sum total* therein stated, to communicate an *authority* to collect that sum for him, with the correlative duty to pay it over to him when collected, and a discretion to execute that *specific authority*, or to let it alone. Nor does Mrs. Meade's letter at all enlarge the import, or extend the constructive operation of the statement enclosed in it. At the time he transmitted this statement from Spain, he knew nothing, and could have known nothing, about the terms of the negotiation then going on at Washington; but presumed that, if provision should be made for his claim, it would be in consideration of a valuable *equivalent*, which would insure the payment of it, *in solido*, more promptly by the United States than by Spain. Nothing was more remote from his thoughts or intentions than to give an unlimited discretion to bargain away his claim for less than an equivalent; and he therefore made his statement simply as a *notice* of the *maximum* to be provided for, in case it could be secured by the treaty. Far less could he have imagined that he was delegating an authority to frustrate the end and object of all his personal sacrifices, toils, and expenses, and to subject his claim to a treaty stipulation, which should leave it in a worse condition than it found it.

But whatever the nature or extent of the delegated authority implied by this or any of the precedent acts imputed to him, it was virtually and necessarily renounced and revoked in so far as it transgressed the limit of taking up the claim in the actual state and improved condition to which the diligence and labor of your memorialist had brought it, when the treaty was first awakened from its long and death-like slumber, and of paying it, *in solido*, as then ascertained and definitively stated. It is clear that he reposed not upon any hope or expectation growing out of the treaty; nor was it reasonable or probable that he should have reposed upon any such, but that he should have trusted, as he notoriously did, to the effects of his own diligence and perseverance. When the treaty, as signed at Washington, arrived in Spain, he was still perplexed with the ambiguity as to the mode of settling and paying his claim, if included, as he was confidently assured it was. He would at once have rejected every idea of accepting the contingent indemnity which the apparent terms of the treaty purported to hold out to such claimants as were embraced in it; but it was confidently said in all the ministerial circles at Madrid, upon the authority of Mr. Onis, that the claim of your memorialist had been mentioned by name in the negotiation, and was the subject of a distinct and substantive provision understood between them. However, the heated disputes which soon ensued about the ratification of the treaty put an end to all these speculations as to its effect upon the claim of your memorialist. During the whole process of negotiation, amidst all the controversies connected with the proposed ratification until the limited term for its ratification expired, and down to the time of its redintegration and final ratification, his instances to the Spanish Government, sustained by the good offices of his own, were incessant for a specific settlement as between the original creditor and debtor. The appointment of the junta to audit and settle the claim was produced by, and in pursuance of, repeated memorials and petitions, backed by strong representations from Mr. Erving, *before the signature* of the treaty. The junta were going on with their investigation of the claim at the same time that the ratification of the treaty was disputed between the ministers of the two Governments; their award was made more than a month after the inchoate treaty had expired by its own limitation, and become a dead letter—a mere nullity; and the adjustment of the amount of his claim was consummated by the definitive ratification of their award, after the treaty had lain in that state for the space of nine months; after the lapse of eighteen months from its signature, and five months before any advance by either party towards its renovation; at a time, in short, when an open rupture seemed far more probable than the conclusion of any treaty.

Then, what was your memorialist to do during all this period of acrimonious controversy, of crimination, recrimination, and menace, between the two Powers? Was he bound by any duty, moral or conventional, to embroil his private interest in these national disputes, or to lie upon his oars, and make no effort to redeem his property from the jeopardy in which it stood, so long as it remained obnoxious to the consequences of having these disputes carried to the last extremity? And after he had exerted his unquestionable right, under the favor and encouragement of his Government, to disentangle and separate his claim from the perplexed and apparently interminable disputes growing out of the subject-matter of the treaty, and had exerted it so effectually as to have removed all ground of dispute or difficulty, and to have arrived at the very point of entering upon the full and undisturbed fruition of what he had earned by his own diligence and perseverance—is the idea of such injustice to be tolerated for an instant as that, under the notion of a stale and expired authority, questionable in its origin, vague and dubious in its terms, and notoriously superseded and annulled, the treaty should be endued, at the long-postponed date of its renovation and final ratification, with a retrospective power to overreach all the intermediate steps of diligence by which the claim had been meliorated and matured; to annihilate the labors and sacrifices of years; and to throw the claimant back upon all the difficulties, perplexities, and uncertainties from which he had with so much toil, and with infinite sacrifices of ease and comfort, just been extricated? It is impossible that any such retrospective operation could have been *intended* by the treaty; and, if the strict construction of its terms prescribed such an operation, it must be concluded in favor of one who is incidentally affected by it, but no party to the instrument, that it has been produced by some casual lapse of attention to its minuter details, amidst all the perplexing circumstances that attended its dilatory, interrupted, and anomalous progress from inception to consummation; and that statesmen, absorbed in the great national objects that tasked their energies and engrossed their faculties, have not discriminated the peculiarities of the private and pecuniary concerns of individuals with the minute attention and exactness of mere men of business.

As soon as intelligence reached this country, in the winter of 1821, of the renovation of the treaty by the Cortes, your memorialist was led to consider the effect of its provisions upon his claim, in particular, if it should be determined to have been embraced in those provisions; and reflecting that claims had been advanced to the apparent amount of about fifty millions, besides interest; that only five millions had been set apart for their satisfaction, and, of course, that such satisfaction might be resolved into a mere dividend of ten per cent.; that a commission was to be appointed to examine and ascertain the validity and amount of such claims, and, if such course were to be pursued in respect to his own, upon the technical and strict principles of evidence adopted by tribunals of ordinary judicature, that it would be nearly impossible to fulfil the requisites of such rules of evidence, from the peculiar nature and circumstance of the claim, and of the evidence by which it was supported; from the distance and the lapse of time; from the surrender and cancelment of the original documents and vouchers upon the final liquidation of the amount; and from the various accidents, in the unsettled and disturbed state of the country, to such of the evidence as depended upon living witnesses; and from the absence of that personal consciousness and acquaintance with many circumstances of notoriety in Spain, and with the modes and habits of business which were perfectly familiar to all the public functionaries and well-informed citizens of that country—strongly impressed with these doubts and apprehensions, he addressed to the President of the United States a memorial, in anticipation of the arrival of the treaty, stating at large the nature and extent of his claim as liquidated and ascertained, and his objections to have it incorporated into the treaty upon the terms therein provided for the general mass of the claims. To that memorial, dated February 8, 1821, he begs to refer; from which will appear the facts and the reasons upon which he advanced the following propositions, and gave notice of his determination to adhere to them.

1. That the United States had no power or authority whatever to cancel or release the debt, in any way, or upon any terms, but the actual payment of it; in other words, that the treaty-making power was utterly incompetent, under the constitution of the United States, expounded by the sound principles of public law, to exert its jurisdiction over the rights of a creditor claiming a mere pecuniary debt contracted in a foreign country—a species of claim widely and fundamentally differing from other of the renounced claims in all the incidents, qualities, and relations which may rightfully have subjected them to the action of the treaty-making power.

2. That the claim was nevertheless embraced in the terms of the fifth renunciation, declared, on the part of the United States, in the ninth article of the treaty, and was distinctly intended to be so; in virtue of which, and of the positive stipulation in the eleventh article, the United States were absolutely and unconditionally bound to *exonerate* Spain from the debt, for which they had received from Spain, and yet enjoyed, a valuable and adequate consideration.

3. That, having no right to take the debt due to your memorialist to pay for the Floridas, the only way in which they could fulfil that stipulation, with justice to him or with good faith to Spain, was to pay the debt according to the primary obligation of Spain, and, in so doing, to fulfil the specific duty which that obligation devolved upon Spain, without defalcation or delay.

In conclusion, he insisted that, as the treaty was yet in a mere inchoate state; as it had been recently redintegrated by Spain, after having become a dead letter; consequently, as the faith of the United States was in no degree pledged to accede to such redintegration, or to ratify the treaty; and as such material changes to his advantage had taken place in the state and prospects of his claim since the signature of the original treaty; and as those changes had virtually and necessarily abrogated whatever motive or inducement might ever have existed for introducing the claim into the negotiation, he had a clear right to object, and did object, *in limine*, to have his claim compromised in such a way; and he gave distinct notice that, if the United States exerted a discretion to adopt and ratify the treaty as now proposed by Spain, they would do it at their own risk, and without any consent on his part to relinquish his claim upon Spain. But as the renunciations of the treaty itself, whether lawful or unlawful, with or without authority, must necessarily interpose practical difficulties of a very serious nature in the way of the effectual prosecution of his original claim upon Spain, he insisted that all ambiguities and doubts should be removed, by annexing to the ratification of the treaty one of two specific declarations: either that the claim was embraced in the renunciations, and released to Spain, and that it should be paid by the United States, *in solido*, without delay; or, that it was not so renounced or released, and would not be assumed by the United States, in order that your memorialist might distinctly understand from whom and how he was to obtain payment; and, in the latter alternative, that he might continue his application to the Spanish Government, disincumbered with the presumed renunciation of his own country, and the consequent pretence of an exoneration to be set up by Spain.

This memorial was transmitted by the President, with the treaty, to the Senate, and was regularly entered on the journal of that body, with the other proceedings relative to the treaty.

After the ratification of the treaty, and when the bill making the necessary appropriations for carrying it into execution was before the House of Representatives, your memorialist, deeming it expedient to assert his claim, and to renounce the provisions of the treaty at every stage of its progress to maturity, presented a memorial to the House of Representatives, substantially assuming the same grounds of objection, and demanding the like indemnity against the implications of the treaty as in his first memorial to the President.

He then applied to the Spanish Government in order to ascertain from the fountain-head their views and understanding on the subject; and he received an answer, dated in June, 1821, from the Spanish Secretary of State, declaring that the claim was provided for in the treaty, that Spain was exonerated, and the only recourse for payment was to the United States.

When the commissioners appointed under the eleventh article of the treaty assembled at Washington, and gave notice for all claims to be produced before them by a given day, your memorialist found himself extremely perplexed with the strange and anomalous condition in which the treaty had placed him in relation to his original debtor—with a clear and undiminished *right* to call upon that debtor for payment, but without any means or power to enforce that *naked right* against the grounds of defence and excuse which the renunciations of the treaty had supplied to the debtor; reduced to the alternative either to renounce forever all advantage from the provisions of the treaty, and trust only to the precarious recourse against a sovereign thus fortified with excuses and defences under a color of right, or to accept (under protest, reserving all his rights to ulterior redress) such satisfaction as might be obtained under the treaty. After great hesitation and doubt, he was advised that a memorial to the commissioners might be framed so as to secure him the advantage of whatever indemnity was attainable under the treaty, at the same time that it effectually reserved all his existing rights undiminished, and guarded against any unfavorable conclusion from his appearance in the character of a claimant under the treaty. Such a memorial was framed and presented, upon reference to which it will plainly appear that it proceeded from necessity—was a choice of evils—and by its protestations and averments leaves him just as free now to prosecute his original claim as if this qualified and conditional submission of it to the cognizance of the commissioners had never been made.

Upon the presentation of his memorial, the commissioners doubted whether this or any other claim under *contract* was comprehended in the treaty, and at length came to an opinion in the negative. The point was elaborately discussed before them, and finally turned upon a question of fact—whether such claims, though held to be excluded by the terms of the treaty, were not really intended and understood by the negotiators to have been included. Being satisfied, by the concurrent evidence of Mr. Adams and Mr. Onis, that such was their genuine intent and understanding, the commissioners determined to entertain jurisdiction of such claims.

The claim of your memorialist was then submitted, upon the evidence of the final adjustment of the same with the Spanish Government, as authentically certified by the solemn document before described—evidence which he was confidently advised must be taken as *prima facie* sufficient and satisfactory, if not undeniable and conclusive of the validity and amount of his claim. A question was then raised before the commissioners as to the admissibility of this evidence, and, after an elaborate discussion of the point, and mature consideration, it was at length decided that it was inadmissible, and that the board could receive nothing short of original and substantive proof of the items—just the same as if no adjustment of the amount of the claim had ever been made with the Spanish Government. The grounds on which this decision turned, as your memorialist understood, were, that the authority and jurisdiction of the board must be referred back to the *date* of the original treaty as signed on the 22d of February, 1819, and that the nature and character of the claims over which such authority and jurisdiction were to be exerted must be determined by the actual state and condition of the same at that precise point of time; so that the same kind and degree of proof then extant, and then necessary to substantiate the claims, were still necessary; that it was the express duty of the board to ascertain both the *validity* and the *amount* of each claim, and to ascertain the same, not by evidence subsequently created, as by acknowledgments or settlements between debtor and creditor, but by examinations of evidence on oath, or other original and substantive proofs; in short, that both the claim itself, and the evidence to support it, must be identically the same at the time of the hearing before the board, as in an original investigation and audit of the same on the 22d of February, 1819; and so they could not, under the limitations of their authority and jurisdiction as defined by the treaty, take cognizance of any change or melioration, either in the specific nature or in the state and condition of the claim, subsequent to such date.

As soon as this decision manifested the necessity of an appeal to the Spanish archives for documents, a requisition for the same was communicated from the commissioners to the Secretary of State; and instructions were given, in April, 1823, to Mr. Nelson, then on the eve of departure as minister to Spain, to apply to the proper authorities for the documents required in the cases of your memorialist and some others, mentioned in the Secretary of State's instructions. The various circumstances and accidents that delayed Mr. Nelson's departure, and, after his departure, his arrival at Madrid, which he did not reach till December, 1823, are well known. Indeed, if his arrival had been in better season, it is not probable that his application could have availed to obtain the documents alone necessary to fulfil the rule of evidence laid down by the commissioners in the case of your memorialist; and, after the documents had been procured, there would still have been some wide gaps in the evidence to fill up, in the way of which obstacles of equal magnitude presented themselves. The troubles and commotions by which the whole country had been convulsed and distracted, in consequence of the re-establishment of the constitution in 1820, and the subsequent struggle to maintain it against the united forces of *legitimacy* at home and abroad, are too well known to require any illustration of the impediments they must necessarily have presented to such minute, diversified, and laborious researches into the public archives as would have been necessary in the single case of your memorialist. Though Mr. Nelson arrived just as the more violent agitations of the subsiding storm had died away, yet it will appear from his correspondence what inevitable delays attended his applications for papers. So late as the 30th of July last, more than six months after his arrival, and more than a month after the final adjournment and dissolution of the board before which the documents were to be exhibited, he indulges the hope that *most* of the records which have been asked for may be furnished before a *very distant* day; but the papers wanted in the case of your memorialist, being so voluminous, he fears must be postponed to a still more distant day.* No reluctance whatever has been manifested by the Spanish authorities to comply with these calls for papers, which, in fact, have been attended to with as much alacrity and expedition as are at all consistent with the habits of business, or perhaps practicable, in the existing state of affairs. The delay has been produced solely by imperious circumstances, beyond any human control, and by the lateness of the hour at which the application has been made, itself the effect of the same imperious circumstances. Your memorialist then submitted to the commissioners such documents as remained in his possession; among others, notarial copies of some of the vouchers which had been surrendered at the time of the settlement by the junta, and which probably still remained deposited in some of the Spanish archives. These last were rejected as inadmissible; but, upon such of the documents as were deemed admissible evidence, the commissioners avowed themselves perfectly satisfied of the existence of a debt due from the Spanish Government to your memorialist at the date of the treaty—a debt established by the public, repeated, and concurring admissions and acknowledgments, both express and implied, of every successive administration of public affairs in Spain, through all their revolutions and changes, from the year 1815 to the present time; but, for the want of proof sufficiently specific and particular of the *items* and of the *amount*, though the validity of the claim was undisputed, the *amount* could not be ascertained with the necessary certainty and precision, and therefore the whole was rejected.

* See Mr. Nelson's letter (July 31, 1824) to Mr. Adams. (No. 35.)

Your memorialist has recently received from Spain a large mass of documentary and other evidence, in addition to what was laid before the commissioners, which he is ready to produce if it be deemed requisite. But he cannot imagine that, at this time of day, and after all that has passed, it ever could have been made a question anywhere but before a tribunal of the most strictly limited and defined powers, and tied down by the law of its constitution to positive rules of evidence; least of all that it could ever have been matter of any possible doubt with this Government whether the Spanish Government were truly and justly indebted to him in the sum ascertained by the settlement and award of the junta, as ratified and confirmed in May, 1820.

Your memorialist thinks it material to remark that the United States are indebted for the treaty and for the all-important cession of the Floridas to the revolution, by which the constitutional government was restored in the year 1820, and by which the administration of affairs was disenthralled from the control of corrupt favorites, and left free to act upon great motives of public policy, and with a single view to the national interest; and that this new administration, capable of feeling and of estimating the incalculable value and importance of the considerations in which the debt to your memorialist had originated, and of the cause with which it had been identified, would not in any event have adopted and ratified the treaty but with the *sine qua non* of a stipulation, faithfully and clearly understood, as they thought, to provide for the payment of the debt as then ascertained; or, at least, they would have insisted upon resuming and retaining the lands contained in the obnoxious grants, and of appropriating them specifically to the satisfaction of the debt; and so the United States would have had to choose between the treaty without the lands, and the treaty with the lands, but saddled with the debt in question. It is conceived that no conclusion can be clearer, from all the facts and circumstances now in evidence. Then the treaty, with that *sine qua non* clearly implied and understood, actually dispensed with all the cogent and irresistible motives prevalent with the then existing Government of Spain to satisfy and discharge the debt at all events; it took away, and appropriated to the use of the United States, the *specific fund* out of which the debt would have been so satisfied and discharged; it took, at the same time, the large and entire mass of funds represented by that debt, the private estate and property of your memorialist, and used it as part of the consideration and purchase-money for those same lands which had constituted the specific fund of his indemnity, and for all the other immense territorial acquisitions and political advantages obtained by means of the treaty.

Your memorialist now begs leave, in conclusion, to submit the following summary of the propositions upon which he founds his present claim:

1. It being clear, and now, indeed, a *concessum*, that the treaty-making power was utterly incompetent, of its own mere authority, to negotiate away the claim of your memorialist, or any other of the like description, and under the like circumstances, he maintains that such defect of original and inherent power had never been supplied by any conventional authority, flowing from his *assent* to submit and subject his claim unconditionally to the fate of the negotiation by which the treaty was concluded; but, on the contrary, that, from first to last, he had rested on his own personal exertions and solicitations, and had merely called in aid of them the countenance and assistance of the public functionaries in the ordinary routine of the *good offices* with which the representations of ambassadors and other public ministers in behalf of their fellow-citizens are *gratuitously* interposed and *gratuitously* listened to, from mere diplomatic comity.

2. If any such conventional authority could have been inferred to sustain the original frame of the inchoate treaty, when signed on the 22d day of February, 1819, that authority necessarily *expired* with the inchoate instrument by which it had been executed; and never was renewed, but was virtually and publicly revoked by the intermediate acts of all the parties, and by the essential change in the condition of the debt before the redintegration of the instrument by the Cortes, in the autumn of 1820.

3. It is no answer to say that, in the absence of every inherent power and conventional authority to extinguish the debt, it still subsists *de jure*, and may still be demanded of Spain, notwithstanding the unauthorized and therefore ineffectual assumption of the right to extinguish it. 1. Because the stipulation to exonerate Spain is positive and unconditional, for a valuable consideration received and yet enjoyed by the United States, and as between the two sovereigns is just as obligatory as if the authority to make it and the power to execute it had been altogether indisputable. It is no excuse for either party that he has covenanted what he had no right or power to do; he must either find means to execute his contract *in specie*, return the equivalent, or make compensation: in this case, the plainest and easiest mode of executing the contract in *specie*, and of making adequate and complete compensation, lies at the very threshold, which is, to exonerate Spain by paying her debt *in solido*. 2. Because the unauthorized assumption of the power has *practically* destroyed that recourse of the creditor against his original debtor which must otherwise have proved effectual; it has reduced a clear, admitted debt, carrying with it the most cogent and persuasive appeal to the conscience, the equity, and the good-will of the debtor, and fenced in by all the most sacred and inviolable sanctions of national faith and honor—a debt which the debtor, impelled equally by every moral motive and duty as by the most consummate of legal obligations, was on the very point of discharging. All this is now reduced to a naked, theoretical, outstanding, and litigated right; stripped of its original sanctions, both legal and moral; and to be contested with an adversary above the law, and in no circumstances to discuss questions of abstract right and justice, or to perform what he would understand as a gratuitous act of liberality. The obligation to repair and compensate these injurious consequences implies no burden or loss to the country, because all the property of your memorialist represented by this debt has been, in fact, as beneficially appropriated to public use as if it had been so appropriated by the most regular and legitimate means; it has contributed just as effectually to the purchase of the Floridas as if it had been rightfully and lawfully taken for that purpose; and it would be contrary to the plainest principles and analogies by which right and wrong are distinguished if the public could have any advantage from a *wrongful* which it could not claim from a *rightful* appropriation of private property.

4. But suppose the most unquestionable authority originally delegated, and never annulled, but subsisting and continuing down to the time when the treaty was revived from the state of absolute nullity to which it had been consigned by its own limitations: still, here was the commencement of a new and distinct negotiation; here was essentially a new projet of treaty, originating at that *time* and in that *conjuncture;* it could *rightfully* have operated only on the claims affected by it in their then existing state and condition, no matter how changed or meliorated since the date affixed to the former, and preserved in the new projet of treaty. The parties were bound to take notice, and, in fact, had actual notice, of the then existing state of the claim in question, and ought to have provided for it accordingly.

5. The public act, by which the amount of the claim had been definitively ascertained and fixed *after* that date, was merely the consummation of a procedure commenced and inchoate *before*. The whole negotiation, from the first proposal of a *junta* to audit the claim, down to the final ratification of their award, was inseparably connected, from the beginning to the end, by links of unbroken continuity: and so the debt was identical and inseparable in its essence, and in its mode of existence, at the one as at the other point of time. The Government of the United States, through its proper functionaries, was privy, aiding and assisting, to its progressive march to consummation, through all its gradations, and, in the language of Mr. Adams, "*contributed to the satisfactory result.*" These two

facts being officially admitted and announced, namely, that the Government *contributed* to produce the result, and that the result was *satisfactory* to the Government, there was no ground for any distinction between the obligation to pay a debt of uncertain amount, and depending upon the original evidence in detail, as it existed at the date of the treaty, to ascertain and fix its amount, or a debt of an ascertained and fixed amount; there was no reason to discriminate between the obligations incident to the debt, in the one condition or the other; nor can it be presumed, from any of the concomitant circumstances, that any such discrimination was contemplated by the parties at any stage of the negotiation, or at the final ratification of the treaty. Then the conclusion is clear and irresistible that the treaty ought to have been so framed (if it were competent to act upon the claim at all) as to have embraced it in its actual state and condition when the treaty was redintegrated by the Cortes and definitively ratified, and to have given effect to the preceding adjustment of the actual amount; and if, in its original frame, it fell short of that object, it ought to have been so reformed and enlarged as to accommodate its phraseology to existing circumstances, and to make it adequate to the object.

6. It now appears conclusively, from the decision of the tribunal appointed to adjudicate all claims under the treaty, that it was neither framed originally nor subsequently reformed so as to cure its defects, whether inherent or adscititious, and to fit it to the circumstances and condition of the cases upon which it professed to operate; and, in consequence, that the power and jurisdiction of that tribunal, as limited by the treaty, has fallen short of the obvious ends of justice, and of the genuine intent of the parties, by having excluded from its cognizance a species of evidence to which the most implicit respect and unqualified credit ought to have been conceded—a consequence which, so far from being at all imputed, or capable of being imputed, to your memorialist, he took the most timely and effectual means in his power to obviate and to warn against.

7. If all these grounds were beaten from under him, and it were decided that the treaty had rightfully and justly repudiated and set at naught the best existing evidence of the *validity* and *amount* of his claim; if it were admitted that the high contracting parties really intended, and were strictly justified in the intention, to ravel and tangle the whole web of proof which had been wrought by the labors of so many anxious days and nights, and to resolve the consolidated mass of his claim into its original elements, with their original coherency and solidity weakened, dissipated, and diminished; if it could be tolerated that, after inducing him to surrender all the muniments and vouchers of his right, upon the faith of a definitive settlement and consummate obligation, they could again open the claim to indefinite contestation, and then take advantage of the want of those same muniments and vouchers—if all these appalling conclusions were the most unquestionable corollaries of political morality and constitutional law, still the circumstances under which he was deprived of the benefit of the evidence extant in the Spanish archives entitle him to equitable relief. But under what possible circumstances could he be subjected to the utter and irretrievable loss of his debt for trusting to the validity of an arrangement which his Government had contributed to effectuate and admitted to be satisfactory, and which necessarily dispensed with all extrinsic evidence, whether of the *validity* or of the *amount* of his claim?

Your memorialist therefore prays that the defect of justice thus arising from accidental inadvertencies and omissions in the transaction of a complicated negotiation, under very peculiar circumstances of difficulty, and from the anomalous and perplexing situation of one of the high contracting parties, may be supplied by a substantive provision for the payment of the debt due to him, in his own right, from the Spanish Government, and which has been merged and swallowed up in the purchase of the Floridas.

He conceives that the *bona fide* nature, and the conclusiveness of the adjustment by which the amount of his claim was ascertained and fixed, are placed beyond dispute or doubt; but, if there be the most latent suspicion that it was brought about by any indirect means, or for any indirect object, he would not only be willing to subject it to the severest scrutiny, but would invoke such a scrutiny; and, therefore, any provision for his relief might, in that case, be made to depend upon the result of such a scrutiny before any tribunal to which Congress may be pleased to refer it, or which it may be deemed expedient to constitute for the purpose.

R. W. MEADE.

WASHINGTON CITY, *January* 8, 1825.

No. 1.

IN SENATE OF THE UNITED STATES, *March* 24, 1818.

The Committee of the Senate on Foreign Relations, to whom was referred the petition of sundry citizens of Philadelphia, asking the interposition of Congress in behalf of Richard W. Meade, an American citizen, unjustly and wantonly confined in a dungeon in Spain, by the authority of that Government, have given to the subject the deliberation its importance deserved, and beg leave to submit the following report:

It appears from the documents that R. W. Meade is an American citizen who went to Spain, in the year 1803, on lawful business; that, in the year 1806, such was the confidence of the Government in his integrity, that he was appointed navy agent for the United States at the port of Cadiz, a station which he held until the time of his confinement. Such was the correctness of his deportment as to have been appointed by the tribunal of commerce at Cadiz, with the consent of all the parties concerned, assignee of a bankrupt, the amount of whose estate involved a high responsibility. He performed the duties thus devolved upon him honestly; and, having collected for distribution fifty thousand dollars, he several times petitioned the tribunal to permit him to remit this sum to the creditors of the bankrupt resident in England—the only proper course left him to pursue, inasmuch as he had, when appointed agent of the bankrupt, given his bond to that tribunal, conditioned to take charge of the effects of the bankrupt, *and to be responsible solely to the tribunal for the proceeds; being prohibited, under the penalty of the bonds, from disposing of the funds without the sanction of the tribunal.* A controversy having arisen between the creditors and bankrupt about the distribution, Meade offered the money to either, if they would give a bond, with sureties, to the satisfaction of the tribunal of commerce, by which his own might be cancelled. This they were unable to do. The tribunal, of its own accord, and unexpectedly, decided that Meade should, on the following morning, place the money into the King's treasury, until the parties litigant should give the security required; it being declared that all Meade's property should be sequestered in the case of non-payment at the time limited. The money was forthwith paid by Meade into the Treasury, in Treasury notes equal to specie, and hence acknowledged by the Treasurer that *the deposite had been made in due form*, under his *inspection, in effective specie, and that, whenever the tribunal should order its payment, His Majesty would pay it in the same coin.*

Notwithstanding this judgment, and the discharge thereof, by the payment aforesaid, Mr. McDermot, the agent for the British creditors, brought suit against Meade in the same court to recover the very sum he had theretofore paid in conformity to its own judgment. The court awarded judgment against Meade a second time for this money. The latter appealed to the superior tribunal called *alzadas.* During its pendency, it is charged by Meade that the cause was removed, by the interposition of the British minister, to the council of war, and, by the same interposition, his arrest and confinement were procured, from which he could be relieved only by a repayment of

the money. He has languished in confinement from the 2d of May, 1816, down to the last accounts from Spain. The representative of this nation at that court has repeatedly appealed to His Catholic Majesty for the relief of Meade, and the appeal has been in vain; the court of Spain having refused either to restore the money deposited in its own treasury, by order of its own competent judicial authority, or to release the person of Meade from the long confinement to which he has been doomed; and, finally, the President of the United States, whose peculiar province it is to take cognizance of subjects of this kind, has caused a representation on the subject to be made to the minister of Spain to the United States, demanding his immediate liberation. Nothing but a confidence that this representation will produce the desired result would have restrained your committee from recommending the adoption of measures of severe retribution.

Your committee are of opinion that it is due to the dignity of the United States to adopt, as a fundamental rule of its policy, the principle that one of its citizens, to whatever region of the earth his lawful business may carry him, and who demeans himself as becomes his character, is entitled to the protection of his Government; and that whatever intentional injury may be done him should be retaliated by the employment, if necessary, of the whole force of the nation.

No. 2.

Report of the Select Committee (in the House of Representatives of the United States) appointed on the 12th of February last, (1818,) *upon the subject of the confinement in prison of Richard W. Meade.*

The committee, to whom were referred a resolution of the 12th of February, and a memorial from a number of citizens of the United States residing in the city of Philadelphia, relating to the imprisonment of Richard W. Meade, report:

That, upon an examination of the documents communicated to the House by the President, the following facts appear:

On the 2d day of May, 1816, Richard W. Meade, a native citizen of the United States, who has resided in Cadiz for some years past, was arrested and closely confined in the castle of St. Catalina, which is described by the minister of the United States at the court of Spain as a felons' prison. At the time of the arrest, Mr. Meade was the navy agent of the United States at the port of Cadiz, and acted as consular agent, under an authority derived from Mr. Cathcart, the consul of the United States at that place, and with the approbation of the Spanish authorities; Mr. Cathcart having appointed him to act in his stead during his absence upon a visit he made to the United States. Mr. Meade does not appear to have ever renounced his character of a citizen of the United States, nor to have accepted from any foreign Power any right or privilege, nor to have contracted any obligation that could for a moment make his citizenship doubtful, or impair the claim he has upon his country for protection.

Soon after his confinement began, George W. Erving, minister of the United States at the court of Spain, interposed to obtain his liberation; and, from the 27th of August, 1816, to the 9th of May, 1817, made repeated and earnest applications to the public functionaries of Spain, claiming his release as a citizen of the United States unjustly deprived of his liberty. It is chiefly from this correspondence, accompanying the message of the President, that the committee have been able to obtain any knowledge of the causes that led to Mr. Meade's arrest and imprisonment.

Mr. Meade, it seems, had been regularly appointed assignee at Cadiz of the estate of James W. Glass, declared a bankrupt in England; and, in that capacity, after faithfully executing his duty, there remained in his hands a sum of about $52,000, belonging to the estate, which there is reason to believe was the subject of controversy between different claimants. There is no complaint or suggestion that Mr. Meade improperly retained this money in his hands, or was prevented from paying it over by any consideration but that of a just regard for his own security, which did not, under the then existing circumstances, permit him to part with the fund; and it seems that he could not, under any circumstances, pay the money without the consent and direction of the consulado of Cadiz.

In this state of things, on the 18th of February, 1814, the consulado of Cadiz, a tribunal whose jurisdiction over the matter does not appear to be questioned, made a summary order requiring Mr. Meade, within a limited and very short time, (about twenty-four hours,) to deposite the above-mentioned sum of money in the Treasury General of the province. With this order Mr. Meade complied on the following day. The fact of his compliance was vouched at the time by the usual and authentic evidence from the proper officer, and has since been satisfactorily established in the manner that will hereafter appear.

The consulado, by its own act, in taking the fund from the hands of Mr. Meade, and causing it to be deposited in the public Treasury, would seem, upon every just principle, to have liberated him from further accountability. That tribunal, nevertheless, soon after entertained a new proceeding against Mr. Meade, at the instance of a certain John McDermot, the agent of Duncan Hunter, having for its object to compel him to pay to the consulado the same amount which he had been previously ordered to pay, and, under their order, had already paid into the public Treasury; that is, in substance, to pay the same sum a second time. The consulado made a decree against him to that effect. From this decree Mr. Meade appealed to the superior tribunal of the province, called the *alzadas*, "but its interference was overruled by the tribunal of war at Madrid, and this latter confirmed the sentence of the consulado at Cadiz."

On the 4th August, 1815, a royal decree was issued, suspending the further proceedings of the consulado against Mr. Meade *till funds could be collected by the Treasury to restore the deposite made by Mr. Meade.*

From the date last mentioned, (4th August, 1815,) it does not appear that any proceedings took place till the 2d May, 1816, when the tribunal of war issued the order under which Mr. Meade was arrested, and continues to be imprisoned.

This order was founded upon a suggestion made by McDermot, that Mr. Meade was about to leave the kingdom, and required him to "deliver up the aforesaid deposite [meaning the money belonging to the bankrupt's estate] in like manner, and in the same specie, as he had received it; or to give full, clear, and sufficient security, to the satisfaction of the tribunal of commerce at Cadiz; and, in default thereof, to be removed to a public prison, to prevent all evasion of the sentence against him." It is understood that the tribunal would receive nothing as satisfactory security but a deposite of specie.

The proceeding of the tribunal of war is apparently so destitute of all foundation in justice, and so plainly contradictory to the royal decree of the 4th August, 1815, that it becomes necessary to examine, for a moment, the only suggestion bearing the semblance of a vindication of it that has been offered on the part of the Spanish authorities.

Don Pedro Cevallos, in his note to Mr. Erving of the 10th September, 1816, alleges "that Mr. Meade *attempted* to restore [alluding to the payment into the Treasury] the money demanded of him, *in credits of the Treasury.*" The precise import of this allegation may be understood to be, that Mr. Meade had made the deposite in Government paper, instead of making it in specie.

That Mr. Meade made the deposite in what was equivalent to specie, and was received as such by the officer authorized to receive it, is perfectly clear. The Intendant of the Treasury gave him a receipt for the deposite, made pursuant to the order of the consulado. In answer to an inquiry soon after directed by the consulado, the same officer replied that the deposite had been made in effective specie, and that he would respond for the specie. The royal order or decree of the 4th August, 1815, is founded upon the admission of the same fact. But there is still further evidence, though further evidence would seem to be unnecessary. In November, 1816, the Treasurer General of Spain distinctly put the questions to the consulado, whether the deposite had been made, whether it still existed, and whether there was any impediment to its return? That tribunal, with equal distinctness, replied that the deposite was made pursuant to their order, "in Treasury notes of effective cash, which said Meade had to receive from said department; and the deposite was thus made: *the Treasurer obliging himself to hold the amount at the disposition of this tribunal.*" They state also that the deposite still exists at their disposition, and that they cannot resolve to whom it is to be returned. And again, on the 29th April, 1817, the treasurer of the revenue, or provincial rents of Cadiz, states explicitly to the Treasurer General of Spain that the deposite had been made, and had not been returned.

With such an accumulation of evidence from sources of unquestionable authenticity, and wholly uncontradicted, to show that the deposite had been made in what was equivalent to specie, and received as specie, and that the Treasury became, and acknowledged itself to be, answerable for the amount, it is almost superfluous to add a remark, which the course of the business very naturally presents, tending to the same result. If the order made by the consulado in the first instance had not been complied with, that tribunal would have proceeded to enforce its authority by summary and direct compulsion; in other words, it would have used the means with which it is invested by law to compel Mr. Meade to do exactly what that order required. This would have produced an immediate inquiry whether he had or had not complied, and would have enabled Mr. Meade to justify himself. The resort to an irregular and arbitrary course, which avoids that question, affords the strongest reason to believe that the allegation of Mr. Cevallos was known to be untenable. In fact, that allegation has since been wholly abandoned; for in the three notes subsequently addressed to Mr. Erving in reply to his urgent remonstrances, one by Mr. Cevallos, and two by his successor, Mr. Pizarro, it is not even alluded to.

It is impossible, however, to avoid remarking the extraordinary character of one of the questions put to the consulado in November, 1816, and the still more extraordinary character of the answer. The inquiry alluded to was, *whether there was any impediment to its (the deposite) being returned?* The answer is, that, from the circumstances of the suit still pending, this tribunal cannot resolve to whom the sum so deposited is to be returned. Why Mr. Meade should be imprisoned pending that suit, which was to determine to whom the money in the Treasury was to be paid, is a question that seems to admit of no answer that is reconcileable with common justice; more especially as the same document implies that the Treasury was to pay the money as soon as the suit should be decided; and, of course, the object of the suit was not to coerce Mr. Meade to pay, but simply to determine who was to have the money from the Treasury.

There is still another view of this matter which the committee think it proper to submit, and which they deem of itself decisive to establish the flagrant injustice of Mr. Meade's imprisonment. If the deposite was made in paper, it is beyond a doubt that the paper was the evidence of a debt due from the Treasury to Mr. Meade, and the receipt of it amounted to nothing more than a payment of what was justly due to him. In fact, it was the same thing as if the Treasury had paid him the money, and he had immediately after repaid the same money to the Treasury. The Treasury, therefore, had no just cause of complaint. It is equally evident that the individual interested in the deposite (Mr. McDermot, or his constituent) had no reason to complain. Whether the deposite was made in specie, or what was equivalent to specie, or how it was made, could not be material to him, provided it was so made as to give him a right to call upon the Treasury; that is, to make him a creditor of the Treasury for the amount in case of an eventual decision in his favor. That this was the effect of the deposite made by Mr. Meade, and received by the Treasurer, is not and cannot be disputed. The Treasurer cancelled the securities deposited, and engaged to respond for the amount in specie.

If the Treasury of Spain had been ready and willing to fulfil this engagement, Mr. Meade's imprisonment could not have continued for a single moment; and it is, therefore, evident that he is kept in confinement simply because it is not convenient for the Treasury to pay the money. And your committee are well assured that the Government of Spain, aware that, let the decision be what it might, the royal Treasury would be called on to pay the money in dispute, has, by a secret exertion of the authority it possesses over the proceedings of the tribunals, commanded "the business to be prolonged as much as possible."

In every point of view, then, in which the case can be considered, your committee can discover no justification for the imprisonment and sufferings of Mr. Meade. It does not appear that he has violated any civil or social duty which he owed by the laws of Spain, and for which, in the ordinary administration of justice, he might rightly be imprisoned. They are satisfied, too, that the continuance of his imprisonment is dependant upon the pleasure of the Government of Spain, and that his liberation may at any time be effected by that Government.

Your committee hope and believe that the demand made by the President will not be unavailing; but they think it proper, at the same time, on the part of this House, to give assurance of support in the measures that may become necessary in case this expectation should be disappointed. They therefore submit the following resolution:

Resolved, That the House is satisfied that the imprisonment of Richard W. Meade is an act of cruel and unjustifiable oppression; that it is the right and duty of the Government of the United States to afford to Mr. Meade its aid and protection; and that this House will support and maintain such measures as the President may hereafter adopt to obtain the release of the said R. W. Meade from confinement, should such measures be proper and necessary.

No. 3.

SIR: CADIZ, *June* 6, 1818.

I have had the honor to address you twice since I was put at liberty by this Government, transmitting you a copy of the royal order communicated by the Minister of State to the Supreme Council of War, containing the motives of the King for directing me to be liberated; and, at the same time, I requested you to return my most grateful acknowledgments to the President, and to accept them yourself, for the protection you have been pleased to grant me.

I now take the liberty of addressing you on a subject of extreme importance to myself, my family, and the persons connected with me, and which I have to entreat you will be pleased to communicate to the President, and let me have his answer for my information and government.

The Government of Spain is indebted to me to a very considerable amount. For the last five years I have been making the most enormous sacrifices to procure payment for property which I had unfortunately intrusted into

their hands. From the date of my arrest, every species of payment was suspended; and no doubt can exist but that the object of this Government was to exterminate, if possible, a creditor whose claims were too just to be denied. My resistance, the justness of my demands, and the protecting hand of my Government, have disappointed the hopes and expectations of those who planned my ruin. I feel, however, sensible that to the want of inclination is to be added the want of means of satisfying my claims; and I therefore fear a delay, which, in the present state of the political relations between the two countries, may be fatal to me. It has been insinuated to me that, if I could procure and advance a further sum, in cash, a cession of lands might be procured in either of the Floridas to cover the probable amount of said advance and my claims. No specific proposal has been made to me, nor have I dared, indeed, to listen to any till I should receive the approbation of the President on the subject, as I have been led to suppose that the Government of the United States have required or said that no cessions of lands made after a certain date would be admitted, in case of the Floridas being ceded in sovereignty to the United States; yet, as the object of the demand on those provinces, and their cession to the United States, if it should take place, is designedly and expressly for the purpose of remunerating the citizens of the United States for injuries sustained or damages claimed by them from Spain, which is the precise nature of my claims, I conceive no objection could occur to the arrangement proposed. I have, however, abstained from receiving or making any formal proposal till I should receive a specific answer from the President or you on the subject. Should I be fortunate enough to make an arrangement of the kind, I shall always be willing, if the Government of the United States think proper to assume the grant made me, to give it up to them for a sum equal or equivalent to my demands on this Government.

I shall wait in Madrid for your answer; and, should it be unsatisfactory, or should I find it impracticable even to obtain this mode of arrangement from the Spanish Government in case of your answer being satisfactory, I shall enter my protest, and leave the kingdom, and place a full reliance on my own Government for supporting my just demands, whenever an arrangement shall take place between the two countries; being confident that, whenever such an event does take place, provision will be made for the claims of our citizens.

By this opportunity, and under the special charge of Mr. Willing, of Philadelphia, I transmit a despatch sent to me by Mr. Erving, to be forwarded to you.

Your answer, addressed to Mrs. Meade, at Philadelphia, will be duly forwarded to me.

I have the honor to remain, sir, with due respect and consideration, your obedient, humble servant,

R. W. MEADE.

The Hon. JOHN QUINCY ADAMS, *Secretary of State U. S., Washington.*

No. 4.

Memorandum in the handwriting of the President, James Monroe, endorsed on the back of R. W. Meade's letter, dated Cadiz, 6th of June, 1818, *and addressed to the Secretary of State, John Q. Adams.*

The injuries of Mr. Meade have been deeply felt by the Government and people of the United States; but no particular arrangement for the payment of his claims, by the Government of Spain, in lands in the Floridas, can be countenanced or admitted by the Executive.

His claims, with those of every other citizen, will be carefully attended to, and provided for, so far as the Government may be able. It is expected that all grants in Florida, after a certain date, will be annulled, in case of a treaty of cession.

J. M.

No. 5.

Copy of a letter addressed by John Quincy Adams, Esquire, to R. W. Meade, Cadiz.

SIR: BOSTON, *September* 18, 1818.

Your letter of the 6th June has been submitted to the consideration of the President of the United States, by whose direction I have the honor of informing you that, in the negotiations pending between the United States and Spain, it is the intention of the President that provision shall be made for the eventual adjustment and satisfaction of the just claims of many citizens of the United States, among which every attention which may be proper will be shown to yours. It has been contemplated that means might be found, by the cession of Florida, for obtaining this satisfaction, in a manner which may not be burdensome to Spain; which expectation would be disappointed if the property of all the vacant lands in the province should be granted by the King of Spain to individuals before the cession of the jurisdiction to the United States. It is expected, therefore, that, in case of the conclusion of a treaty, including this cession, all grants after a certain date, to be agreed upon, will be annulled. It is not in my power to say what that will be, nor to give you any hopes of an early and favorable conclusion of the negotiation.

I am, with much respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

No. 6.

Mrs. Meade to the Secretary of State.

SIR: PHILADELPHIA, *January* 17, 1819.

I have the honor to hand you, enclosed, a statement of the grounds of my husband's claims on the Spanish Government, which will be followed by a specific statement of the amount due him from said Government, showing the amount due on *libramientos** now in his possession, on contracts, and on damages, on bills received from said Government, as well as his reclamation on the score of the unjust imprisonment suffered by him for two years.

The time allowed him to avail himself of the opportunity by which I received this statement was too short to enable him to make out a detail of his claims; but, thinking it important that some statement should be immediately forwarded to you, he hastily made out the enclosed; trusting that, *in the event of a speedy conclusion* of a treaty between our country and Spain, this document would serve as a guide for that protection which his Government may think proper to grant him.

I have the honor to be, sir, &c.

MARGARET MEADE.

The Hon. JOHN QUINCY ADAMS, *Secretary of State of the United States.*

* Treasury notes.

No. 7.

Statement by R. W. Meade, from Madrid, November 5, 1815, *sent to Mrs. Meade, at Philadelphia, and by her transmitted to the Department of State, in her letter to Mr. Adams of January* 17, 1819.

The claims of Richard W. Meade on the Spanish Government are comprised under the three following heads:

1st. Sales of goods to the Government under contracts, loans of specie, and provisions; the latter lent at the earnest solicitation of the then Government of Spain, and in periods of their greatest distress. For the provisions, prices were afterwards agreed on, and a guaranty given to Mr. Meade for the payment, but which has never been complied with; and Mr. Meade has not been able to recover the amount acknowledged due him, though he procured regular condemnation through the competent tribunals of the country, and execution against the individual who became guarantee, and who is a Spanish merchant. Mr. Meade has been prevented from carrying the execution into effect, by a royal order issued by the Minister of Finance, in consequence of this individual having several contracts pending actually with this Government. Against the injustice and illegality of this order, the tribunal of commerce of Cadiz have made three very strong representations, pointing out the dangerous consequences to the credit and honor of the nation if the sentence of the tribunals of justice, granted in favor of a foreign merchant, can be set aside by a ministerial order, though under the sanction of the King, merely because the individual against whom judgment was given had entered into other contracts with the Government.

The last of these representations is, however, yet undecided. Mr. Meade only waits the present Minister of Finance's answer in order to lay this case before Mr. Erving, the minister of the United States at Madrid, with all the documents, who has promised him to lay the same before the Minister of State. This particular case is one of high importance, and it is intended to point out, in the complaint which is to be made to the King, through Mr. Yrujo, the present Secretary of State, the persecution of Mr. Meade, and the enormous difference in the administration of justice in Spain when an American citizen is a defendant and when a plaintiff.

In the case of Mr. Meade's imprisonment, which lasted above two years, and which finally has been declared illegal by the King, Mr. Meade was put into prison because he refused paying a second time a sum of money which the King actually held, and holds, in his own possession; and, in the present case, when Mr. Meade is plaintiff, and calls for the payment of above fifty thousand dollars, for which he has obtained a regular judgment through all the different tribunals to which appeals are allowed, or can be made, and in a case where the Government hold property of the debtors, they refuse to allow Mr. Meade to execute his judgment against the debtor, or to suspend the payments which they are making to him weekly, in order to satisfy the judgment; and thus Mr. Meade is kept out of his money, and cannot get it, either from the Government who received the provisions from Mr. Meade, or from the man who guarantied the transaction.

The other libramientos are for specific sums, and admit of no dispute. The only excuse for not paying them is the present state of the finances, and the great want of money. The claims, however, of foreigners, in general, have been acknowledged by the King since his coming to the throne. Those of the Spaniards are, with few exceptions, all declared as appertaining to the mass of public debt, for which provision is hereafter to be made, but which are considered as waste paper at present.

By a special decree of His Majesty, dated in ———, (copy of which is annexed,) Mr. Meade's demands on the Government have been fully recognised as just and legitimate, and the order directs that they should be paid agreeably to the original stipulations, but which have never been complied with.

Whatever part of these libramientos Mr. Meade has recovered since 1813, and particularly since the arrival of the King (Ferdinand) in Spain, in 1814, has been with a loss on the original capital of about one-third, besides the sacrifice of all the interest for a number of years, which has made the total loss amount to one-half of the capital. Mr. Meade remains, however, with a considerable sum of those libramientos, for which he has not been able to recover one shilling since his imprisonment in May, 1816, though acknowledged, and repeated orders given for their payment.

2dly. A demand on the Spanish Government for damages and actual losses sustained by Mr. Meade on a bill of exchange drawn to Mr. Meade's order by the Minister of Finance, by order of the Regency, dated in 1812, on the Viceroy of Mexico, payable at Vera Cruz, for $300,000; the *specie* of which was allowed to be exported, by special contract, to London. The bill was protested, and $50,000 only were paid in Mexico, on account, and that in tobacco. The actual loss which accrued to Mr. Meade in this transaction amounts to considerably more than $100,000. He had an English vessel detained at Vera Cruz twelve months, waiting for the specie; and the Cortes, who then governed Spain, commanded that Mr. Meade should be heard in justice respecting his claim for damages, viz: that the affair should be regularly tried, and the damages assessed by a competent tribunal. In 1815, Mr. Meade obtained also an order from his present Majesty, directing the Supreme Council of Finance to hear the demands of Mr. Meade, and to decide on the question; but Mr. Meade has never been able to obtain any decision or satisfaction from the council, though the Fiscal admits the justice of Mr. Meade's claim for damages, and Mr. Meade possesses the most ample testimonies to fully establish the same.

3dly and lastly. The claim which Mr. Meade has for his illegal imprisonment, the damages he sustained thereby, as well as the total ruin of his mercantile establishment at Cadiz, and the enormous expenses he was put to, to defend himself.

The foregoing comprises all Mr. Meade's personal claims, and, according to his estimate, may amount altogether to between three and four hundred thousand dollars.

MADRID, *November* 5, 1818.

No. 8.

Extract of a letter from Mr. Erving, Minister Plenipotentiary of the United States at Madrid, dated August 3, 1818, *to the Secretary of State.*

I also enclose, herewith, copy of a note which I wrote to Mr. Pizarro on the 27th July, transmitting Mr. Meade's memorial, in which he asks compensation for his sufferings and losses. The first memorial which Mr. Meade made, (copy of which, as he informed me, he transmitted to you,) was not altogether proper to be presented to the King. I induced him to alter it in some respects, though, in its principal features, the new memorial is the same. I presume that Mr. Meade has sent to you a copy of the corrected memorial.

Mr. Erving to Mr. Pizarro, Minister of Foreign Affairs, &c.

SIR: MADRID, *July* 27, 1818.

In my note to your excellency of May 13, acknowledging your communication of the royal orders for the release of Mr. Meade, I expressed a hope that the same dispositions which led His Majesty to that act of justice

would induce him to make compensation to Mr. Meade for the sufferings and losses which an imprisonment, avowedly illegal, had brought upon him. I have now the honor to transmit to you his memorial, praying for such compensation, and I request that your excellency will be pleased to lay it before His Majesty. A copy of the same has been sent to the Secretary of State of the United States; and I need not assure your excellency how particularly happy I should be to terminate this disagreeable business by transmitting to my Government, as early as possible, a favorable decision of His Majesty on the reclamations of Mr. Meade.

I renew, &c.

GEORGE W. ERVING.

No. 9.

Mr. Erving to the Marquis of Casa Yrujo.

SIR: MADRID, *January* 18, 1819.

I have the honor to transmit to your excellency, herewith enclosed, two memorials addressed to His Majesty by Richard Meade, a citizen of the United States: the first, dated on the 12th instant, prays that the King would be pleased to appoint a commission to liquidate the several demands which Mr. Meade has against the Government on account of supplies furnished for the support of its armies, and otherwise, during the late war, as well as to consider of the compensation due to him for his losses and personal sufferings under a late proceeding of the council of war, already declared by His Majesty to have been illegal.

The second memorial, dated 13th instant, in behalf of John Dickson, an American citizen, and others, interested in a cargo of tobacco sold and delivered to the Spanish Government under a solemn contract, in the year 1815, complains of the injustice done to parties in a decision of the council of war in that case, and prays that the King would be pleased to refer all the "autos" and antecedents in the affair to the examination and judgment either of the supreme council of Hacienda, or of that of the Indies, or of that of Castile, as His Majesty may deem to be most fit. The object of either memorial appears to be perfectly reasonable; they ask but common justice, and in the mode the best comporting with the good faith and decorum of the Government. In what regards more particularly the interests of Mr. Meade, he has undeniable claims as a creditor of the royal hacienda, and it cannot be doubted but that His Majesty will be sensible of the value of those very important services rendered to the nation, which form the ground of these claims, which give to them the most sacred character, and entitle them to the first consideration and to immediate settlement; and, in what regards the object of the second memorial, as little can it be presumed that the undue prejudices of the council of war therein complained of—prejudices which led that council, in one case, to a decision declared by His Majesty to be illegal—will be suffered to be an obstacle in the way of the justice which Mr. Meade demands in behalf of those whom he represents in another case. Has not the council, by its notorious partiality, and the declared illegality of its conduct in the case first alluded to, disqualified itself as a calm and dispassionate tribunal to judge in the last resort in any case which Mr. Meade is concerned in? The King will, I am persuaded, on this consideration, readily allow of an appeal from its sentence. I therefore lay these memorials before your excellency, requesting that you would be pleased to submit them to His Majesty, and in the full confidence that the royal decision thereon will satisfy the just claims of the memorialist.

I renew to your excellency assurances of my very distinguished consideration.

GEORGE W. ERVING.

No. 10.

Translation of a letter from the Marquis of Casa Yrujo to Mr. Erving.

SIR: PALACE, *January* 26, 1819.

The King, my master, to whom I have submitted the two memorials of Mr. Richard Meade, which your excellency transmitted to me with your note of the 18th instant, has ordered me to request the necessary information whereon to found his royal determination, of which I have the honor to inform your excellency.

Proffering this to your excellency as an answer to the note above referred to, I reiterate the sentiments of my particular respect, and pray God to preserve you many years.

MARQUIS DE CASA YRUJO.

No. 11.

From Mr. Erving to the Marquis of Casa Yrujo.

SIR: MADRID, *February* 9, 1819.

I have had the honor to receive your excellency's note of the 26th January, by which you have been pleased to acquaint me that, by order of His Majesty, you asked the necessary "informes" previous to the royal decision on the two memorials of Don Ricardo Meade, which I transmitted to your excellency with my note of January 18.

I am sorry now to inform your excellency that I have received such advice as leaves no doubt but that the council of war, with a view to anticipate the order which His Majesty may give on the "informes" to be presented to him, are pushing on the decision of the case relating to the tobacco contract in a shameful and unprecedented manner.

Therefore, not doubting of your excellency's good faith and the just intentions of the King in this matter, I earnestly request you to give an order to the council of war to suspend its proceedings till His Majesty shall be pleased to decide on the memorial of Don Ricardo Meade, which you have presented to him.

I renew, &c.

GEORGE W. ERVING.

No. 12.

Extract of a letter from Mr. Erving to the Secretary of State, dated

MADRID, *March* 4, 1819.

On the 18th January last I sent to Mr. Yrujo two memorials of Richard W. Meade by the note No. 9; he acknowledged the receipt of them on the 26th January by the note No. 10. On the 9th February I learned that the council of war was pushing forward one of the affairs in question with a view to decide on it before the interference of His Majesty, which had been prayed for, could be obtained; and I wrote to Mr. Yrujo to that effect, as by the note No. 11. The next day (10th of February) Mr. Yrujo sent back to me my note in the most insulting manner.

I did not immediately reply to him; I feared to be carried too far by my feelings, highly irritated. Finally, on the 20th February, I wrote to him the note No. 9.*

Mr. Yrujo has not been able, or has not thought proper, to reply specially to that last note; but, in a note of 26th February, (No. 10*) wherein it is but slightly adverted to, he has sent to me a copy of his order to the council of war, by which it appears that, without taking the affair in question altogether out of the hands of the council, he has added to that tribunal three judges from the council of hacienda; thus endeavoring to save the honor of the council, and to satisfy the demand of the memorialist; but by which measure, however, he has been obliged virtually to confess that my objections against the council were solid and reasonable.

No. 13.

[TRANSLATION.]

Copy of an official letter addressed by His Excellency Don José Canga Arguelles, Minister of Finance at Madrid, to Richard W. Meade, citizen of the United States of America.

A statement, in due form, of your claims against this Government, and the damages you have sustained in consequence thereof, was transmitted to this Department of Finance by the Minister of State, accompanied by a royal order, dated the 26th of January of last year, which statement had been received from and supported by the minister of the United States resident at this court. His Majesty named a special junta of counsellors to take cognizance of the liquidation of all the credits which you might present or be able to substantiate, and of the claims which you should make.

The junta gave in their award, and consulted His Majesty on the subject, who, having been pleased to approve thereof, and adopt the same, the said junta have extended, in legal form, a certificate of the entire credit due to you by the nation; the sum of which amounts to 9,823,072 r. vn. 11 ms. or $491,153 62, in the terms and for the reasons therein specified; which document, with His Majesty's approbation thereunto annexed, and certified by me, I herewith transmit to you, by his royal order, for your security, and for whatever other purpose or object that may be conducive to your interest.

God preserve you many years. Given at the royal palace, in Madrid, the 21st of May, 1820.

CANGA ARGUELLES.

Señor Don RICARDO MEADE.

[NOTE.—The sum recited in the above order contains the total amount of the claims for Mr. Meade's own account, as well as agent for others. The personal claims of Mr. Meade amount only to 7,497,595 reals of vellon, equal to $373,879 75.]

No. 14.

Extract of a letter from Mr. Forsyth to the Secretary of State, dated

MAY 20, 1820.

Mr. Meade, whose business with the Government is arranged satisfactorily to himself, will carry this to the United States. I shall prevail upon him, if practicable, to carry, enclosed to you, files of the Spanish newspapers up to the day of his departure from Madrid.

No. 15.

[TRANSLATION.]

Don Evaristo Perez de Castro, Secretary of State, to Mr. Forsyth.

SIR: MADRID, *June* 10, 1820.

I have the satisfaction of informing you that the Spanish Government, always upright and honorable in its decisions, has determined to acknowledge, with the sanction of His Majesty, Don Richard Meade, a citizen of the United States, its creditor for nine million eight hundred and twenty-three thousand and seventy-two reals of vellon and eleven maravedis, for which a competent security in writing has been given him. As your Government, sir, has taken part in the fortune of this individual, I hope you will be pleased to communicate this favorable determination to the President of the said States, inasmuch as the respect which he deserves has had much influence in it; and also the hope that Spanish subjects may, by a just reciprocity, find equal protection and consideration in the United States.

With so agreeable a motive, I present myself anew to your disposal, and pray God that you may live many years.

EVARISTO PEREZ DE CASTRO.

No. 16.

Mr. Forsyth to Don Evaristo Perez De Castro.

SIR: MADRID, *June* 29, 1820.

I have had the honor to receive your excellency's note of the 10th instant, wherein it is stated that your Government had liquidated the claim of Richard Meade, a citizen of the United States. I shall, as your excellency requests, communicate this information to the Government of the United States, which receives with pleasure every indication of good-will from that of His Catholic Majesty.

I offer your excellency the assurances of my distinguished consideration and respect.

JOHN FORSYTH.

No. 17.

Extract of a letter from Mr. Forsyth to the Secretary of State, dated

MADRID, *July* 13, 1820.

I have received a note from the Minister of State on the matter of Richard W. Meade's claims on the Spanish Government; a copy, (marked No. 2,) and my answer, (marked No. 3,) are also herewith forwarded to you.

* Notes here referred to (Nos. 9 and 10, accompanying the despatch of Mr. Erving to the Secretary of State) were not transmitted with these papers.

No. 18.

Mr. R. W. Meade's letter to Mr. Adams, dated

SIR: PHILADELPHIA, *August* 17, 1820.

I beg leave to transmit for your information, and that of the President, (if you will please to communicate them to him,) three documents, received by me from the Spanish Government, on the subject of my claims, their final liquidation, and the acknowledgment of the balance due me by the Spanish nation. The perusal of these documents will, I trust, convince the President and yourself that the interference of the Government has not been bestowed on a person unworthy of the high protection he has received. I should immediately have proceeded on to Washington had I been certain of meeting there the President or yourself; but, on application to General Cadwalader, and to the post office of this city, I was not able to obtain any positive assurance of it. Should you conceive that I could afford any information relative to the late changes and present state of Spain, I shall feel extremely happy in so doing, and, on the smallest insinuation, would either proceed to Washington, or to any other point or place you might appoint. I suppose that you are aware that the Cortes would meet on the 9th of July, and that, by the constitution, they could remain only four months in session; and that, of course, every thing that was to be done must be accomplished within that period, or lie over one year more.

I remain, &c.

R. W. MEADE.

No. 19.

The Secretary of State to R. W. Meade.

SIR: DEPARTMENT OF STATE, WASHINGTON, *September* 6, 1820.

The acknowledgment of the receipt of your letters of the 16th and 17th ultimo has been long accidentally delayed. In making it now, it gives me pleasure to offer you my congratulations upon the adjustment of your accounts with the Spanish Government, and to assure you that this Government feels not a little gratification in having at all contributed to the satisfactory result.

I return you my thanks for your obliging and polite intimation, but see no sufficient inducement for putting you to the trouble of coming hither.

I am, sir, respectfully, your obedient and very humble servant,

JOHN QUINCY ADAMS.

To R. W. MEADE, Esq., *Philadelphia.*

No. 20.

[TRANSLATION.]

In the city of London, on the 14th day of the month of September, in the year 1824, before me, Daniel Simon Merceron, notary public of this city, and in presence of the undersigned witnesses, appeared Don Juan Rico, vicar-general of the Spanish armies, and late a deputy to the last Cortes for 1822 and 1823, who said and declared, as by these presents he doth solemnly say and declare, for truth, as follows, viz: That, well knowing that large sums, as well in specie as in provisions, had been advanced by Richard W. Meade, Esq., a citizen of the United States, to the Spanish Government, during the glorious struggle against Napoleon, at periods so critical that the most sagacious politician could scarcely discover the least glimpse of hope; and impressed with the conviction that good faith on the part of Governments, and a religious adherence to contracts, offer the best guaranty for citizens of every class, as well natives as foreigners, affording them all the means in their power for the execution of their enterprises; being highly interested, also, in the prosperous issue of so important an enterprise, and being actuated by no other interested motive than that of the honor of his nation, and that the operations of the Government should not be paralyzed by the want of resources, he used the greatest exertions, and employed all the resources inspired by his zeal for inducing the Government, without economizing any species of sacrifice, to punctually perform the obligations it had contracted with Richard W. Meade, Esq.; some of which were of such a nature that, had it not been for the assistance so seasonably afforded to the Government by that meritorious patriot, Richard W. Meade, Esq., those highly important garrisons of Alicant and Carthagena would not have been supplied with provisions in sufficient time, and must have fallen into the hands of the enemy, whereby the cause of Spain would have suffered a mortal blow, inasmuch as they were the only two garrisons that remained free throughout the whole coast of the Mediterranean. The Cortes, animated by the best zeal, having heard the claims of Richard W. Meade, Esq., gave the most positive orders to the Government to spare no means or sacrifice for the effective payment of Mr. Meade's debt, as being of a sacred and privileged nature; when, in fact, amongst other arrangements, the Government gave to the said Meade a bill of exchange or order for three hundred thousand hard dollars on Vera Cruz, which, although not protested, he was informed could not be paid for want of assets. Under these painful circumstances, the said Meade, relying on the antecedent orders of the Cortes, again applied to the Government for effective payment, when the Government answered that they had morally paid him; but as an actual and not a moral payment could alone be satisfactory to Meade, differences and disputes of a highly unpleasant nature arose between the Government and Meade, which were productive of incalculable injury to the interests and fortune of the latter. The Cortes having again taken into consideration the case of Richard W. Meade, Esq. and its consequences, gave the most positive orders to Government to pay Meade, together with such loss and damages as he might have sustained. That additional efforts and exertions were used and employed on the part of the declarant, for the purpose of enforcing a strict observance of the orders of the Cortes on the part of the Government, and of its paying to Meade the enormous sum of twenty-four millions of rials or thereabouts, being the balance then due to him; when, to wit, in or about the month of December, 1813, an agreement was entered into between the Government and the said Meade, whereby it was stipulated that the latter should take a bill of exchange or order for part on the Treasuries of Seville, Xeres, and Alicant, and that he should be paid the remainder by an exclusive appropriation, until the completion of such payment of the whole of such sums as the Government might receive from America, and of the whole of the duties on all such specie and goods as might reach Spain from the same quarter on account of private individuals. The effect of this last arrangement would have been the reimbursement, on the part of Mr. Meade, of the whole of his debt, had it not been for the circumstance of the return of King Ferdinand to Spain, in the year 1814, which plunged the nation into an abyss of evils.

In corroboration of this truth, he will here relate a striking fact as demonstrative of the well-founded hopes entertained by Meade of the actual payment of the whole of his debt. In the early part of the year 1814, a ship having arrived at Cadiz from America, with from eighty to ninety thousand hard dollars, entered for the Treasury,

Mr. Meade, conformably to the provisions of the last agreement, claimed the whole of the said sum, when the Treasurer at Cadiz told him he had private orders from the Treasurer General to appropriate the third part thereof to the supply of Catalonia with provisions. Mr. Meade, dissatisfied with such a notorious infraction of the agreement, lost no time in despatching an express to the declarant, with an energetic note, in order to his presenting the same to the Treasurer General, who, being convinced by the arguments of Mr. Meade, and of the fatal consequences that might result to him, revoked the private order, and despatched another positive order for Meade's receiving the whole of the product of the said ship, and that he should, in like manner, continue to receive the whole of what might be imported from America. Ever since the return of King Ferdinand to Spain, Mr. Meade began to observe and experience a scandalous violation of the most sacred agreements by him entered into with the Government of the Cortes; he, moreover, suffered the most horrid persecution, arising from imprisonment, delay, and sacrifices of every description, as well of his health as of his fortune, to the great scandal of all good Spaniards and of the whole of civilized Europe, until the remonstrances, equally just and energetic, of the Government of the United States, obliged the Spanish Government to do justice, and in some measure to repair the damage and injury sustained by Mr. Meade. King Ferdinand having, in fact, appointed a commission of four counsellors to liquidate the debt of Richard W. Meade, Esq., such commission, composed of four respectable magistrates, proceeded with all the circumspection and wisdom which the grave importance of the matter required, keeping in view the whole of the authentic documents, and acting under the supposition that such sum as on the balance of accounts might appear to be due from the Government to Meade ought to be paid by the Treasury. This liquidation was sanctioned and approved by the King, in the year 1820, within a short time after the re-establishment of the constitution; but the necessary orders were not given to the Treasury for the payment thereof, by reason that Don José Canga Arguelles, the then Minister of Finance, told the said Meade that, should the treaty for the cession of the Floridas be ratified, such debt would be included therein, and consequently be paid by the Government of the United States, or that, in the unexpected event of the non-ratification of the treaty, he might be indemnified by lands situate within the said Floridas, or some other territory, seeing the then penurious state of the nation. That the declarant, not having been a deputy to the Cortes for the year 1820, is unable to depose to what passed in the said Cortes when they took into consideration the ratification of the treaty for the cession of the Floridas and the debt of Richard W. Meade, Esq.; but what he can positively affirm is, that the Spanish Government was uniformly impressed with the firmest conviction that the debt of the said Richard W. Meade, Esq. was included in the treaty, and that, from the day of the ratification of the treaty, the Spanish Government was wholly exonerated from the payment of the said debt, the Government of the United States being exclusively bound to pay the same; which opinion was so generally manifest and prevalent, that, as often as the declarant applied to any of the Ministers of State touching the debt of Richard W. Meade, Esq., in order to their furnishing him with the necessary documents and certificates for the substantiation of his claim to the recovery of the debt in question from the Government of the United States, he was as repeatedly assured that the Spanish Government would ever be ready to furnish the said Meade with such certificates and documents as might be necessary for enabling him to claim his debt from the Government of the United States, because the Spanish Government had been discharged from such debt from the moment of the ratification of the treaty of the Floridas. This was at various times repeated to him by Don José Heredia, one of the clerks in the office of the Secretary of State, and the person specially charged with such negotiation.

In testimony whereof, the said appearer hath signed with me, notary, and witnesses, and I have caused my notarial seal to be hereto affixed, the day, month, and year above written.

JUAN RICO.

Witnesses: JOAQUIN FRANCO,
GEO. ROBERTS.

No. 21.

In the case of the claim of Richard W. Meade, Esq., depending before the honorable Board of Commissioners, under the eleventh article of the treaty between the United States of America and Spain, concluded at Washington on the 22d day of February, A. D. 1819.

The deposition of Joseph Moreno de Guerra, taken at Philadelphia, before Francis Hopkinson, and by him reduced to writing, one of the commissioners appointed to take affidavits by the circuit court of the United States for the district of Pennsylvania.

The said Joseph Moreno de Guerra, on his solemn oath, doth depose and say: That he is a native of the town of Rumbla, province of Cordova, Andalusia, in Spain, and is aged forty-six years and upwards; that he was duly elected from his native province a deputy to the National Cortes of Spain, in the year 1820, for that and the following year, (1821,) and that the said Cortes assembled at Madrid on the 7th day of July, 1820; that, on or about the beginning of October, in the same year, the Cortes discussed the question relating to the treaty signed during the year before, at the city of Washington, between Spain and the United States of America, involving a cession of the two Floridas. At the same time a special committee, to whom the business of that treaty had been referred, made a report on a memorial previously presented by the agent of Richard W. Meade, of Philadelphia, in the United States, claiming an appropriation for the payment of a sum acknowledged to be due to him by His Majesty the King of Spain. This committee, in their report, informed the Cortes that, in order to decide definitively upon the claim of the memorialist, it was necessary to ascertain whether the amount of money due to Richard W. Meade, and to those who were represented by him, had been included among those claims which the Government of the United States undertook to pay, and from which it was wholly to exonerate Spain; for, if this should not prove to have been done, the debt owing to Richard W. Meade, in particular, ought immediately to be paid, as it was considered a national debt, arising either directly out of contracts, or from the consequences of contracts, made by him in aid of the liberty and independence of Spain at the most critical periods of the revolution; that, at the periods of those contracts, and in the full confidence that they would be fulfilled, the services of said Meade had been of the most important kind; and that the sum for which payment was required had been liquidated and fixed by a special commission of counsellors appointed for that purpose by His Majesty the King, who had subsequently sanctioned and approved the settlement. In consequence of this report of the committee, it was proposed in the Cortes to address an official letter to the Secretary of State, to ascertain whether or not the sum then claimed in the memorial above mentioned had been included among those which the United States undertook to discharge. Such a letter was accordingly written by the Secretary of the Cortes in the usual manner, and a reply from the Secretary of State was received, stating distinctly that the debt due to Richard W. Meade was expressly included in the treaty; that the nature and amount of said debt were well known to the Government of the United States, as the same had been officially communicated to the American minister residing at Madrid, but that the said Government of the United States required the large cessions of lands made to the Duke of Alagon,

Count Punon Rostro, and Mr. Vargas to be cancelled, considering the entire Floridas appropriated to the payment of the claims of its citizens upon the Spanish Government. In order to avoid any possible misunderstanding or mistake upon this subject, it was proposed in the Cortes that a committee of two of its members should be appointed to wait on the minister from the United States, Mr. Forsyth; and accordingly this deponent, and Mr. Thomas Isturiz, member of the city of Cadiz, were appointed, did wait on Mr. Forsyth, and obtained from that gentleman the clear and distinct assurance that the debt due to Richard W. Meade would certainly be paid to him by the United States if the treaty were ratified by the Spanish Government, and the cessions above mentioned totally annulled.

And this deponent solemnly declares that these assurances thus conveyed to the Cortes, and these assurances only, induced that body to annul the grants of land in the Floridas, two of which had been acknowledged valid in the treaty itself; that, had not the Cortes been perfectly satisfied by these solemn assurances that the national debt (as it was regarded) due to Richard W. Meade would be fully paid by the United States, they would not have consented to vacate those grants of land, as far as respected the United States, but would have vacated them as respects the individuals to whom they had been made, reserving them to the Spanish nation by the law of reversion, for the express purpose of paying, by them, the debt due to the said Richard W. Meade, either by their transfer to said Meade, or by a sale, and with the product thereof would have paid the debt and interest.

In this debt to the said Meade the deponent says that the Cortes took a particular interest, as it arose from contracts the most of which had been sanctioned by the former Cortes which sat in Cadiz during the years 1811 and 1812. The Cortes deemed themselves especially bound to see such engagements complied with; and the said Meade was considered as more than commonly meritorious, having been unjustly persecuted on account of the services he had rendered the Spanish nation. The deponent adds that the Cortes founded their right to vacate, as to the individual grantees, the cessions of lands in Florida above referred to, and to reserve them for the nation, to be devoted to any purpose that might be deemed just and proper, upon the law called *reversion and incorporation*, well known in the history and legislation of Spain since the fourteenth century—a law which converts into national property whatever the prodigality of the monarchs might confer on their favorites, as happened with those termed *enriqueñas*, and with many others.

This deponent has been absent from Spain during the last nine months, having left his native country on the 2d day of July, 1823. He arrived at New York in October last; left the United States of America for Mexico on the 14th day of October, 1823, and he is now on his return to Spain, intending to embark from this country for Gibraltar in the course of a few days.

JOSE MORENO DE GUERRA.

Sworn and subscribed, April 23, 1824, before

FRAS. HOPKINSON, *Commissioner.*

I do certify that the foregoing deposition of Joseph Moreno de Guerra was taken before me, one of the commissioners appointed to take affidavits by the circuit court of the United States for the district of Pennsylvania, and by me reduced to writing, and interpreted and explained to, and subscribed by the deponent in my presence, and that I am not concerned as counsel or attorney for the claimant, or interested in the event of the claim.

Witness my hand and seal, this twenty-third day of April, A. D. one thousand eight hundred and twenty-four, at Philadelphia.

FRAS. HOPKINSON.

Felix Merino, on his solemn oath, doth depose and say that he understands and is well acquainted with both the English and Spanish languages, and is perfectly competent to translate and interpret from either of those languages into the other; and that he did, on the 23d day of April, A. D. 1824, in the presence of Francis Hopkinson, Esq., justly and truly interpret and explain, in the Spanish language, to Joseph Moreno de Guerra, the contents of the foregoing deposition, previously to its being sworn and subscribed by the said Joseph.

FELIX MERINO.

Sworn and subscribed, April 23, 1824, before

FRAS. HOPKINSON, *Commissioner.*

I do certify that the foregoing deposition of Felix Merino was taken before me, one of the commissioners appointed to take affidavits by the circuit court of the United States for the district of Pennsylvania, and by me reduced to writing, and read and subscribed by the deponent in my presence, and that I am not concerned as counsel or attorney for the claimant, or interested in the event of the claim.

Witness my hand and seal, this twenty-third day of April, A. D. one thousand eight hundred and twenty-four, at Philadelphia.

FRAS. HOPKINSON.

No. 22.

[TRANSLATION.]

In the city of London, on the 14th day of the month of September, in the year 1824, before me, Daniel Simon Merceron, notary public of this city, and in presence of the undersigned witnesses, appeared Don José Becerra, late a deputy to the extraordinary and constituent Cortes at Cadiz, and to those for the years 1820 and 1821, who said and declared, as by these presents he doth solemnly say and declare, for truth, as follows, viz: That, at the time of the discussion in the last Cortes of the question relative to the ratification of the treaty respecting the Floridas, remembering the difficulties and distress from which the Government had been extricated by Richard W Meade, Esq. at the former period at Cadiz, he inquired of various of his colleagues, but more particularly of some of the members of the commission, whether the claim of the said Richard W. Meade, Esq. was included, and has a perfectly distinct recollection of the fact of his having received an answer in the affirmative; and that it was under such an impression and understanding that he, the declarant, and the Cortes, voted for the ratification of the said treaty.

In testimony whereof, the said appearer hath signed with me, notary, and witnesses, and I have caused my notarial seal to be hereto affixed, the day and year above written.

JOSE BECERRA.

Witnesses: JOAQUIN FRANCO,
GEO. ROBERTS.

No. 23.

[TRANSLATION.]

In the city of London, on the 14th day of the month of September, in the year 1824, before me, Daniel Simon Merceron, notary public of this city, and in presence of the undersigned witnesses, appeared Don Francisco Fernandez Gasco, honorary counsellor of state, who said and declared, as by these presents he doth solemnly say and declare, for truth, as follows, viz: That he, the declarant, being a deputy to the National Cortes of Spain in the year 1820, there was discussed therein the question relating to the ratification of the treaty of cession of the Floridas, made between the Government of the United States and that of Spain; and that, on sanctioning such ratification, the said Cortes included therein the claim or claims of Richard W. Meade, Esq., in the same manner as those of other American citizens, in order to the same being equally paid and satisfied with the latter by the Government of the United States.

In testimony whereof, the said appearer hath signed with me, notary, and witnesses, and I have caused my notarial seal to be hereto affixed, the day, month, and year above written.

FRANCISCO FERNANDEZ GASCO.

Witnesses: JOAQUIN FRANCO,
GEO. ROBERTS.

Nos. 24 and 25.

[TRANSLATION.]

In the city of London, on the 14th day of the month of September, in the year 1824, before me, Daniel Simon Merceron, notary public of this city, and in presence of the undersigned witnesses, appeared Don Juan Palarea, brigadier of the armies of the Spanish nation, &c., and Don Estevan Desprat, deputy to the Cortes for 1820, who said and declared, as by these presents they do solemnly say and declare, for truth, as follows, viz: That, having, in their character of deputies to the Cortes, attended the session in which the treaty of cession of the Floridas to the United States of America, made between the latter and the Spanish Government, was ratified by the said Cortes, such ratification was voted on the express understanding that the said treaty, among the other claims of subjects of the United States against the Spanish nation, likewise included that of Richard W. Meade, Esq. against the latter, which, although no specific mention was made thereof in the vote of ratifications, was to be paid and satisfied by the said United States.

In testimony whereof, the said appearers have signed with me, notary, and witnesses, and I have caused my notarial seal to be hereto affixed, the day, month, and year above mentioned.

JUAN PALAREA,
ESTEVAN DESPRAT.

Witnesses: JOAQUIN FRANCO,
GEO. ROBERTS.

No. 26.

GEORGETOWN, *December* 10, 1824.

Mr. Richard W. Meade, of Philadelphia, has submitted to my examination a deposition of Joseph Moreno de Guerra, dated at Philadelphia the 23d day of April, 1824, and taken before Francis Hopkinson, and by him reduced to writing. On that part of this deposition which relates to myself, I certify that I have no recollection of any conversation with Joseph Moreno de Guerra and Thomas Isturiz, both of whom were deputies of the Cortes in 1820, in relation to Mr. Meade's claim. No persons ever presented themselves to me *as a committee of the Spanish Cortes* during my residence in Madrid as the minister of the United States. If I ever had any conversation with these deputies on the subject of the Florida treaty, I was entirely unconscious that they spoke with me by the authority of that body, or that any importance was attached to the opinion I might express. It is proper to add that I should have stated, on such an application, that I believed Mr. Meade's claim was provided for in the treaty of cession. This opinion was expressed freely to all who conversed with me, and may have been, and *no doubt was*, to Joseph Moreno de Guerra, in the presence of Isturiz. The only conversation I distinctly recollect was held with Martinez de la Rosa, also a deputy of the Cortes, and of the commission to whom was referred the treaty of 1819. Having learned by accident that an attempt was about to be made to make a distinction favorable to Meade between his claim and the claims of other persons embraced in the treaty, I expressed my conviction to Mr. De la Rosa that the claim was just, and was provided for in the treaty, but that it ought to be left to share the same fate, as to its payment, with the equally just claims of other citizens of the United States. The Cortes deliberated in secret session on the subject of the treaty of 1819, and of Meade's claim; the little information I could obtain of what was done was communicated to my own Government, and is on file in the Department of State. From the nature of the case, I did not consider myself at all answerable for the correctness of the information procured and communicated.

The conversation I have stated with Mr. De la Rosa was not considered by me of sufficient importance to be communicated to the Secretary of State in any of my letters written at Madrid; nor has it ever been stated in writing to the Department since my return home.

I wish it to be clearly understood that I do not question the accuracy of Joseph Moreno de Guerra's statement further than relates to my conversation with him and Isturiz as *a committee from the Cortes*. The Cortes may have given them such a commission, and the conversation may have been held in consequence thereof; if it was, I have no recollection of it, and do not know that they were conversing with me officially, and certainly did not say more than that Mr. Meade's claim was included in the treaty of 1819.

JOHN FORSYTH.

DISTRICT OF COLUMBIA, *County of Washington, to wit:*

On the 19th day of May, 1824, personally appeared before the subscriber, a justice of the peace in and for the county aforesaid, the honorable John Forsyth, who acknowledged the annexed statement to be in his handwriting, and at the same time made oath, in due form of law, that the facts therein stated are true, to the best of his knowledge and belief.

Sworn before JOSEPH FORREST.

DEAR SIR:

I return to you Moreno de Guerra's deposition, with a statement of what I recollect on the subject of your claim. This statement, if necessary, will be given on oath.

If it is desirable that I should give you any further certificate, or attend the commission to give them any verbal explanations, I will do either with great pleasure. Your obedient servant,

JOHN FORSYTH.

TO RICHARD W. MEADE, Esq.

No. 27.

Letter from Mr. Bardazi, Spanish Secretary of State, to Mr. Meade, and by him communicated to the President.

SIR: MADRID, *June* 16, 1821.

The King has made himself thoroughly acquainted with the exposition and documents which you addressed to me on the 14th of the last month through your agent at this court, Don Francis de la Carrera; and, by his minister plenipotentiary in Washington, he was previously informed of the correspondence which he had had with you, and of the measures you had adopted with the American Government, in order that, in conformity with the fifth paragraph of the ninth article of the treaty celebrated between the two Powers on the 22d February, 1819, it should pay you the liquidated credit which you hold against the National Finance Department of Spain for all you demand on it, and the damages to which it refers.

His Majesty being convinced that your credit against the public finances of Spain is comprised in the before-mentioned fifth paragraph of the ninth article of the treaty, as possessing the only two qualifications or characters which are required by said article, has given orders and the corresponding instructions to his minister plenipotentiary at Washington to support all the measures you may adopt with the Federal Government, directed to obtain the acknowledgment and payment of your credit on the terms which are stipulated in the eleventh article.

The circumstance of the minister plenipotentiary of the King not having made particular mention of your credit or reclamation before or after presenting the ratification of the before-mentioned treaty cannot, in any manner, prejudice the rights you have, or oblige Spain to be responsible for the amount, because, when a general principle is sanctioned which embraces all particular cases, it is unnecessary to make individual mention of each of them—a motive which no doubt induced General Vives not to make any express mention of your credit, as he did not of any other case which might be in the same situation.

By royal command I make the same known to you for your information and government.

God preserve you many years.

GUSETIO DE BARDAXI Y ARARA.

To Mr. R. W. MEADE.

No. 28.

Translation of a letter from Mr. Anduaga, Spanish Minister Plenipotentiary, to Mr. Meade, and by him communicated to the President.

SIR: PHILADELPHIA, *January* 11, 1822.

I have received your letter of the 2d instant, in which you are pleased to inform me of the steps you have adopted in order to obtain from my Government the payment of the liquidated claim which you have on the National Treasury or Finance Department of Spain, and the answer which has been given to you, that the same is comprised in the fifth paragraph of the ninth article of the treaty of 22d February, 1819, and that His Majesty had been pleased to command me to support all the reclamations which you might make on the subject to the Government of this country; and also stating the necessity which you found yourself under of protesting that, being compelled by the treaty between Spain and the United States to apply or have recourse to the latter for the payment of your credit, you reserved your right, in case of not obtaining it in the whole, or only in part, against the Government of Spain, which has acknowledged you with so much solemnity as its creditor for the amount you claimed; and you conclude with requiring of me to communicate your protest to my court, and to inform the President of the steps you had adopted as regards my Government, and their results.

I lost not a moment in transmitting to the Spanish ministry the copy of your aforesaid letter of the 2d instant; but it has not appeared to me proper to comply with that part of it which relates to my addressing a note to this Government until you shall be pleased to communicate to me whether it has placed any opposition or difficulty in the way of your first demand.

In fact, I should be guilty of a serious libel on the President if for a moment I should appear to doubt of his entire disposition to comply most religiously with one of the clearest articles of the treaty of 1819, the literal meaning of which does not admit of the most extreme cavil.

When His Catholic Majesty decided on making the sacrifice of such important provinces as those of the Floridas, it was with the object of satisfying in full, and without any deduction, the credits which the citizens of the United States might have against Spain; and it was specified with the utmost care in the treaty what those credits were.

The simple perusal of that instrument will demonstrate, at first sight, that your credit is evidently comprised in it; and it would be, on the part of the American Government, an act of bad faith, of which it is incapable, to suppose the smallest doubt on this point.

This is so much more true as relates to your credit as it is of a distinct character from all the others. It is the only one which, after the most scrupulous or minute investigation, has been liquidated and acknowledged by Spain; the only one, for the same reason, that does not require the examination of the commissioners; and the only one, in fine, on which there can be no cavil or discussion.

These reflections, I think, ought to tranquillize you with regard to the results of your reclamation; and, with respect to the instructions which I have received from my court, it is true that they direct me, in the unforeseen event of any difficulty occurring with regard to the payment of your credit, that I should adopt all the necessary steps, that it may be effected as stipulated, but always declaring that Spain, according to the treaty of 1819, finds herself totally discharged from the payment of the credit you held against her, and that the United States has bound herself to pay it; and that, therefore, neither at this time, nor at any other period, will Spain attend to any reclamation on the subject.

I offer myself at your disposition, and pray God to preserve your life many years.

R. W. MEADE, Esq.

No. 29.

[TRANSLATION.]

Copy of an official letter from His Excellency the Spanish Secretary of State to Mr. Anduaga, Minister Plenipotentiary to the United States, dated

EXCELLENT SIR: MADRID, *December* 20, 1822.

By the official letter of your excellency, (No. 145,) I was informed of the one which Mr. Richard Meade had addressed to your excellency, and of the answer which you had returned to him. His Majesty has been pleased to approve of the reply of your excellency to the aforesaid Meade, with respect to the declaration which the commis-

sion established in Washington had made, in virtue of the eleventh article of the treaty, to consider as null the liquidation made by the Spanish Government of the reclamations which Meade held against it.

Under date of 28th of August last, I replied to the letter of your excellency, No. 78, in which you manifested your apprehension that it would be attempted to put on Spain the slight of not agreeing to the liquidation; and to your No. 113, in which you communicated that the commission had declared that it would admit reclamations in virtue of contracts made with Spain, among which that of Mr. Meade was comprised; and, as your excellency did not indicate in that letter any of your fears that the liquidation would not be conformed to, His Majesty inferred that the slight had not taken place which you apprehended in your first letter.

The receipt of my aforesaid letter of the 28th of August will have caused your excellency to see with pleasure that the intentions of the King in the affair in question have been entirely conformable to the ideas which your excellency has manifested to me.

His Majesty flatters himself that the Government of the United States, reflecting maturely on all the circumstances under which the liquidation of the credit of Meade took place, and the irreproachable characters who were employed in it, will not insist in consummating the slight or insult which it is pretended to make to the nation. By royal order I communicate this to your excellency for your satisfaction and information.

God preserve your excellency many years.

EVARISTO SAN MIGUEL.

No. 30.

[TRANSLATION.]

PHILADELPHIA, *April* 15, 1823.

Mr. R. W. Meade, a citizen of the United States, addressed two letters to my predecessor, under date of the 14th April and 10th October, 1822, enclosing the correspondence between your excellency and the commissioners named under the eleventh article of the treaty of 22d February, 1819, ratified by His Catholic Majesty, and exchanged in February, 1821, relative to the admission of certain claims therein detailed. My predecessor transmitted the same to my Government, together with the answer which he addressed to Mr. Meade, under date of 16th October, 1822, a copy of which I have the honor to enclose. His Majesty has been pleased to approve and sanction said answer of my predecessor to Mr. Meade; and he further commands me to support his reclamation, and represent to your excellency in the most friendly, but, at the same time, in the most forcible and solemn manner, against any opposition that may be pretended to be set up of not paying the private debt which the aforesaid Meade holds against the Spanish nation, but which, in virtue of the late treaty, has been assumed by the Government of the United States.

This debt is, perhaps, the only one that has ever been solemnly acknowledged by His Catholic Majesty. It was done at the earnest solicitation of the minister of the United States at Madrid, and its final liquidation and acknowledgment took place at a time and under circumstances that cannot for one single moment authorize the slightest doubt as to its validity and amount.

The amount of the debt was laid before both Governments during the negotiation; the liquidation of it could only be effected by the parties interested in the contracts; and the wrongs it claimed compensation for, and the ascertaining the precise sum due, appeared to be subjects equally interesting to both Governments. It was, at least, thus represented and earnestly required by the American Government, both prior and subsequent to the *date* of the treaty, and His Catholic Majesty acceded to the wishes of the American Government; and, anxious that there should be no further cause of complaint, selected four counsellors, from distinct tribunals, and instructed them to examine, in the most scrupulous and minute manner, into all the circumstances attending on so complicated an account, and which required all the knowledge and practical information of the Spanish laws and commercial rules of the nation, to be enabled to form a correct view of the whole transaction. No affair of the kind ever underwent a more particular and thorough investigation, not only by the commissioners appointed for that purpose, but subsequently by the Treasurer General, the Comptroller General's Department, and the Minister of Finance, and finally received the full sanction of His Majesty himself.

Under such circumstances, His Majesty feels that he cannot view with indifference, or remain silent, when it is attempted to invalidate so solemn an act. The Spanish nation was most certainly responsible for the full sum acknowledged due. The Government of the United States, by the subsequent ratification of the treaty, assumed the debt, in virtue of the fifth renunciation contained in the eleventh article, with a perfect knowledge of its amount, which had been officially communicated, long prior to the conclusion of the treaty, to the minister in Madrid, for the information of his Government, by the Secretary of State; and most certainly, under all these circumstances, it was not to be imagined that any further information would be required on this subject.

There cannot exist a doubt that, if the treaty of 22d February had not been concluded, Mr. Meade would have received from the Spanish nation the full amount of his debt; and His Majesty cannot perceive the justice of the commissioners in first attempting to disavow the debt *in toto*, as not included in the treaty; and much less could His Majesty have supposed that so solemn an act of his Government, which was an act of concession, in a great measure, to the interposition of the American cabinet, and which was done in the most perfect good faith, would have been questioned by the agents of the American Government.

It has been a subject of the deepest regret to His Majesty the slight or insult which the commissioners of reclamation have endeavored to show to the most respectable authorities of Spain and to His Majesty himself, and, consequently, to the whole nation.

On a full view of the above exposition, I am directed to represent to your excellency that His Majesty cannot remain silent when an attempt is made to render doubtful an act so incontrovertible, and to protest, solemnly and respectfully, against any decision of the commissioners named in virtue of the treaty which may tend to invalidate, in any manner, the acknowledgment by my Government of the debt due to Mr. Meade, in conformity to the certificate which was granted to him thereof, and which is in his possession.

I have the honor to be, &c.

HILARIO DE RIVAS Y SALMON.

The Hon. JOHN Q. ADAMS, *Secretary of State.*

No. 31.

SPANISH CLAIMS.

SIR: OFFICE OF THE COMMISSION, WASHINGTON, *April* 18, 1823.

Richard W. Meade, who is a claimant before us under the provisions of the treaty of the 22d February, 1819, and who represents himself to be a citizen of the United States, has, in due form, made application to us to

require of the Spanish Government certain papers and documents which are considered as necessary to the establishment of his claim, and which are specified in the enclosed paper.

In consequence of this application, we are compelled to trouble you with a request that you will be pleased to adopt such means as you think proper to require of the Spanish authorities the documents referred to.

We have the honor to be, sir, very respectfully, your obedient servants,

H. L. WHITE,
LITT. W. TAZEWELL,
WILLIAM KING.

To the SECRETARY OF STATE.

No. 32.

[TRANSLATION.]

The Count Ofalia to Mr. Nelson.

SIR: PALACE, *March* 8, 1824.

I have laid before the King, my august master, your note of the 25th of the last month, in which you propose, for the saving of time and expense, to deliver to the legation the original documents which are here, and which may be found necessary for the settlement of the claims of American citizens, in conformity with the treaty of the 22d of February, 1819, in the place of copies of them.

His Majesty being informed, he commands me to say to you that the papers of this office (*secretaria*) have been thrown into great confusion by their removal to Seville and Cadiz, whence they are expected in a few days. As soon as they shall arrive, we will proceed to search for those which you demand, and all those originals whose delivery may not be inconvenient shall be at your disposal; those, also, which are found to be *not* of this character shall be furnished, that true copies of them may be had conformably with the treaty. With this, I have the pleasure to renew to you the assurance of my distinguished consideration.

THE CONDE DE OFALIA.

No. 33.

Extract of a letter from the Count de Ofalia, Secretary of State, to Mr. Nelson, dated Aranjuez, May 14, 1824.

"No. 5. To His Excellency the Secretary of the Department of Finance, upon the case of Mr. Richard Meade."

ARANJUEZ, *May* 14, 1824.

By the treaty of the 22d of February, 1819, Spain obliged itself to furnish the Government of the United States of America all the documents which might be necessary for the adjustment of the reclamations of its subjects, the payment of which it remained bound for by the same treaty.

In consequence thereof, the minister plenipotentiary has claimed various papers relative to the comprobation of said reclamations, and, among them, those relating to the contracts and other affairs of Mr. Richard Meade.

In your department there exist writings on this important affair, which, it appears, were remitted to the department under my charge on the 24th of May, 1821, and returned on the 26th of the same month, in which there are probably many of the documents that the said minister calls for, agreeably to the tenor of the annexed exposition of the American commissioners of the 18th of April, 1823, (and which I transmit without a translation, on account of the urgency with which the documents are demanded, and from the scarcity of persons in this royal residence,) the despatch of the remainder corresponding to the authorities and offices depending upon your ministry.

The King, our lord, considering, on one side, the obligation contracted by the treaty, and the benefit which has accrued to the royal finance of being released by it from the payment of near ten millions of rials, to which the claims of Meade amounted, commands me to recommend to your excellency, in the most efficacious manner, that you will facilitate to his excellency the aforesaid minister of the United States, or to the person or persons that he may delegate for this purpose, the said documents, in the earliest time possible, &c.

By royal order, &c.

God preserve your excellency many years.

DEL CONDE DE OFALIA.

To His Excellency the SECRETARY *of the Department of Finance.*

No. 34.

Extract of a letter from Mr. Nelson, Minister Plenipotentiary of the United States to Spain, to the Secretary of State, dated

MAY 17, 1824.

Mr. Appleton, who remained at Aranjuez two days after I left it, returned to this place last night, bringing with him the copies of the orders which have been issued from the Department of State to the several offices for supplying the papers which have been demanded under the Florida treaty.

No. 35.

Extract of a letter from Mr. Nelson, Minister Plenipotentiary of the United States to Spain, to the Secretary of State, dated

JULY 31, 1824.

The Spanish Government seems disposed to proceed with the calls made upon them for papers; and we may now be permitted to indulge the hope that most of the records which have been asked for will be supplied before a very distant day. From this calculation I fear we must exclude the papers in Mr. Meade's case, which, being so voluminous, although entered upon by the Spanish officers apparently in good faith to supply them, seem to forbid any well-founded expectation that they can be speedily furnished.

No. 36.

EXCELLENT SIR: PHILADELPHIA, *July* 1, 1824.

I have the honor of communicating to your excellency the copy of a decision pronounced on the 29th day of May, and notified to me on the 7th day of June last by the secretary of the commissioners under the late treaty between Spain and the United States, on the claim interposed by me for payment of the debt acknowledged to be due to me by the Crown of Spain.

As in all my proceedings to obtain the recovery of this indisputable debt I have obeyed the impulse of two great Powers, with neither of whom was it possible for me to contend, I have uniformly protested against all prejudice to my rights, in consequence of either demanding or being denied satisfaction of my claim under the treaty. As an humble individual, I can do no more at present than repeat this protest, and beg you to become the means of making it known to the councils of His Catholic Majesty.

I have the honor to remain, with due respect and consideration, your excellency's most obedient servant,

R. W. MEADE.

To His Excellency the COUNT OF OFALIA,
Secretary of State of His Catholic Majesty, Madrid.

No. 37.

[See memorial, ante, page 704.]

No. 38.

To the Senate and House of Representatives of the United States in Congress assembled: The memorial of Richard W. Meade very respectfully shows:

That, whilst he resided as a merchant at Cadiz, in Spain, during the most disastrous but glorious period of their resistance against French domination, the Government of that country became immensely indebted to him for extensive and various supplies, which were of the last necessity in the then state of public affairs. Your memorialist, whilst soliciting the liquidation of his claims, in the year 1816, was thrown into prison, under the most fraudulent pretexts, and without any shadow of justice, and kept in confinement more than two years. This was one of the many atrocities which ensued upon the destruction of the constitution adopted in the absence of the King, and the re-establishment of absolute despotism at his return; but the history of this proceeding is so well known, from the diplomatic correspondence of the two Governments, and from the communications of the Executive to Congress, and the proceedings of Congress itself on the subject, that it is altogether unnecessary to enlarge upon it here. During his confinement, the exertions of himself and his friends were necessarily directed to the means of procuring his enlargement; and he could therefore give but little attention to his pecuniary demands upon the Government. Immediately upon his enlargement, he again pressed the subject, and was at length given to understand that he might be indemnified by means of a grant of lands in Florida, upon certain conditions. Aware of the pending negotiation for the cession of the Floridas to the United States, and apprehensive of crossing the views of the Government, he wrote to Mr. Adams in June, 1818, and stated to him the proposed grant of lands, and received the answer of Mr. Adams, under date of the 18th September, 1818, which was adverse to the acceptance of the grant, but gave your memorialist to understand that, if a treaty should be concluded, his claims might be provided for. The only provision he ever imagined could be made by treaty was, that the United States might find it convenient to offer Spain, as one of the equivalents for the cession, to relieve her from a most pressing demand, by undertaking to pay it as her guarantee. With that understanding, your memorialist transmitted to the Department of State here a general explanation of the nature of his claims. He also laid a statement of the same before Mr. Erving, the minister of the United States in Spain, and had the benefit of his countenance and assistance in prevailing upon the Spanish Government to put the subject in a train of settlement. Their joint efforts at length prevailed, in the course of the winter of 1818—'19, to have a special junta or commission appointed to audit and settle the claims. That junta could not conveniently go through the extensive details necessary to a complete investigation, till the 30th of September, 1819, when they made a report, couched in the most flattering terms, allowing the claim, and superadding what they conceived to be an adequate compensation for the unjust imprisonment of the memorialist; which report, after undergoing very minute and critical revisions by the various departments of the Government, was fully ratified by the King in the most solemn form; in consequence whereof, a certificate, under the royal seal, was duly expedited by the Minister of Finance, in May, 1820, explicitly acknowledging a debt equal to $491,153 33, and directing the same to be paid out of the Royal Finance Department, with interest at the rate of *six per cent.*

From the more just and magnanimous administration of public affairs introduced by the new revolution in Spain, which took place after the award of the junta, and before its final ratification by the Government, (that is to say, in the period between September, 1819, and May, 1820,) he conceived sanguine hopes of the immediate payment of a debt so conclusively ascertained and acknowledged by successive, competent, and concurring authorities under both administrations. But the commotions and embarrassments incident to a state of revolution and the exhausted state of the Treasury postponed private claims to affairs of more general and pressing importance. At length, in the month of October, 1820, the Cortes took up the subject of the treaty with the United States, which had been signed eighteen months before; and they, at the same time, took up the petition of your memorialists, presented at the commencement of their session in July, requesting them to provide a fund for the payment of the debt acknowledged by the certificate before mentioned: an inquiry was set on foot whether that debt had not been provided for in the treaty; and that fact being satisfactorily ascertained, your memorialist was referred to the United States for payment. The Cortes decreed the ratification of the treaty, with the clear assurance, perfectly understood as a *sine qua non*, that the United States should assume and pay the debt; for such was the state of the question at that time, and so earnest and intent were the Cortes upon seeing your memorialist satisfied, that they would not have ratified the treaty but upon the condition of stipulating for the satisfaction of his debt, either by the assumption of the United States, or by retaining an adequate fund out of the Florida lands; and when they were clearly given to understand, from the official report of their Minister of State, confirmed by the American minister at Madrid, that the debt was recognised as comprehended in the treaty, and its justice undisputed, it was not supposed to admit of a possible doubt that the renunciation of the claim, accompanied by an express stipulation to exonerate Spain from it, necessarily made the United States the guarantee, to whom the creditor was to look for payment. From the refusal of the Spanish Government to ratify the treaty, and the consequent rupture of the negotiation, your memorialist had never stopped to inquire whether any provision had been made for liquidating his claim; or, if there was any such provision, whether it was adequate in itself, and consonant to the reciprocal

obligations and duties of the parties. He had, therefore, proceeded with his solicitations to the Spanish Government, and accomplished his object to the extent just mentioned, without any regard whatever to the unratified treaty, which had been the subject of such animated discussion. As soon as he was informed of the final resolution of the Spanish Government on the subject, he hastened to give notice of it to the American Government; and to give in a protest to the Spanish minister at Washington, importing that, if the American Government should not recognise the claim in the manner supposed by the Spanish Government, he should still call upon the latter as bound by every legal and moral tie to see to the satisfaction of the debt. Immediately after the arrival of the messenger from Spain with the ratification of that Government, your memorialist sent in a formal memorial to the President, which was communicated to the Senate at the same time the treaty was sent in. He has stated at large in that memorial his reasons for concluding—

1st. That the Government of the United States has no power or authority whatever to cancel or release the debt due from Spain to your memorialist, in any manner, or upon any terms, but the payment of the debt as guarantee of Spain: in other words, that the treaty-making power is utterly incompetent to exert its jurisdiction over the rights of a creditor claiming a pecuniary debt under the circumstances of the one in question, which differed widely and fundamentally from all the incidents, qualities, and relations which may rightfully have subjected other of the renounced claims to the action of the treaty-making power.

2d. That the claim is nevertheless comprehended in the fifth renunciation declared on the part of the United States in the ninth article of the treaty; in virtue of which, connected with the express stipulation in the eleventh article, the United States are absolutely and unconditionally bound to Spain to exonerate her from the debt; for which purpose the United States have received from Spain, and now enjoy, an adequate consideration.

3d. That, by the force and effect of these stipulations, the public faith of the United States is solemnly pledged equally to Spain as the debtor, and to your memorialist as the creditor, to discharge the debt without defalcation or delay; and, consequently, that any attempt to substitute for such payment a contingent, precarious, and long-deferred dividend out of the fund provided for the compensation, *pro rata*, of the other claims renounced by the treaty, which fund may eventually prove very inadequate to its object, would be not only an arbitrary and illegal usurpation of private property, directly opposed to considerations of cogent equity peculiar to the case of your memorialist, but, by throwing the creditor back upon Spain for indemnity, would be a clear infringement upon the spirit and intent of the treaty as between the two contracting sovereigns.

A copy of the memorial so presented to the President and Senate prior to the ratification of the treaty is hereto annexed; to which reference may be had for a more full and complete exposition of the facts, reasons, and authorities upon which your memorialist maintains the three propositions just stated.

Thus has the treaty been ratified by the President and Senate, and the ratifications been exchanged between the two Governments, after full and fair notice of the nature and extent of your memorialist's claim, and of the grounds upon which it was to be asserted under the treaty; and such ratification has been consummated without making any exception of such claim from the operation of the treaty, as your memorialist requested might be done in case there should be any doubt of his claim being comprehended in the treaty, or of its being entitled to full and immediate compensation, separate and apart from the other claims renounced by the treaty. The unqualified ratification of the treaty, under such circumstances, leaves him no room to doubt the intention to admit the validity of his claim; and he is advised that now, when the bill for carrying the treaty into effect is about to be passed, is the proper time and fit occasion to present his petition to Congress, praying that provision may be made in that bill for paying his claim according to the obligations of good faith contracted by the United States to Spain, under the express stipulations of the treaty, and to your memorialist, by parity of reason and necessary inference.

Your memorialist will be content to receive payment in either of the two modes designated in the eleventh article of the treaty, viz: either in cash, at the Treasury, or in six per cent. stock, redeemable out of the proceeds from the sales of public lands in the Floridas; and he leaves it entirely to the discretion of Congress to decide what portion, if any, of the sum so to be paid him should be deducted from the sum of $5,000,000 to be appropriated for the satisfaction of the other claims.

All which is, with all possible deference and respect, submitted, &c.

WASHINGTON, *February* 24, 1821.

No. 39.

Extract from the memorial of R. W. Meade to the Commissioners appointed under the eleventh article of the treaty of amity, &c. between the United States and Spain.

That, between two great nations, one of whom is unquestionably liable to your memorialist for the full amount of the said claim, and in opposition to either of whom he has nothing to sustain him but the principles of justice and the obligations of national honor, your memorialist trusts that his reference to either will never be considered by the other as an abandonment of any of his rights. Whatever he may do in the way of soliciting payment, or of preferring his claim, he submits, is the result of a necessity which, as an individual, he has no means to evade or avert; and, therefore, all which he now does or shall hereafter do in this behalf is, and will continue to be, done under an explicit reservation of all his rights up to the time when he shall enter into the full enjoyment of them.

Being instructed by the Government of Spain that his claim is within the provisions of the said treaty; having received no decision or instruction of the American Government that it is not so; and conceiving, if the said claim is so embraced, that the just interpretation of the said treaty, and of the obligations so assumed in consequence thereof by the United States, entitles your memorialist to the full and entire payment of his demands, he accordingly submits the claim to the board of commissioners constituted under the said treaty, and prays to have an opportunity of offering any further evidence that may be required in support thereof.

Your memorialist, by way of explaining more at large the grounds upon which he protests against being concluded, either by the treaty or by any claim which he may set up under the treaty, from asserting or pursuing his original claim, or of adopting either alternative in the assertion and pursuit of it, as against the Government of Spain, or that of the United States, prays that particular reference may be had to his memorial dated on the 8th of February, 1821, addressed to the President of the United States before the final ratification of the treaty, and by the President of the United States laid before the Senate at the same time that the treaty was presented for ratification; also, to his second memorial after the ratification of the treaty, addressed to both Houses of Congress during the last session. From the facts and the reasons advanced in those two memorials, and from such other facts and reasons as he reserves to himself the right of bringing forward hereafter, he hopes to have established the following conclusions beyond doubt or controversy:

1. That the Government of the United States had no power or authority whatever to cancel or release the debt due from Spain to your memorialist, in any manner, or upon any terms, but the payment of the debt as guarantee of

Spain; in other words, that the treaty-making power, *per se*, is utterly incompetent to exert its jurisdiction over the rights of a creditor claiming a mere pecuniary debt, under the circumstances of the debt due from Spain to your memorialist, differing so widely and fundamentally as it does in all the incidents, qualities, and relations which may rightfully have subjected other of the renounced claims to the action of the treaty-making power.

2. That, in default of an original and inherent jurisdiction of the treaty-making power to cancel or release the debt, no authority whatsoever has in fact been supplied by the agency or consent of the creditor, who, in point of fact, has never committed his claim to the management or discretion of the Government any further than to invoke the interposition of the good offices of the American Government in aid of the claims and petitions of the individual creditor; which claims and petitions, in all instances, went the length of demanding full and complete satisfaction, without being at all intermixed with the public negotiations and discussions between the two Governments; so that the entire agency of the American functionaries, as auxiliary to the individual demands and resources of the creditor, was merely gratuitous, and in the ordinary routine of diplomatic comity.

3. That the claim is nevertheless comprehended in the fifth renunciation declared on the part of the United States; in virtue of which, connected with the express stipulation of the eleventh article, the United States are absolutely and unconditionally bound, in consideration of a valuable equivalent received of Spain, to exonerate her from the debt, and, by that means, have interposed a bar to remedies otherwise clear and indisputable, by which the creditor might have secured his debt from the original debtor.

4. That, by the force and effect of these stipulations, the public faith of the United States is solemnly pledged equally to Spain as the debtor, and to your memorialist as the creditor, to discharge the debt without defalcation or delay, and without reference to the stipulated and limited fund provided by the treaty.

With the clear and unfaltering intent of adhering to these principles in the present as in all future assertions of his claim, whether it be advanced against the Government of Spain or against that of the United States, your memorialist prays that you will proceed to investigate the circumstances of his claim, in order that it may be officially decided and promulgated what provision is intended for your memorialist by the treaty; that is to say—

1st. Whether his claim be not clearly comprehended in the list of renunciations declared on the part of the United States in the ninth article of the said treaty.

2dly. Whether, being so comprehended, your memorialist be not clearly entitled to a substantive and full satisfaction of his claim, whatever may be the *pro rata* allowance to the general mass of claimants, out of the specific fund provided by the said treaty.

R. W. MEADE.

WASHINGTON, *January* 6, 1822.

[The following reports were made to the Senate and House of Representatives, March 21 and April 22, 1826.]

Mr. CLAYTON, from the select committee to whom was referred the memorial of Richard W. Meade, made the following report:

That, by the fifth clause of the ninth article of the treaty between the United States and Spain, by which Florida was ceded to the United States, the Government of the United States renounced to Spain "all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the minister of the United States in Spain, since the date of the convention of 1802, and until the signature of the treaty."

By the eleventh article of that treaty, the United States undertook to make satisfaction for these claims to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of these claims, it was stipulated that a commission, to consist of three commissioners, should be appointed by the President, by and with the advice and consent of the Senate, which commission should meet at the city of Washington, and, within the space of three years from the time of their first meeting, should receive, examine, and decide upon the amount and validity of all claims included within the renunciations of the treaty.

The commissioners were accordingly appointed; and they commenced their sessions in June, 1821, and closed them in June, 1824. Mr. Meade, among others, presented his claims on the Spanish Government to the commissioners for ascertainment and decision. The sum claimed at that time was $491,153 62; and it was conceded that Mr. Meade had presented a statement of his claims on the Spanish Government to the Department of State, and to the minister of the United States in Spain, soliciting the interposition of the Government of the United States, since the date of the convention of 1802, and before the signature of the treaty of 1819; and that, therefore, if he could establish the amount and validity of his claims by "suitable authentic testimony," he came within the fifth clause of the ninth article above recited. Mr. Meade failed, in the opinion of the commissioners, to prove, by sufficient evidence, the amount and validity of his claims, and they were therefore, on the 7th of June, 1824, finally rejected.

Under these circumstances, it is not deemed necessary that the committee should go into an investigation of the claims of Mr. Meade, or inquire whether the evidence adduced to the commissioners was sufficient to establish the validity of his claims, because the commissioners, in the opinion of the committee, were constituted the sole and exclusive judges of that question.

It will be proper to inquire what were the obligations imposed by the treaty on the Government of the United States. It assumed the payment of the claims of its citizens to an amount not exceeding five millions of dollars. To distribute this sum among its citizens proportionate to their respective claims, it undertook to establish a commission, to be composed of three of its citizens, to ascertain, by "suitable authentic testimony," the full amount and validity of these claims; and it may be conceded that a further obligation was imposed on the Government, not, indeed, in terms, but impliedly, to be careful, in appointing persons to form the commission, to select men of known intelligence, integrity, and learning, and, when the claims presented to the commissioners for decision had been adjusted and admitted, to pay them, provided they did not exceed five millions of dollars; and, if they did exceed that sum, to pay them *pro rata*. All these obligations the Government has performed with the utmost sincerity and good faith.

It will not be pretended that the Government stipulated that the decisions of the commissioners should be infallible; it is enough that the commission was composed of learned and discreet men, whose decisions would be respected in all parts of the world. But it is by no means intended to insinuate that the correctness of the final rejection of Mr. Meade's memorial is questioned, because the committee have not permitted themselves to go into a consideration of that matter. By undertaking to review the proceedings of the commissioners, a wide door would be opened to a flood of claims to an amount which it was not in the contemplation of the Government to pay when it entered into the stipulations of the treaty. A fund of five millions of dollars was provided, to be dis-

tributed, by the adjudication of the commissioners, among citizens having valid claims on the Spanish Government. This distribution has been made, *and the whole fund is exhausted.* The amount of claims exhibited to the commissioners, the committee are informed, exceeded forty millions of dollars; so that, if the proceedings of the board are to be reviewed and investigated anew, as but about five and a half millions of dollars were allowed, claims to the amount of thirty-five millions more are yet to be investigated and provided for. In such a course of proceeding there is no mutuality of advantage between the Government and the claimants; for, if an erroneous decision shall have been made against the Government, there is no possible means by which the injury can be redressed.

It is insisted that the United States, having renounced these claims to the Spanish Government, are under a moral obligation to discharge them *all*, without regard to the limited sum specified in the treaty. But, without the aid of the Government, these claims on the Spanish nation never could have been enforced. Its aid was invoked; it was extended to them; and the most beneficial terms of compromise were made which could be obtained, without the sacrifice of a much larger sum than prudence would authorize to be given for the ceded territory. Nor should it be forgotten that the sum of five millions was not the only consideration given for the cession of Florida: we, at the same time, surrendered a large and valuable territory lying beyond our present southern limits; and, without this treaty, all the claims would have remained unpaid to a much more distant day than the present; and, if we look to the exhausted state of the Spanish treasury, and its impoverished resources, perhaps that period never would have arrived. Statements of these claims were presented to the Government, soliciting its interposition in their favor, and the consequence was the treaty of 1819, by which the Government assumed the payment of these claims to an amount not exceeding five millions of dollars. Had the aid of the Government not been asked, the fate of the claimants must have rested altogether upon the honor and justice of the Spanish nation; but the interposition of the Government being required, the claimants were bound to submit either to the fate of war, or to such amicable compromise as could be made in their behalf. And it may be truly said that, in estimating the value of these claims, their nominal amount is not to be looked to only, but the *spes recuperandi* is the standard by which their just value is to be estimated. The *certainty* of having a smaller sum paid by this Government would, by a prudent man, be valued higher than the *contingent* prospect of obtaining a larger sum from Spain.

But a further view of this case, from the facts presented, is required. Mr. Meade's claim was disallowed by the commissioners, because the evidence which he adduced to them was not sufficient to prove the amount or validity of his claim; and it is believed they went so far as to say that it was incompetent evidence, and wholly inadmissible to prove any thing before them. This was a matter of which they, by the treaty, were made the exclusive judges. This opinion was rendered on the 16th of April, 1823; and, on the next day, Mr. Meade filed a specification of the documents which he requested the commissioners to demand of the Spanish Government under the following clause of the eleventh article of the treaty, viz: "And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified when demanded at the instance of the said commissioners;" and on the following day the commissioners requested the Secretary of State to adopt such means as he should think proper to require of the Spanish authorities the documents so specified. On the 13th of May the Secretary of State instructed Mr. Nelson, who was then about to depart this country as minister to Spain, to demand the specified documents from the Spanish Government. These documents were accordingly demanded; but, owing to the distracted situation of the country, being then recently overrun by French troops, the documents were not obtained so as to enable Mr. Meade to lay further proof before the board before the termination of the commission: nor has the demand of our Government for these proofs yet been complied with. The consequence has been, that the commissioners, adhering to their decision of the 16th of April, 1823, and no further proof being presented to them, on the 7th of June, the day previous to the close of their session, finally rejected the claim. This statement is made to show that no negligence is imputable to the Government of the United States in performing its duty under the treaty to demand the desired documents, for the earliest opportunity was taken by the Secretary of State to instruct our minister to make the demand; and, if there has been a failure of duty anywhere, it is attributable to Spain. That Government engaged to furnish the documents when demanded, *and it has not furnished them.* If, therefore, a fair claim (about which the committee express no opinion) has been lost through the fault of the Spanish authorities, who ought to make good that loss—Spain, or the United States, to whom no blame or negligence can be imputed?

Every suitor prepares his own cause for the hearing. He comes to it, if unprepared, at *his* peril. It is not the duty of the tribunal which is to decide his cause to instruct him beforehand as to the nature of the evidence which it will require to sustain his case; that is the duty of others; and if he is erroneously advised, it is his misfortune. The documents which it is alleged are to be found in the Spanish archives, and which it is contended would sustain Mr. Meade's claim, were not specified to the commissioners until the 17th of April, 1823, when nearly two-thirds of the time limited for the duration of the board had expired. Had the specification of the documents been made at the commencement of the session, as Spain was at that time, and for a long time after, free from invasion, the probability is that all the documents relating to the claim might have been procured in season to have enabled the commissioners to judge whether they would sustain the claim, or any part of it. That these documents were not earlier demanded was not the fault of any agent of the Government. The commissioners, after having decided the cause against Mr. Meade upon the evidence on which he relied, indulged him to the last moment to enable him to produce further proof; and, upon his failing to do so, they finally dismissed his memorial. The committee therefore submit the following resolution:

Resolved, That the prayer of the memorialist ought not to be granted.

Mr. FORSYTH, from the Committee of Foreign Affairs, to whom was referred the petition of Richard W. Meade, made the following report:

That the petitioner was a claimant to a portion of the five million fund provided by the treaty of the 22d February, 1819, between the United States and Spain; that the commissioners appointed to carry into effect the eleventh article of that treaty rejected his claim on the last day of their session.

The committee consider that the decision of the commissioners, forming a tribunal of limited and specified jurisdiction under a treaty, ought to be considered conclusive, and would recommend that the whole subject of claims of citizens of the United States on Spain prior to 1819 should be deemed settled; but the petitioner alleges that his claim has not been, and could not be, fairly examined by the commissioners, for the want of sundry papers in the hands of the Spanish Government, which they were bound to furnish; which were, at his instance, duly demanded; were

not furnished prior to the day fixed by the treaty for the termination of the commission, and the final decision on all claims presented to it; indeed, not yet furnished by the Government of Spain. The evidence laid before the committee shows that the commissioners deemed the claim of Richard W. Meade embraced by the treaty; that, at his instance, a demand was made on Spain for the evidences deemed by them necessary to a fair examination of it; that this demand was not made on Spain, owing to unforeseen occurrences, until a short time previous to the termination of the commission, although the application for them by Meade had been made fourteen months prior to that time.

Under these circumstances, the committee believe that provision ought to be made for the petitioner; that he should not suffer by the delay to furnish evidence in the hands of Spain that we have demanded, and she was bound to furnish. They therefore report a bill to give him the means of establishing his claim in the same manner as if the board of commissioners still existed.

As it is known to the committee that there are several other claimants in the same situation as the petitioner, they present a bill embracing all cases of a similar kind. They deem it, however, proper to state to the House that, as the five million fund provided by the treaty has been distributed among the claimants whose claims were allowed by the commissioners, the amount now proposed to be paid will be in addition to that sum. In all cases where the delay to furnish evidence can be attributed to Spain, there has been a violation on her part of the provisions of the treaty, for which she is, and should be held, answerable to the United States. The committee think that this question of liability, and its extent, should not be further touched until the facts are clearly ascertained, and the money paid by the United States.

17th CONGRESS.] No. 323. [1st SESSION.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES AT THE COMMENCEMENT OF THE FIRST SESSION OF THE SEVENTEENTH CONGRESS.

COMMUNICATED TO CONGRESS, DECEMBER 5, 1821.

WASHINGTON, *December* 3, 1821.

Fellow-citizens of the Senate and of the House of Representatives:

The progress of our affairs since the last session has been such as may justly be claimed and expected under a Government deriving all its powers from an enlightened people, and under laws formed by their representatives, on great consideration, for the sole purpose of promoting the welfare and happiness of their constituents. In the execution of those laws, and of the powers vested by the constitution in the Executive, unremitted attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal, there is good cause to be satisfied with the result. The laws have had their due operation and effect. In those relating to foreign Powers, I am happy to state that peace and amity are preserved with all by a strict observance, on both sides, of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed as to the conditions on which it should be placed, each party has pursued its own policy, without giving just cause of offence to the other. In this annual communication, especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view, that errors, if such have been committed, may be corrected; that defects, which have become manifest, may be remedied; and, on the other hand, that measures which were adopted on due deliberation, and which experience has shown are just in themselves, and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty, I shall endeavor to place before you, on its merits, every subject that is thought to be entitled to your particular attention, in as distinct and clear a light as I may be able.

By an act of the 3d of March, 1815, so much of the several acts as imposed higher duties on the tonnage of foreign vessels, and on the manufactures and productions of foreign nations when imported into the United States in foreign vessels, than when imported in vessels of the United States, was repealed so far as respected the manufactures and productions of the nation to which such vessel belonged, on the condition that the repeal should take effect only in favor of any foreign nation when the Executive should be satisfied that such discriminating duties, to the disadvantage of the United States, had likewise been repealed by such nation. By this act a proposition was made to all nations to place our commerce with each on a basis which it was presumed would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports, and to take the manufactures and productions of the United States back to their ports in their own vessels, on the same conditions that they might be transported in vessels of the United States; and, in return, it was required that a like accommodation should be granted to the vessels of the United States in the ports of other Powers. The articles to be admitted or prohibited on either side formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper, and on its own conditions.

When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every Power. The exports of the United States consist generally of articles of the first necessity, and of rude materials in demand for foreign manufactories, of great bulk, requiring for their transportation many vessels, the return for which in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is the more especially applicable to those countries from which manufactures alone are imported, but it applies, in a great extent, to the European dominions of every European Power, and, in a certain extent, to all the colonies of those Powers. By placing, then, the navigation precisely on the same ground in the transportation of exports and imports between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor.

Many considerations of great weight give us a right to expect that this commerce should be extended to the colonies as well as to the European dominions of other Powers. With the latter, especially with countries exclusively

manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and with the greater reason as it was known that the supplies which the colonies derived from us were of the highest importance to them, their labor being bestowed with so much greater profit in the culture of other articles; and because, likewise, the articles of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe except in cases of great emergency to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then, not in favor of any particular country, to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording such supply, and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies, on the payment of equal tonnage, a strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole, would be a sacrifice which ought not to be expected. The demand in the present instance would be the more unreasonable in consideration of the great inequality existing in the trade with the parent country.

Such was the basis of our system, as established by the act of 1815, and such its true character. In the year in which this act was passed, a treaty was concluded with Great Britain, in strict conformity with its principles, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent, it was not extended; the British Government claiming the exclusive supply of those colonies, and from our own ports, and of the productions of the colonies in return, in her own vessels. To this claim the United States could not assent, and, in consequence, each party suspended the intercourse in the vessels of the other, by a prohibition, which still exists.

The same conditions were offered to France, but not accepted. Her Government has demanded other conditions more favorable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions in ports of the United States. To these it was thought improper to accede, and, in consequence, the restrictive regulations which had been adopted on her part being countervailed on the part of the United States, the direct commerce between the two countries in the vessels of each party has been in a great measure suspended. It is much to be regretted that, although a negotiation has been long pending, such is the diversity of views entertained on the various points which have been brought into discussion, that there does not appear to be any reasonable prospect of its early conclusion.

It is my duty to state, as a cause of very great regret, that very serious differences have occurred in this negotiation respecting the construction of the eighth article of the treaty of 1803, by which Louisiana was ceded to the United States, and likewise respecting the seizure of the Apollo, in 1820, for a violation of our revenue laws. The claim of the Government of France has excited not less surprise than concern, because there does not appear to be a just foundation for it in either instance. By the eighth article of the treaty referred to, it is stipulated that, after the expiration of twelve years, during which time it was provided, by the seventh or preceding article, that the vessels of France and Spain should be admitted into the ports of the ceded territory without paying higher duties on merchandise, or tonnage on the vessels, than such as were paid by citizens of the United States, the ships of France should forever afterwards be placed on the footing of the most favored nation. By the obvious construction of this article, it is presumed that it was intended that no favor should be granted to any Power in those ports to which France should not be forthwith entitled, nor should any accommodation be allowed to another Power on conditions to which she would not also be entitled on the same conditions. Under this construction, no favor or accommodation could be granted to any Power to the prejudice of France. By allowing the equivalent allowed by those Powers, she would always stand in those ports on the footing of the most favored nation. But if this article should be so construed as that France should enjoy of right, and without paying the equivalent, all the advantages of such conditions as might be allowed to other Powers in return for important concessions made by them, then the whole character of the stipulation would be changed. She would not be placed on the footing of the most favored nation, but on a footing held by no other nation. She would enjoy all advantages allowed to them in consideration of like advantages allowed to us, free from every and any condition whatever.

As little cause has the Government of France to complain of the seizure of the Apollo, and the removal of other vessels from the waters of the St. Mary's. It will not be denied that every nation has a right to regulate its commercial system as it thinks fit, and to enforce the collection of its revenue, provided it be done without an invasion of the rights of other Powers. The violation of its revenue laws is an offence which all nations punish; the punishment of which gives no just cause of complaint to the Power to which the offenders belong, provided it be extended to all equally. In this case, every circumstance which occurred indicated a fixed purpose to violate our revenue laws. Had the party intended to pursue a fair trade, he would have entered our ports and paid the duties; or, had he intended to carry on a legitimate circuitous commerce with the United States, he would have entered the port of some other Power, landed his goods at the custom-house according to law, and reshipped and sent them in the vessel of such Power, or of some other Power which might lawfully bring them, free from such duties, to a port of the United States. But the conduct of the party in this case was altogether different. He entered the river St. Mary's, the boundary line between the United States and Florida, and took his position on the Spanish side, on which, in the whole extent of the river, there was no town, no port, or custom-house, and scarcely any settlement. His purpose, therefore, was not to sell his goods to the inhabitants of Florida, but to citizens of the United States, in exchange for their productions, which could not be done without a direct and palpable breach of our laws. It is known that a regular systematic plan had been formed by certain persons for the violation of our revenue system, which made it the more necessary to check the proceeding in its commencement.

That the unsettled bank of a river so remote from the Spanish garrisons and population could give no protection to any party in such practice is believed to be in strict accord with the law of nations. It would not have comported with a friendly policy in Spain herself to have established a custom-house there, since it could have subserved no other purpose than to elude our revenue law. But the Government of Spain did not adopt that measure; on the contrary, it is understood that the Captain General of Cuba, to whom an application to that effect was made by these adventurers, had not acceded to it. The condition of those provinces for many years before they were ceded to the United States need not now be dwelt on. Inhabited by different tribes of Indians, and an inroad for every kind of adventurer, the jurisdiction of Spain may be said to have been almost exclusively confined to her garrisons. It certainly could not extend to places where she had no authority. The rules, therefore, applicable to settled countries governed by laws, could not be deemed so to the deserts of Florida, and to the occurrences there. It merits attention, also, that the territory had then been ceded to the United States by a treaty, the ratification of which had not been refused, and which has since been performed. Under any circumstances, therefore, Spain became less responsible for such acts committed there, and the United States more at liberty to exercise authority to prevent so great a mischief. The conduct of this Government has, in every instance, been conciliatory and friendly to France. The construction of our revenue law, in its application to the cases which have formed the ground of

such serious complaint on her part, and the order to the collector of St. Mary's, in accord with it, were given two years before these cases occurred, and in reference to a breach which was attempted by the subjects of another Power. The application, therefore, to the cases in question was inevitable. As soon as the treaty by which these provinces were ceded to the United States was ratified, and all danger of further breach of our revenue laws ceased, an order was given for the release of the vessel which had been seized, and for the dismission of the libel which had been instituted against her.

The principles of this system of reciprocity, founded on the law of the 3d of March, 1815, have been since carried into effect with the kingdoms of the Netherlands, Sweden, Prussia, and with Hamburgh, Bremen, Lubec, and Oldenburg, with a provision made by subsequent laws in regard to the Netherlands, Prussia, Hamburgh, and Bremen, that such produce and manufactures as could only be, or most usually were, first shipped from the ports of those countries, the same being imported in vessels wholly belonging to their subjects, should be considered and admitted as their own manufactures and productions.

The Government of Norway has, by an ordinance, opened the ports of that part of the dominions of the King of Sweden to the vessels of the United States upon the payment of no other or higher duties than are paid by Norwegian vessels, from whatever place arriving, and with whatever articles laden. They have requested the reciprocal allowance for the vessels of Norway in the ports of the United States. As this privilege is not within the scope of the act of the 3d of March, 1815, and can only be granted by Congress, and as it may involve the commercial relations of the United States with other nations, the subject is submitted to the wisdom of Congress.

I have presented thus fully to your view our commercial relations with other Powers, that, seeing them in detail with each Power, and knowing the basis on which they rest, Congress may in its wisdom decide whether any change ought to be made, and, if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of equality, and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken, and supporting it by such further regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first article of the treaty of Ghent has been, by a joint act of the representatives of the United States and of Great Britain at the court of St. Petersburg, submitted to the decision of His Imperial Majesty the Emperor of Russia. The result of that submission has not yet been received. The commissioners under the fifth article of that treaty not having been able to agree upon their decision, their reports to the two Governments, according to the provisions of the treaty, may be expected at an early day.

With Spain, the treaty of February 22, 1819, has been partly carried into execution. Possession of East and West Florida has been given to the United States, but the officers charged with that service by an order from His Catholic Majesty, delivered by his minister to the Secretary of State, and transmitted by a special agent to the Captain General of Cuba, to whom it was directed, and in whom the government of those provinces was vested, have not only omitted, in contravention of the order of their sovereign, the performance of the express stipulation to deliver over the archives and documents relating to the property and sovereignty of those provinces, all of which it was expected would have been delivered either before or when the troops were withdrawn, but defeated since every effort of the United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful nature, the character of which will be fully disclosed by the documents which will be hereafter communicated.

In every other circumstance, the law of the 3d of March last, for carrying into effect that treaty, has been duly attended to. For the execution of that part which preserved in force, for the government of the inhabitants, for the term specified, all the civil, military, and judicial powers exercised by the existing Government of those provinces, an adequate number of officers, as was presumed, were appointed, and ordered to their respective stations. Both provinces were formed into one territory, and a governor appointed for it; but, in consideration of the pre-existing division, and of the distance and difficulty of communication between Pensacola, the residence of the Governor of West Florida, and St. Augustine, that of the Governor of East Florida, at which places the inconsiderable population of each province was principally collected, two secretaries were appointed—the one to reside at Pensacola, and the other at St. Augustine. Due attention was likewise paid to the execution of the laws of the United States relating to the revenue and the slave trade, which were extended to these provinces. The whole territory was divided into three collection districts—that part lying between the river St. Mary's and Cape Florida forming one, that from the cape to the Appalachicola another, and that from the Appalachicola to the Perdido the third. To these districts the usual number of revenue officers were appointed; and, to secure the due operation of these laws, one judge and a district attorney were appointed to reside at Pensacola, and likewise one judge and a district attorney to reside at St. Augustine, with a specified boundary between them; and one marshal for the whole, with authority to appoint a deputy. In carrying this law into effect, and especially that part relating to the powers of the existing Government of those provinces, it was thought important, in consideration of the short term for which it was to operate, and the radical change which would be made at the approaching session of Congress, to avoid expense; to make no appointment which should not be absolutely necessary to give effect to those powers; to withdraw none of our citizens from their pursuits, whereby to subject the Government to claims which could not be gratified, and the parties to losses which it would be painful to witness.

It has been seen with much concern that, in the performance of these duties, a collision arose between the governor of the territory and the judge appointed for the western district. It was presumed that the law under which this transitory Government was organized, and the commissions which were granted to the officers who were appointed to execute each branch of the system, and to which the commissions were adapted, would have been understood in the same sense by them in which they were understood by the Executive. Much allowance is due to officers employed in each branch of this system, and the more so as there is good cause to believe that each acted under the conviction that he possessed the power which he undertook to exercise. Of the officer holding the principal station, I think it proper to observe that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his country, being willing to contribute to the consummation of an event which would insure complete protection to an important part of our Union which had suffered much from incursion and invasion, and to the defence of which his very gallant and patriotic services had been so signally and usefully devoted.

From the intrinsic difficulty of executing laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and, indeed, the necessity of establishing, as soon as may be practicable, a well-organized Government over that territory, on the principles of our system, is apparent. This subject is, therefore, recommended to the early consideration of Congress.

In compliance with an injunction of the law of the 3d of March last, three commissioners have also been appointed, and a board organized for carrying into effect the eleventh article of the treaty above recited, making provision for the payment of such of our citizens as have well-founded claims on Spain, of the character specified

by that treaty. This board has entered on its duties, and made some progress therein. The commissioner and surveyor of His Catholic Majesty, provided for by the fourth article of the treaty, have not yet arrived in the United States, but are soon expected. As soon as they do arrive, corresponding appointments will be made, and every facility be afforded for the due execution of this service.

The Government of His Most Faithful Majesty, since the termination of the last session of Congress, has been removed from Rio de Janeiro to Lisbon, where a revolution, similar to that which had occurred in the neighboring kingdom of Spain, had, in like manner, been sanctioned by the accepted and pledged faith of the reigning monarch. The diplomatic intercourse between the United States and the Portuguese dominions, interrupted by this important event, has not yet been resumed; but the change of internal administration having already materially affected the commercial intercourse of the United States with the Portuguese dominions, the renewal of the public missions between the two countries appears to be desirable at an early day.

It is understood that the colonies in South America have had great success during the present year in the struggle for their independence. The new Government of Colombia has extended its territories, and considerably augmented its strength; and at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appear to have been established. Equal success has attended their efforts in the provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may, therefore, be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal counsels, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result, by friendly counsel with the Government of Spain, will be the object of the Government of the United States.

In conducting the fiscal operations of the year, it has been found necessary to carry into full effect the act of the last session of Congress authorizing a loan of five millions of dollars. This sum has been raised at an average premium of five dollars fifty-nine hundredths per centum, upon stock bearing an interest at the rate of five per cent. per annum, redeemable at the option of the Government after the 1st day of January, 1835.

There has been issued, under the provisions of this act, four million seven hundred and thirty-five thousand two hundred and ninety-six dollars and thirty cents of five per cent. stock; and there has been, or will be, redeemed during the year, three million one hundred and ninety-seven thousand thirty dollars and seventy-one cents of Louisiana six per cent. deferred stock and Mississippi stock. There has, therefore, been an actual increase of the public debt, contracted during the year, of one million five hundred and thirty-eight thousand two hundred and sixty-six dollars and sixty-nine cents.

The receipts into the Treasury from the 1st of January to the 30th of September last have amounted to sixteen million two hundred and nineteen thousand one hundred and ninety-seven dollars and seventy cents, which, with the balance of one million one hundred and ninety-eight thousand four hundred and sixty-one dollars and twenty-one cents in the Treasury on the former day, make the aggregate sum of seventeen million four hundred and seventeen thousand six hundred and fifty-eight dollars and ninety-one cents.

The payments from the Treasury during the same period have amounted to fifteen million six hundred and fifty-five thousand two hundred and eighty-eight dollars and forty-seven cents, leaving in the Treasury on the last mentioned day the sum of one million seven hundred and sixty-two thousand three hundred and seventy dollars and forty-four cents. It is estimated that the receipts of the fourth quarter of the year will exceed the demands which will be made on the Treasury during the same period, and that the amount in the Treasury on the 30th of September last will be increased on the 1st day of January next.

At the close of the last session it was anticipated that the progressive diminution of the public revenue in 1819 and 1820, which had been the result of the languid state of our foreign commerce in those years, had, in the latter year, reached its extreme point of depression. It has, however, been ascertained that that point was reached only at the termination of the first quarter of the present year. From that time until the 30th of September last, the duties secured have exceeded those of the corresponding quarters of the last year one million one hundred and seventy-two thousand dollars; whilst the amount of debentures issued during the first three quarters of this year is nine hundred and fifty-two thousand dollars less than that of the same quarters of the last year.

There are just grounds to believe that the improvement which has occurred in the revenue during the last mentioned period will not only be maintained, but that it will progressively increase through the next and several succeeding years, so as to realize the results which were presented upon that subject by the official reports of the Treasury at the commencement of the last session of Congress.

Under the influence of the most unfavorable circumstances, the revenue for the next and subsequent years, to the year 1825, will exceed the demands at present authorized by law.

It may fairly be presumed that, under the protection given to domestic manufactures by the existing laws, we shall become, at no distant period, a manufacturing country on an extensive scale. Possessing, as we do, the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled, also, as our people are in the mechanic arts, and in every improvement calculated to lessen the demand for and the price of labor, it is manifest that their success in every branch of domestic industry may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand which, under a fair competition, may be made upon it.

A considerable increase of domestic manufactures, by diminishing the importation of foreign, will probably tend to lessen the amount of the public revenue. As, however, a large proportion of the revenue which is derived from duties is raised from other articles than manufactures, the demand for which will increase with our population, it is believed that a fund will still be raised from that source adequate to the greater part of the public expenditures, especially as those expenditures, should we continue to be blessed with peace, will be diminished by the completion of the fortifications, dock-yards, and other public works, by the augmentation of the navy to the point to which it is proposed to carry it, and by the payment of the public debt, including pensions for military services.

It cannot be doubted that the more complete our internal resources, and the less dependant we are on foreign Powers for every national as well as domestic purpose, the greater and more stable will be the public felicity. By the increase of domestic manufactures will the demand for the rude materials at home be increased, and thus will the dependance of the several parts of our Union on each other, and the strength of the Union itself, be proportionably augmented. In this process, which is very desirable, and inevitable under the existing duties, the resources which obviously present themselves to supply a deficiency in the revenue, should it occur, are the interests which may derive the principal benefit from the change. If domestic manufactures are raised by duties on foreign, the deficiency in the fund necessary for public purposes should be supplied by duties on the former. At the last session it seemed doubtful whether the revenue derived from the present sources would be adequate to all the great purposes of our Union, including the construction of our fortifications, the augmentation of the navy, and the pro-

tection of our commerce against the dangers to which it is exposed. Had the deficiency been such as to subject us to the necessity either to abandon those measures of defence, or to resort to other means for adequate funds, the course presented to the adoption of a virtuous and enlightened people appeared to be a plain one. It must be gratifying to all to know that this necessity does not exist. Nothing, however, in contemplation of such important objects, which can be easily provided for, should be left to hazard. It is thought that the revenue may receive an augmentation from the existing sources, and in a manner to aid our manufactures, without hastening prematurely the result which has been suggested. It is believed that a moderate additional duty on certain articles would have that effect, without being liable to any serious objection.

The examination of the whole coast, for the construction of permanent fortifications, from St. Croix to the Sabine, with the exception of part of the territory lately acquired, will be completed in the present year, as will be the survey of the Mississippi, under the resolution of the House of Representatives, from the mouth of the Ohio to the ocean, and likewise of the Ohio, from Louisville to the Mississippi. A progress, corresponding with the sums appropriated, has also been made in the construction of these fortifications at the points designated. As they will form a system of defence for the whole maritime frontier, and, in consequence, for the interior, and are to last for ages, the greatest care has been taken to fix the position of each work, and to form it on such a scale as will be adequate to the purpose intended by it. All the inlets and assailable parts of our Union have been minutely examined, and positions taken, with a view to the best effect, observing, in every instance, a just regard for economy. Doubts, however, being entertained as to the propriety of the position and extent of the work at Dauphin island, further progress in it was suspended soon after the last session of Congress, and an order given to the board of engineers and naval commissioners to make a further and more minute examination of it, in both respects, and to report the result without delay.

Due progress has been made in the construction of vessels of war, according to the law providing for the gradual augmentation of the navy, and to the extent of existing appropriations. The vessels authorized by the act of 1820 have all been completed, and are now in actual service. None of the larger ships have been, or will be, launched for the present, the object being to protect all which may not be required for immediate service from decay, by suitable buildings erected over them. A squadron has been maintained as heretofore in the Mediterranean, by means whereof peace has been preserved with the Barbary Powers. This squadron has been reduced the present year to as small a force as is compatible with the fulfilment of the object intended by it. From past experience, and the best information respecting the views of those Powers, it is distinctly understood that, should our squadron be withdrawn, they would soon recommence their hostilities and depredations upon our commerce. Their fortifications have lately been rebuilt, and their maritime force increased. It has also been found necessary to maintain a naval force on the Pacific, for the protection of the very important interests of our citizens engaged in commerce and the fisheries in that sea. Vessels have likewise been employed in cruising along the Atlantic coast, in the Gulf of Mexico, on the coast of Africa, and in the neighboring seas. In the latter, many piracies have been committed on our commerce; and so extensive was becoming the range of those unprincipled adventurers, that there was cause to apprehend, without a timely and decisive effort to suppress them, the worst consequences would ensue. Fortunately, a considerable check has been given to that spirit by our cruisers, who have succeeded in capturing and destroying several of their vessels. Nevertheless, it is considered an object of high importance to continue these cruises until the practice is entirely suppressed. Like success has attended our efforts to suppress the slave trade. Under the flag of the United States, and the sanction of their papers, the trade may be considered as entirely suppressed; and if any of our citizens are engaged in it, under the flag and papers of other Powers, it is only from a respect to the rights of those Powers that these offenders are not seized and brought home to receive the punishment which the laws inflict. If every other Power should adopt the same policy, and pursue the same vigorous means for carrying it into effect, the trade could no longer exist.

Deeply impressed with the blessings which we enjoy, and of which we have such manifold proofs, my mind is irresistibly drawn to that Almighty Being, the great source from whence they proceed, and to whom our most grateful acknowledgments are due.

JAMES MONROE.

17th CONGRESS.] No. 324. [1st SESSION.

SPAIN: DELIVERY OF THE FLORIDAS.

COMMUNICATED WITH THE PRESIDENT'S MESSAGE, DECEMBER 5, 1821.

Instructions to Colonel James G. Forbes.

SIR: DEPARTMENT OF STATE, WASHINGTON, *March* 10, 1821.

The President of the United States having occasion to employ a person to take to the Spanish Governor General of the island of Cuba the order from his Government for the delivery of the provinces of East and West Florida to the commissioners or officers of the United States duly appointed to receive them, has selected you as the agent for that purpose, and a certificate to that effect from this Department will be delivered to you with this letter.

You will forthwith repair to New York, and there take passage in the United States sloop of war Hornet, Captain Read, who will be instructed to receive you, and to proceed as soon as possible to the Havana. The order to the Governor General of Cuba, together with a letter from the Spanish minister, General Vives, to him, is committed to you, and you will deliver it to him in person upon your arrival. You will urge the immediate execution of it, and will offer to take charge yourself of the governor general's order to the Governor of West Florida. Should he prefer to transmit this by an officer of his own appointment, Captain Read will be authorized to give him a passage with you in the ship to Pensacola. You will also concert with him the means of transmitting the order for the delivery of the province of East Florida to the Governor at St. Augustine. It has been represented that the archives and public documents stipulated to be delivered up by the treaty are at the Havana, and, if so, you will require that they should be delivered to you, and take them with you in the ship to Pensacola, where you will keep them in safe custody till the arrival of Major General Andrew Jackson, who is appointed governor of the whole of the territories ceded, and to whom you will deliver them over or to his order, taking a suitable receipt or

receipts for them, by duplicates, one of which you will transmit to this Department. On arriving at Pensacola, and communicating to the governor the order from the Governor of Cuba, you will immediately give notice, by express, to General Jackson, who will be at Montpelier, in the vicinity of that place, that he may repair to it to receive possession; and you will then remain at Pensacola, giving information to this Department through the nearest mail (believed to be at Blakely) of your proceedings. You will also communicate to this Department any information relating to the country which it may be useful for us to possess, and wait for such instructions as may be transmitted to you till the accomplishment of the objects of your mission.

Your compensation will be at the rate of eight dollars a day from the time of your departure from this place till your arrival at Pensacola; all your expenses on the passage are to be at your own charge; and from the time of your arrival at Pensacola the allowance will be six dollars a day till you receive notice that it is to cease. If you then conclude to return to New York, the allowance will be continued for a reasonable time, to admit of your return.

The papers herewith furnished you are—

1. A certificate of your appointment.
2. A commission authorizing you to demand and receive the archives.
3. The order to the Governor and Captain General of Cuba, with a letter to him from the Spanish minister here.
4. Six copies of the treaty, with the ratifications, to be used as you may find convenient.
5. A copy of the order to the Governor of Cuba.
6. A copy of the act of Congress for carrying the treaty into execution.

It is proper to apprize you that if, by any accident, you should be prevented from executing the service herewith assigned to you, Mr. G. L. Thompson has a commission for performing it in your stead.

I am, with much respect, sir, your very humble and obedient servant,

JOHN Q. ADAMS.

JAMES G. FORBES, Esq.

Certificate of appointment to Colonel Forbes.

JAMES MONROE, *President of the United States of America, to all to whom these presents shall come, greeting:*

Whereas, by the second article of the treaty of amity, settlement, and limits, concluded at Washington, on the 22d day of February, 1819, between these United States and His Catholic Majesty, it is stipulated as follows: "His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, known by the name of East and West Florida, the adjacent islands dependant on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property; *archives and documents* which relate directly to the property and sovereignty of said provinces are included in this article. *The said archives and documents* shall be left in possession of the commissaries or officers of the United States duly authorized to receive them:"

And whereas the envoy extraordinary and minister plenipotentiary of his said Catholic Majesty at this place has delivered, to be transmitted to the Captain General and Governor of the island of Cuba, his said Majesty's royal order for the due execution of the said stipulation:

Now, therefore, I do hereby authorize and appoint James G. Forbes, a citizen of the United States, as agent and commissary of the United States, to deliver to the said captain general and governor the royal order aforesaid; to arrange and concert with him, conformably to the instructions herewith committed to the said James G. Forbes, the execution of the said stipulations, and to receive from the said captain general and governor, and from any and every person who may be possessed of the said archives and documents, all and every one of the same, and to dispose thereof in the manner prescribed by his instructions. And I do hereby request the said captain general and governor, and any and every person who may be in possession of any such archives and documents, duly authorized by or under the authority of His Catholic Majesty's Government, or otherwise, to deliver up the same to the said James G. Forbes, conformably to the above-recited stipulation of the said treaty. And a copy of this letter patent, certified by the said James G. Forbes, together with his receipt for the said archives and documents, shall be full and satisfactory proof of the fulfilment of the said stipulation, with respect to the archives and documents so by him received.

Given under my hand, and the seal of the said United States, at Washington, this 14th day of March, 1821, [L. S.] and in the forty-fifth year of the independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

Special commission to Colonel Forbes.

JAMES MONROE, *President of the United States of America, to James G. Forbes, of the State of New York, greeting:*

Whereas, by the second article of the treaty of amity, settlement, and limits, concluded at Washington, on the 22d day of February, 1819, between these United States and His Catholic Majesty, it is stipulated as follows: "His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida, the adjacent islands dependant on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property; *archives and documents*, which relate directly to the property and sovereignty of said provinces, are included in this article. The said *archives and documents* shall be left in possession of the commissaries or officers of the United States duly authorized to receive them:"

Now, therefore, I do hereby authorize and appoint you, as commissary of the United States, to receive from any and every person, who may be possessed of the said archives and documents, all and every one of the same; and the said archives and documents to keep in safe custody until further order for the disposal of the same shall be taken.

Given under my hand, and the seal of the said United States, at Washington, this 14th day of March, 1821, [L. S.] and in the forty-fifth year of the independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

Translation of the royal order of the King of Spain to the Captain General and Governor of the island of Cuba, and of the Floridas.

FERDINAND THE SEVENTH, by the grace of God, and by the constitution of the Spanish monarchy, King of the Spains, to you, the Captain General and Governor of the island of Cuba, and of the Floridas.

Know you, that, by a treaty concluded in the city of Washington, on the twenty-second of February of the last year, one thousand eight hundred and nineteen, by plenipotentiaries duly authorized for the purpose of arranging the differences which have existed between the Government of Spain and that of the United States of America, and the limits of their respective territories, there was stipulated, on the part of Spain, the cession to the United States of all the country situated east of the Mississippi known by the name of East and West Florida; the adjacent islands dependant upon the two Floridas being comprehended in said cession, together with all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, with the archives and documents which relate directly to the property and sovereignty of said provinces: it being provided, at the same time, that the inhabitants of the territories so ceded shall be secured in the free exercise of their religion, without any restriction; and that all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, in order that they may better effect their purpose, without being subject in either case to duties; and that those who prefer remaining in the Floridas shall be admitted, as soon as possible, to the enjoyment of all the rights of citizens of the United States: it being added, by another article of the same treaty, that the Spanish officers and troops shall evacuate the said territories ceded to the United States, six months after the exchange of the ratification of the same treaty, or sooner if possible, and shall give possession of them to the officers or commissioners of the United States duly authorized to receive them; and that the United States shall provide the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana. And I, having considered and examined the tenor of the articles of the treaty, after having obtained the consent and authority of the General Cortes of the nation with respect to the said cession, have thought proper to approve and ratify the treaty referred to, the ratification of which must be exchanged at Washington, with that which was formed by the President of the United States, with the advice and consent of the Senate of the same; after which exchange, the said treaty will begin to be obligatory on both Governments and their respective citizens: therefore, I command you, and ordain that, after the information, which shall be seasonably given you by my minister plenipotentiary and envoy extraordinary at Washington, of the ratifications having been exchanged, you proceed, on your part, to make the proper dispositions, in order that, at the end of six months, counting from the date of the exchange of the ratifications, or sooner if possible, the Spanish officers and troops may evacuate the territories of both Floridas, and that possession of them be given to the officers or commissioners of the United States duly authorized to receive them; in the understanding that the United States shall provide the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana. You shall arrange, in proper time, the delivery of the islands adjacent and dependant upon the two Floridas, and the public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, as also the archives and documents which relate directly to the property and sovereignty of the same two provinces, by placing them at the disposal of the commissioners or officers of the United States duly authorized to receive them; and all the other papers, and the effects which belong to the nation, and which have not been comprehended and mentioned in the expressed clauses of the cession, you shall have conveyed and transported to another part of the Spanish possessions which may be most convenient for the public service; as, also, you shall take care that, previous to the delivery, it may be made known, by edicts, to all the present inhabitants of the Floridas, that they have power to remove to the Spanish territories and dominions, the sale or exportation of their effects being permitted to them by the United States at any time whatever, without being subject to duties; and, also, the advantages stipulated in favor of those who shall prefer to remain in the Floridas, to whom I have wished to give this last proof of the protection and affection which they have always experienced under the Spanish Government. Of the delivery which you may make, or may be made by your delegation in the form which has been expressed, you shall make, or cause to be made, a corresponding receipt, duly authenticated, for your discharge; and, in order that you may proceed with entire knowledge in the execution of this commission, there shall be likewise sent to you, by my minister plenipotentiary at Washington, an authentic copy of the treaty referred to, of the twenty-second of February, one thousand eight hundred and nineteen, with the insertion of the ratifications of both parties, and of the certificate relative to the exchange of the same: of which documents, and of this my royal order, you shall send a copy, in authentic form, to the governors of both the Floridas, and to the person or persons who may have, in your name, the accomplishing of the delivery, if it have not been made by yourself.

All which you shall well and completely execute in the form which I have prescribed to you, agreeably to the public service; advising me of your having executed it through my underwritten Secretary of Despatch of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERDINAND.

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *April* 28, 1821.

I have the honor to report to you that, after alternate strong gales and calms, the Hornet did not anchor in this harbor until the 22d instant, too late for business, had it not been on Sunday.

Governor Mahy received us very graciously on the following day, when I delivered to him the royal order for the delivery to the United States of the Floridas; and, after exhibiting to him my commission, inquired "when I wished to proceed." I immediately replied, "as soon as possible;" which gave rise to a long conference, in which I offered to be the bearer of his order, and urged the expediency of despatch, as being most conducive to the true interests of both Governments. His excellency stated that he would do every thing in his power to expedite me. I asked, when? which he answered by saying as soon as the records could be examined, selected, and inventoried. I then, to save time, expressed a wish to know the bulk, and that some of these might be dispensed with; but the interpreter who had been called in, officially, and otherwise unnecessarily, told me (by way of interloper) that there would be about twenty boxes of them, and that form as well as regularity required a punctilious inspection of them before they could be delivered to me. On retiring, his excellency told me that we should be satisfied with each other.

The next two days were to close the holidays; notwithstanding which, the interpreter called upon me, by order of the governor, to require my commission for translation, and to say that I must put to writing the substance of my conversation with his excellency, which I immediately did; copy of which is herewith sent, under date of 24th instant.

Allowing one day to intervene, I waited upon the governor on the 26th, to ascertain the progress making in the departments to expedite me. I was well received, and told that the necessary orders had been given, and that, as soon as the convoy about sailing for Spain had departed, my business should be particularly attended to.

The interpreter, whom I again saw at the governor's, mentioned the appointment of an officer to accompany me to Pensacola, and that he held the draught of a letter from the governor in answer to mine. I regret, however, to state, sir, that, to the moment of closing this despatch, I have not received it, or any communication from him. I have, however, reason to hope that, on the arrival of the intendant, hourly expected from the country, my stay will not be prolonged more than one week.

As some circumstances may occur during my agency which may be worthy of your notice, to be taken abstractedly, I shall submit them by reference as abstracts, and prepare them accordingly.

I am, with the greatest respect, sir, your very faithful and most obedient servant,

JAMES G. FORBES.

Mr. Forbes to Governor Mahy.

MOST EXCELLENT SIR: HAVANA, *April* 24, 1821.

When I had the honor of delivering into your excellency's hands the royal order of His Catholic Majesty, through his minister plenipotentiary at Washington, for the delivery to the Government of the United States of the Floridas, conformably to the treaty ratified on the 22d February last, I took occasion to present my commission from the President, and to submit various reasons for carrying into immediate effect the stipulations of said treaty, by offering to be the bearer of the final order of possession, and of the archives and public documents.

If arguments were necessary to carry into effect a treaty as illustrative in its stipulations of the honor of the Spanish Government as in its ratification, it is of the moderation and justice of that of the United States, and farther, in its completion, by the solid foundation it lays of a perpetual friendship between the two nations, I would offer the following for your excellency's consideration:

That the messenger of His Catholic Majesty was nearly four months in reaching Washington, while the ratification of the treaty at Madrid reached this island in a few weeks.

That, from the 24th October, 1820, (date of the ratification at Madrid,) to the present day, a period of six months has been afforded, of which His Catholic Majesty's officers and subjects have virtually availed themselves in preparing for the surrender of the Floridas—an evident advantage to one party not unworthy of consideration, since no charge of delay has been ascribed to it.

That, while a natural impulse is felt on the one hand, by the citizens of the United States, to become possessed of a promised land, an anxiety equally natural has been manifested on the other, that of the Spanish subjects, to retire from a country about to change its government.

That the season for calms and contrary winds is fast approaching, which is calculated to incommode seriously His Catholic Majesty's forces; while that of rain and of sultry weather may prove very injurious to the troops of the United States.

The gracious manner in which your excellency has already evinced his disposition to satisfy these demands upon His Catholic Majesty's Government as soon as practicable, are such sources of satisfaction as will be highly appreciated by the President. I hope, therefore, that, according to the stipulations of the treaty, your excellency will, with the least possible delay, appoint an officer to carry the ultimate orders for possession of the Floridas, by the constituted authorities of the United States, to accompany me in the Hornet sloop of war, Captain Read.

That the archives and documents relating to the Floridas may be accordingly delivered over to me.

That a mode may be adopted for the transmission to the Government of the United States of the final order (in duplicate form) from your excellency, upon the sub-governors, for the delivery of the Floridas, in case of any accident to the officer accompanying me, and in *any event* for the delivery of East Florida contemporaneously with that of West Florida, whither the Hornet is bound.

I have the honor to be, with great respect, most excellent sir,

Your excellency's most obedient and very humble servant,

JAMES G. FORBES,

A Commissary and Agent of the U. S. under the Florida Treaty.

To His Excellency Don NICOLAS MAHY, *Lieutenant General of the National Armies, and Governor of the island of Cuba and its dependencies, &c. &c., Havana.*

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *May* 5, 1821.

Since I had the honor of addressing you on the 28th ultimo, I availed myself of the earliest opportunity of reminding the governor of the disposition he had evinced of expediting me. This was afforded me incidentally on the 1st instant, when Mr. Warner desired me to present him as the commercial agent of the United States. After his excellency gave this gentleman to understand, very pointedly, that he could not recognise him, or view him in any other light than as a merchant, divested of all public character, I observed to him that, as the convoy had sailed, I hoped his excellency would enable me to proceed; upon which I was told that he was anxious to be disincumbered of the country, that orders had been given, and every necessary disposition was making by his secretary, with whom the matter now was, and by whom I should be apprized.

An assurance so gratifying was promptly met by a return of thanks for the early attention he appeared to have shown to my business; under which favorable impression I was about retiring, when it occurred to me to ask his excellency whether he knew that the intendant had given his orders on the subject? He appeared ignorant of any occasion for the interference of that officer, and put the question to the interpreter, who hesitatingly replied that "he might have."

This unexpected inconsonancy induced me to obtain an introduction to the register of the records which are in the department of the intendant, with whom I conversed freely, and was told that most of the papers in his office were those of accountability, and unnecessary to the Government of the United States; that about ten boxes containing the records of grants of land in West Florida were taken by an insurgent privateer out of the vessel in which Governor Mazot was a passenger from Pensacola.

Having brought letters of introduction to the intendant, which were, on my arrival, sent to him in the country, from whence he wrote me a note to say that he would be in town in a few days, I therefore felt myself at liberty to wait upon his secretary, to ascertain when he would arrive; he answered that it was very uncertain, and probably not before the middle of the month.

As the silence of the governor and of his secretary might be attributed to the frequent holidays, I sought an occasion to see the former, by accompanying Captain Read to obtain an order to apprehend a man charged, as a citizen of the United States, with depredating on our commerce. His excellency received us with his characteristic complacency, and agreed upon a course of procedure, reconciling his official duties with the rites of hospitality; then putting both his hands upon my shoulders, in the most friendly manner, said to me in French, (having previously conversed in Spanish,) "Quant à notre affaire, j'espère vous expedier sous peu de jours." I had scarcely time to thank him before he added "au moins d'ici"—meaning, no doubt, *his* office.

I have been thus minute in my detail, sir, that you might know precisely the situation in which my agency stands; and without calling your attention to the various buzzes I have heard, I feel it my duty to advert to one which, if well founded, may be of vast importance; it is, that "the Government is very much in arrears to the officers, both civil and military, in the ceded provinces." In this case, moral obligation and honor may impel, or obvious policy may prescribe, that some provision or arrangement may be made for their satisfaction, previous to their change of position, and thus at least cause delay.

With the treaty before me, I see no other alternative than that of yielding, however reluctantly, to the movements of the governor, hoping that no political changes in Europe can take place to thwart the just expectations of our nation, or alter the pacific policy of its Government. I shall advise General Jackson of my progress here.

I am, with great respect, sir, your faithful and most obedient servant,

JAMES G. FORBES.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *May* 7, 1821.

In referring you to the enclosed letter, which I had the honor of writing on the 5th instant, I have that of submitting to you a copy of my letter of this date to General Jackson, who is said to be at New Orleans, whither Mr. Thompson proceeded this day in the steamboat with it.

The governor has sent me a message to wait upon him to-morrow morning, the result of which shall be immediately communicated to you.

I am, with the greatest respect, sir, your most obedient and very humble servant,

JAMES G. FORBES.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Forbes to General Jackson.

SIR: HAVANA, *May* 7, 1821.

Commissioned by the President of the United States to deliver the royal order upon the Governor of Cuba, for the delivery of the Floridas to our Government, I was directed by the honorable Secretary of State to communicate with your excellency upon my arrival in Pensacola, with the further order of the governor to the Spanish authorities in the Floridas.

I arrived in the Hornet sloop of war on the 22d of last month, and was very favorably received by Governor Mahy, who expressed a wish to expedite me very promptly, as soon as the convoy for Spain sailed.

This assurance has been renewed to me occasionally since, but I regret to say that I am still uncertain when I can receive either the necessary order or the archives, which come also within the range of my commission.

I avail myself of the opportunity afforded by Mr. Thompson of making this communication, and take the liberty of suggesting to your excellency the expediency of having a person at Pensacola from whom I can, on landing, receive such information as will enable me to communicate immediately with your excellency by express.

I beg leave also to state that I have applied for an order, in duplicate form, embracing the delivery of East Florida, and that I shall endeavor to find a suitable opportunity of transmitting it to the commanding officer of the United States troops at Amelia island, subject to such orders as he may receive from the Department of State, or from your excellency, taking the original with me in the Hornet.

As Mr. Thompson is fully acquainted with the nature of my mission, I refer your excellency to him, with the assurance that no exertions on my part have been, or shall be, spared to give complete effect to objects of such national importance.

I am, with great respect, sir, your excellency's most obedient and very faithful servant,

JAMES G. FORBES,

A Commissary and Agent of the U. S. under the Florida treaty.

His Excellency Major General ANDREW JACKSON,

Commander-in-chief of the Southern army U. S., and Governor of the Floridas.

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *May* 9, 1821.

The message from the governor, to which I had the honor of referring in my letter to you under date of the 7th instant, was found, on its delivery to me, to be nothing more than a proposal, through the commissary he is about sending, that "the Hornet should convey him to St. Augustine from Pensacola;" to which I could not assent, not only because she had other duties to perform, or of the delay which that mode of transmission of the order would occasion, but because I perceived in it a digression (otherwise immaterial) from the plan agreed upon in a former interview, viz: "that I should be the sole bearer of the orders." I therefore replied that I should wait upon his excellency; and, considering it opportune, I did this with Captain Read, to explain and to discover, if possible, the chance of getting away. We found him, as on a former occasion, much engaged and fatigued by his personal exertions to procure relief for the inhabitants of St. Antonio, a town just burnt. He was less affable than before; and although he mentioned, as then, that every thing was in a fair train, and that he would give me a duplicate order for East Florida, yet he adverted to the term allowed by the treaty, and said that there were a great many little things to do. After leaving his excellency, I heard that a petition had been sent to him that day from *Pensacola*, expressive of the attachment of the inhabitants to the Spanish Government; and, upon soliciting lands in this island, stated "that a judge of the United States, of much influence and talent, had come *there* with a trunk of

British titles to lands in West Florida, with which he had pledged himself to upset all the grants by Spain since the treaty of 1783."

In consequence of this unexpected and very unpleasant delay, and the still greater apprehension of its continuance, I have determined to proceed this morning into the country to see the intendant, and ascertain whether he has any thing to do with the archives, and obtain an order that the proper officers may attend to their immediate arrangement and delivery.

By the enclosed paper, just received, it will be seen that General Jackson was, on the 27th of April, at New Orleans.

There is in this port the Kangaroo, British brig of war, from surveying the Bahama and Florida keys: a vessel of that nation is generally here—I mean public.

I remain, with great respect, sir,

Your faithful and most obedient servant,

J. G. FORBES.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *May* 14, 1821.

Pursuant to the resolution I had formed, and which I had the honor of communicating to you in my letter of the 9th instant, I proceeded on that day to St. Antonio, about twenty-seven miles distant. An excessively hot ride, with bad horses, prevented me from waiting on the intendant before the next day, when he received me very well, and assured me *there would be no difficulty in the way of despatching me;* that he would write to the city on the next day for the necessary papers, which would be sent him on the succeeding day, and that, immediately after, he would return them completed. Agreeably to this calculation, I ought to have the archives from the intendancy on the 16th instant, and shall call for them on that day accordingly.

On my return to the city, I waited upon the govêrnor, and was told by his interpreter that he was very much engaged, but that my business was progressing. I begged him to acquaint his excellency of my intention to see him on Monday, (this day.) I went accordingly, and met at the door my colleague, the Spanish commissary, who assured me that every thing was ready, and would be signed (*firmada*) this day, and that we might go to-morrow or the next day. I congratulated him, as well as myself, upon the occasion, but was nevertheless determined to see his excellency, which I did instantly.

I found him much occupied, and, after some preliminary conversation on the excessive heat, represented to him that we had been here a considerable time, that the hot and unhealthy season was fast advancing, and that I hoped he would despatch us. He replied, "In a few days." I asked, "How many?" and observed that a vessel was about sailing for the United States in the morning, and that I wished to advise my Government when I was to go. He answered that he would give me notice. The conversation having been in French, he said further, "Eh, bien, ecrivez que ce sera dans huit ou dix jours ou quinze." Upon his observing that I appeared surprised at such a distant period, after the various promises, or rather assertions, he had made, he added, "J'ais besoin de quelques papiers de dehors, que peuvent venir d'un jour à l'autre; et d'ailleurs, je suis extrèmement pressé de tout côte; un courier partant demain pour l'Espagne, c'est oblige de me lever tous les jours à quatre heures du matin, et travailler jusqu'à minuit: fort heureusement, je jouis d'une bonne santé."

It was difficult for me to conceal my disappointment; yet, if my business required any exertion, sensible of the perplexities of his situation and of his arduous duties, I should, on consideration of them, be more willing to ascribe the further delay to them rather than to any secret influence, which it has not been in my power either to penetrate or detect.

I shall, on the sailing of the packet for Spain, if encouraged by an interview with the intendant, address a note to his excellency proposing to leave the archives until the return of the Hornet, provided he will despatch me immediately with the orders upon the sub-governors of the Floridas.

I am, with great respect, sir, your very faithful and most obedient servant,

JAMES G. FORBES.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *May* 17, 1821.

I have the honor of enclosing to you the copy of a letter, dated yesterday, but received this forenoon, from Governor Mahy. The packet for Spain is expected to sail to-morrow, when I shall see his excellency and the intendant, and urge with both of them the fulfilment of their promises to despatch me.

I am, with the greatest respect, sir, your very faithful and most obedient servant,

JAMES G. FORBES.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

Substance of a letter from Governor Mahy, of Havana, to Mr. Forbes, dated

MAY 16, 1821.

That the governor had observed Mr. Forbes's credentials from the President of the United States, dated at Washington, March 14, 1821, and which comprehend the second article of the treaty of friendship and adjustment of limits, concluded 22d February, 1819, between the United States and His Catholic Majesty, in virtue of which the Spanish minister at Washington had transmitted to the governor the royal order for the due execution of the stipulations of that treaty; and that the President had authorized Mr. Forbes, as agent and commissary of the United States, to deliver to him (the governor) the said royal order, to the end that they might, in concert, make arrangements for the delivering up by the governor, and by such other persons as are in possession, of the archives and documents, as well as the fulfilment of the other stipulations of the said treaty.

With respect to which, and to what is presented in the aforesaid second article, the governor sends to Mr. Forbes the copy of a royal order communicated to the Government and Captain Generalship of Cuba, under date

of the 12th of September, 1783, by the Minister of the Indies of His Catholic Majesty, and by the Count de Aranda, at Versailles, dated the 19th of the same month and year, on which day the ratifications of their Majesties, Catholic and Britannic, were exchanged, inserting in that royal order the articles five, seven, and ten of the definitive treaty of peace, which were formed at Versailles the 3d of September; this being an authentic document, found in the archives of Cuba, relative to the property of the Floridas, to which the said second article of the treaty of cession refers.

In the year 1819, there were sent to Havana from West Florida various boxes of papers of the archives of that province, in disorder and without indexes, the registering (*registrar*) or examining of which will require time.

Respecting East Florida, where there ought to be found all her archives, Governor Mahy would direct that governor, as intrusted by him with the important commission, to make a formal delivery to Mr. Forbes of that province, as well as of the documents belonging to it. A similar despatch would be addressed to the commandant of West Florida.

Don Pedro de Alva, administrator of the post office in Pensacola, and comptroller of the military hospital, now returning to his post, will be charged with the despatch for the delivery of West Florida, and which despatch he is to put into the hands of that commandant, and afterwards he will proceed with the despatch for the commandant of the eastern province.

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *May* 22, 1821.

By the letters which I had the honor of addressing to you under date of the 14th and 17th instant, you will perceive that I had entertained great hopes of being despatched, and had relied upon the influence of the intendant. Agreeably to that of the 17th, I had made an arrangement with Mr. Layalla, an eminent counsellor and friend of the intendant, to urge his immediate attention to my earnest solicitations. In the morning he called at the office with that view, and we learned, to our mortification and grief, that the intendant had received a paralytic stroke, which deprived him of speech. Thus the hand of Providence had interfered to thwart my most sanguine expectations, as, on the succeeding day, the greatest human efforts were unavailing, and he died, much lamented by all the Americans, to whom he was considered an invaluable friend.

I waited, on the same day, upon the governor, and received his usual assurance that, as soon as the packet sailed, I should be despached. The funeral, which was of great pomp and ceremony, I attended, and at which I exchanged a salute with the governor; it engaged the public attention the whole of yesterday, so that on this day I presented myself to the successor of the intendant, before whom the secretary placed the *agenda* papers relating to the Floridas. They appeared to be few, and within a loose sheet, (*chemise de bureau.*) He inquired what had passed between the late intendant and myself; upon hearing which, and upon my urging despatch, he said "that the matter was new to him, and that he must require to-morrow or next day to investigate it." From thence I proceeded to the governor's, and was informed that he was out soliciting, from house to house, subscriptions for the relief of the inhabitants of the burnt village of St. Antonio.

I was the more anxious to see his excellency to day, as the steam-ship, by which this goes, offered a favorable opportunity of addressing you. I returned to the palace. The governor, who appeared overwhelmed with business, apologized for keeping me so long, showed me some of the large packets made up for *Pensacola*, said they were making copies, and that the day after to-morrow he hoped to give me *free* (*franqueza.*) I then reminded him of his promise to give me the duplicate order to send to East Florida; he told me that he had a merchantman. I proposed and urged as most expedient that I should forward it by an officer of the United States; to which he assented. I have therefore put in requisition, by letter to Captain Read, the United States schooner Nonsuch, Lieutenant Turner, now here, by which I propose to send the duplicate, under cover, to the commanding officer of the United States troops at Amelia island, subject to such orders as you or General Jackson may transmit to him.

I am, &c.

JAMES G. FORBES.

Hon. JOHN QUINCY ADAMS, *Secretary of State, Washington.*

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *May* 23, 1821.

The steam-ship Robert Fulton sailed yesterday for Charleston with the letter of that date, which I had the honor of addressing to you. Since which I have received one from the secretary of the intendant, soliciting that I should carry to Pensacola ten thousand dollars, and as much to East Florida, to pay the troops; which sums would have been doubled under the late intendant. I have answered that I would cheerfully do this if they would ship them without delay, say in equal sums, in the Hornet and Nonsuch. Captain Read is indisposed—I hope not seriously.

I am, with the greatest respect, sir, your most obedient and very faithful servant,

JAMES G. FORBES.

Hon. JOHN QUINCY ADAMS, *Secretary of State, Washington.*

Mr. Forbes to Mr. Adams.

SIR: HAVANA, *May* 28, 1821.

From the conversation with the governor, which I had the honor of detailing to you in my letter of the 23d instant, it was natural to suppose that on the 24th I would have been despatched.

I waited upon his excellency to remind him of his promise, but he appeared to have forgotten it, and again mentioned press of business, and the term of "pocos dias," which became more familiar than reconcileable to me. He had just received a letter from the Governor of Pensacola, which he showed me, stating an inquiry on the part of General Jackson as to the delivery of the province. The sub-governor, in forwarding the general's letter and his answer, asked for orders, which his excellency was about sending, and offered to take any letters from me; but I replied that the best communication I could make to him would be in person. He remarked that he thought our general "avoit la tête montée."

I addressed the governor the letter, a copy of which is herewith, marked B, to which I received, on the 26th, the answer, copy also, marked C; upon the receipt of which, I called upon his excellency, and was met by an affa-

ble apology for the unavoidable detention, assuring me that, as Saturday was general post day, the day after Sunday, he would positively despatch me on the succeeding day, (the present.) I could not but acquiesce. However, after learning, in conference, that there would be *no archives ready*, I immediately, on retiring, addressed him the letter, of which a copy is enclosed, marked D, to which I have not yet received any answer in writing; but, on calling at the governor's, was told it had been written, together with a copy of the orders to the sub-governors of the Floridas, but, on a revision, there was some expression which his excellency thought proper to alter, and on which account it could not be handed to me before to-morrow, when I should *positively* be despatched. I hope, therefore, that, the money being on board, my next will be from the offing, and put in charge of Captain Turner, of the Nonsuch, who will forward it immediately to the United States, whither he is proceeding, after landing the Spanish commissary and specie at St. Augustine, and after delivering my despatch to the commanding officer of the United States troops at Amelia.

I am, with the greatest respect, sir, your most obedient and very faithful servant,

JAMES G. FORBES.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

A.

[TRANSLATION.]

The Captain General of Cuba to Mr. Forbes.

SIR: HAVANA, *May* 26, 1821.

I acknowledge the receipt of your official letter of the 24th current, in which, among various reflections which it contains, I am requested, as soon as possible, to complete the delivery of the Floridas. You can sufficiently testify my desires for the conclusion of this business, and in my last conference I showed that it would be in a few days after. Considering that the stipulation of the treaty grants six months for its completion, and three having already elapsed, as you mention, it does not depend upon delays on the part of this Captaincy General; and, desirous to give further proofs of the good intention of this Government in fulfilling the said royal order, I have nominated the Auditor of War of the province of East Florida, who is at present there with his license, and ought to be present at the delivery, to convey the proper order to the governor; in which understanding I should think that he might be conveyed in the vessel which you tell me would be destined for that service. Thus I have answered your said official letter.

I remain, with the highest consideration, and pray God to preserve you many years.

NICOLAS MAHY.

B.

Mr. Forbes to Governor Mahy.

MOST EXCELLENT SIR: HAVANA, *May* 24, 1821.

I have had the honor of receiving your excellency's letter of the 16th instant, acknowledging the receipt by my hands of the royal order for the delivery of the Floridas to the Government of the United States, advising me that measures are taking for the delivery of the archives, and for the further execution of the treaty between the two Governments, and enclosing to me copies of the fifth, seventh, and tenth articles of the definitive treaty of peace between Spain and Great Britain in 1783.

In the first interview, your excellency was pleased to manifest a readiness to despatch me with the requisite documents in a few days, or as soon as the convoy for Spain had sailed, which was immediately communicated in corresponding terms to the President of the United States, who has relied, accordingly, upon its execution. Since then, a period of near five weeks has elapsed, during which every day has appeared to have increased your excellency's avocations.

While your excellency has been incessantly engaged in performing the arduous duties of his [your] important and highly responsible station, it has fallen to my humble lot to be only the idle spectator of the ravages of the climate, and, in contemplating their secret and rapid progress, to flatter myself with the hope of embarking so as to rescue the officers and crews of the ships from their fatal effects.

As three months of a favorable season have passed away in preliminary measures, and as it appears uncertain when the archives here of the Floridas can be delivered over to me, I crave the reference again of your excellency to my last despatch, confirming the various reasons offered in conference for my early departure, and therefore propose that if any further researches should be necessary for the discovery of the said archives, they might be delivered when more convenient to the Spanish Government; that I should be allowed to proceed immediately to West Florida with the commissary appointed to carry the final order to the sub-governor there; and, lastly, that a duplicate order be given at once, as agreed upon, to the Governor of East Florida, for the delivery of that province to the constituted authorities of the United States, together with the archives which are declared to be on the spot: which last order I will, with your excellency's permission, despatch immediately by a public officer of the United States.

I am, with sentiments of the highest consideration, most excellent sir,

Your excellency's most obedient and very humble servant,

JAMES G. FORBES,

A Commissary and Agent of the U. S. &c.

His Excellency Governor Don NICOLAS MAHY,

Lieutenant General of the National Armies, Governor of Cuba and its dependencies, &c.

C.

[TRANSLATION.]

Don Juan Nepom. de Arocha to Mr. Forbes.

SIR: MAY 23, 1821.

The intendant *ad interim* commands me to ask you whether or not it will be inconvenient to transport on board the vessel of your nation twenty thousand dollars, which he wishes to remit for the disposal of the governors of the two Floridas—ten thousand to Pensacola, and ten thousand to St. Augustine—in the supposition that the ship will go to either of those ports.

This quantity being precisely destined for the assistance of the troops of both garrisons, and for the purpose of avoiding particular agreements when the completion of the treaty between both Powers takes effect, the said intendant *ad interim* has no doubt that you will have the goodness to comply with this service in the spirit of harmony and consequent friendship.

I have the honor to express my hope of your answer, and therefore to offer myself to your disposal, as your most obedient, humble servant,

JUAN NEPOM. DE AROCHA.

D.

Mr. Forbes to Governor Mahy.

MOST EXCELLENT SIR: HAVANA, *May* 26, 1821.

I had the honor of receiving your excellency's letter of this date, informing me of the appointment of the Auditor of War of the province of East Florida to become the bearer of your excellency's order on the sub-governors of that province for its delivery, in form, to the constituted authorities of the United States, and renewing to me your excellency's disposition to despatch me in a few days.

The accidental arrival here of the United States schooner Nonsuch enables me to meet the views of the Spanish Government, by putting her in requisition for the purpose of conveying some specie, by desire of the intendant, as well as of conveying said officer; she therefore awaits your excellency's despatches.

I beg leave to know if I understood your excellency to say, in conference to-day, that the archives of West Florida, which are in the public offices here, are of a character involving importance only to Spain; that, in the further examination of them, such as interest the Government of the United States should be set apart and transmitted to our Government.

It would be agreeable to me, also, to have from your excellency copies of the orders transmitted by him to the sub-governors of the Floridas, touching their delivery to the United States.

I have the honor to be, with the highest consideration, most excellent sir,

Your excellency's most obedient servant,

JAMES G. FORBES.

To His Excellency Governor MAHY, &c.

E.

Mr. Forbes to Señor Juan Nepom. de Arocha.

SIR: HAVANA, *May* 23, 1821.

I had the honor of receiving your letter of this date, desiring, on the part of the intendant, that the ship of war of the United States should convey to the Floridas twenty thousand dollars on account of the Spanish Government.

Please to assure the intendant that it affords me much pleasure to accord with his wishes, and that, in the same spirit of accommodation and friendly intercourse which ought, and I hope may always, subsist between the American and Spanish Governments, the money shall be taken on board the Hornet for Pensacola, and the Nonsuch for St. Augustine; but my duty prescribes that no further delay can be the consequence.

I have the honor to be, with great consideration, very respectfully,

Your most obedient and very humble servant,

JAMES G. FORBES,

A Commissary and Agent of the U. S. under the Florida treaty.

Mr. Forbes to Mr. Adams.

SIR: HORNET, OFF HAVANA, *May* 30, 1821.

Since I had the honor of addressing you, on the 28th instant, I have received an answer from the governor to my letter of that date, enclosing copies of his orders to the sub-governors of the Floridas, and declaring that the archives should be transmitted to the Government of the United States as soon as they were selected.

Immediately on reading the orders just referred to, I perceived that the sub-governors were directed to deliver the provinces to *me;* I therefore waited upon his excellency, and requested that he would insert "*to the constituted authorities of the United States;*" to which he readily assented, but said, as the despatches were written, it would require a particular order, which he issued, and of which copies are herewith, together with those written under date of the 5th instant.

The governor, who was exceedingly polite, invited Captains Read and Turner and myself to dinner, at which I alone attended; and after which he gave the new instructions in relation to the delivery. He asked if I was now satisfied. I mentioned a further wish that he had been more pointed to the governors as to the period of evacuation, and urged the season as one which would expose the Spanish troops to much delay and inconvenience. He said he knew, from General Jackson's character, that he was impatient, but that the treaty was of considerable importance, now happily and formally concluded; and he hoped that all regard would be paid to its happy conclusion; that the governors would use all due diligence.

I have the satisfaction of saying, at last, that I embarked this morning with the Spanish commissary, but that the one for St. Augustine, just appointed, will not be able to proceed in the Nonsuch until the day after to-morrow. I have preferred leaving him to a moment's unnecessary delay, on my part, for the delivery of West Florida.

I have addressed a copy of the orders of which he is the bearer to Colonel Bankhead, or commanding officer at Amelia, subject, as before mentioned, to such directions as he should receive from the department, or from General Jackson, as governor of the territory.

It has been a source of regret and vexation to me to have met with this unforeseen detention, but I hope and trust that you will have perceived, in the course of my agency, that every exertion has been used, and that the delay may be attributed more to a tardiness inherent in those with whom I have had to do, than to any political or commercial advantage expected to be derived from it by speculation. The authorities here consider it a *prompt despatch!*

I request your attention to my draft of this date in favor of Messrs. Gutierrez & Morland for $350, chargeable to my account.

I am, with the greatest respect, sir,

Your most obedient and very faithful servant,

JAMES G. FORBES.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

[TRANSLATION.]

Order of the Governor General of Cuba for the delivery of the Floridas.

HAVANA, *May* 5, 1821.

The time having arrived for beginning to take the necessary measures for the evacuation of West Florida, at present under your command, to make formal delivery of it to the authorized commissary of the Government of the United States, citizen James G. Forbes, within the space of six months, or sooner if possible, counting from the 22d of February last, the date of the exchange of the ratifications of the treaty formed between the two Powers, I have resolved to charge you with the execution of this important commission with the brevity and order which it demands, and for the good event of which I forwarded to you some preparatory instructions, which ought necessarily to have served to dispose each branch to have been arranged as an object so interesting demands. You will have, therefore, to agree with the commissary of the Government of the United States on the mode of transporting the troops, munitions, effects, &c., according to the articles of the treaty, a copy of which I enclose, and which will give information on the subject. The detachments of each corps will be reunited under the command of the chief, or its senior officer, taking all the precautions which you think convenient for maintaining good order in this delicate circumstance. At the moment of giving possession of that country, and of quitting it, I recommend to you to do what you can for apportioning to the families which may wish to be transferred to this island all the means which may be in your power, and the necessary protection which I myself have solicited from the said commissary in his kindness, manifesting on my part how agreeable it would be, as they come to live amongst our people.

May God preserve you many years.

NICOLAS MAHY.

To the COMMANDER *ad interim of West Florida.*

Additional order for the delivery of West Florida.

HAVANA, *May* 27, 1821.

Although it is expressed in the order for the delivery of the province under your command to Don James G. Forbes, the commissioned agent of the United States to that effect, it ought also to be understood that, in case of any accident happening to that gentleman, (which God forbid,) it shall be delivered to the authorities of the said United States, legally constituted, who may present themselves to you for the completing of the afore-cited order.

God preserve you many years.

NICOLAS MAHY.

Additional order for East Florida, (the original, or first, being the same for both provinces.)

HAVANA, *May* 29, 1821.

In the order which I addressed to you for the delivery of the province under your command, it is not expressed to whom it should be given; it will be understood that it shall be the authorities of the United States, legally constituted, who may present themselves to you for its completion.

God preserve you many years.

NICOLAS MAHY.

To the GOVERNOR *of East Florida.*

Colonel Butler to the Secretary of State.

SIR: ST. AUGUSTINE, EAST FLORIDA, *July* 13, 1821.

I have handed over to Major Cross, for your information, a book containing copies of the official correspondence which resulted in the reception and occupancy of this province.

You will likewise receive, herewith, the official document of interchange of authority, which was formally executed at the period when the American and Spanish flags were flying on the standard.

You have enclosed a communication and document accompanied, from the Spanish commissioner, which I have informed him has been referred to the American Government for decision, on the subject of several pieces of artillery at Amelia island.

The archives relating to private property are so numerous that it would be an endless task to have them transcribed; and I therefore claimed them as they were, and I deemed it of great importance to particularize, as you will find from my letter of the 3d instant, and numbered 26, owing to my receiving information that a large portion of these documents were packed for transportation. This letter had the effect of keeping all the documents here until your decision is made with the Spanish authorities.

The documents are forwarded by Major Cross, on the part of the Spanish commissioner, to the minister at Washington, from which you will be enabled to settle the points left open with them speedily.

I shall be gratified to receive a communication from you, if my services in this instance have corresponded with the interests of my country.

As I have not been informed of what allowance will be authorized as a compensation for the duty which I have performed, will you be kind enough to give me the necessary information on this subject, directed to Pensacola?

I have the honor to be, very respectfully, your most obedient servant,

ROBERT BUTLER, *U. S. Commissioner.*

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

NOTE.—I am just informed by the Spanish commissioner that his documents will not be sent by Major Cross, but will be transmitted immediately by another conveyance. R. B.

Act of Cession of East Florida.

In the place of St. Augustine, and on the tenth day of July, eighteen hundred and twenty-one, Don José Coppinger, colonel of the national armies, and commissioner appointed by his excellency the Captain General of the island of Cuba to make a formal delivery of this said place and province of East Florida to the Government of the United

States of America, by virtue of the treaty of cession concluded at Washington, on the twenty-second of February, eighteen hundred and nineteen, and the royal schedule of delivery of the twenty-fourth of October of the last year, annexed to the documents mentioned in the certificate, that form a heading to these instruments: in testimony thereof, and the adjutant general of the southern division of said States, Colonel Don Robert Butler, duly authorized by the aforesaid Government to receive the same: We having had several conferences, in order to carry into effect our respective commissions, as will appear by our official communications; and having received by the latter the documents, inventories, and plans, appertaining to the property and sovereignty of the Spanish nation held in the province, and in its adjacent island depending thereon, with the sites, public squares, vacant lands, public edifices, fortifications, and other works, not being private property, and the same having been preceded by the arrangements and formalities that, for the greater solemnity of the important fact, they have judged proper, there has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province, to the commissioner, officers, and troops of the United States, and, in consequence thereof, having embarked for the Havana the military and civil officers and Spanish troops in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions, and those appointed by the American Government having begun theirs, duly noting that we have transmitted to our Governments the doubts occurring whether the artillery ought to be comprehended in the fortifications; and if the public archives relating to private property ought to remain and be delivered to the American Government by virtue of the cession; and that there remain in the fortifications, until the aforesaid resolution is made, the artillery, munitions, and implements specified in a particular inventory, awaiting on these points, and the others appearing in question in our correspondence, the superior decision of our respective Governments, and which is to have, whatever may be the result, the most religious compliance at any time that it may arrive, and in which the possession that at present appears given shall not serve as an obstacle. In testimony of which, and that this may at all times serve as an expressive and formal receipt in this act, we, the subscribing commissioners, sign four instruments of the same tenor, in the English and Spanish languages, at the above-mentioned place, and said day, month, and year.

ROBERT BUTLER,
JOSE COPPINGER.

Colonel Butler to the Secretary of State.

SIR: ST. AUGUSTINE, *June* 20, 1821.

I have the honor to report to you that the understanding which at present exists between the governor who is the commissioner on the part of Spain, and myself, is, that the exchange of flags will be effected on or about the 1st of July, and in a manner which, I trust, will be deemed satisfactory by my Government.

I shall avail myself of the earliest opportunity after that event to give you in detail the whole of the proceedings on that subject.

I was induced to believe, from information received some time since, that the provisions destined to subsist the Spanish forces to the Havana had arrived at Amelia island, and I therefore gave an order for their delivery to the officer commanding the detachment destined to occupy the fortress at this place. A partial supply only was delivered, and that out of the supply for the troops at that place. I have therefore despatched a transport to Amelia to procure the supply necessary, and, if not in store, to purchase such as may be wanting. I am without any advices from the commissary general's department on this subject.

I have the honor to be, very respectfully, your most obedient servant,

ROBERT BUTLER.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

The Secretary of State to Major General Andrew Jackson.

SIR: DEPARTMENT OF STATE, WASHINGTON, *March* 12, 1821.

By direction of the President of the United States, I have the honor of transmitting to you three commissions:

1. As commissioner to receive possession of the provinces of East and West Florida, conformably to the treaty between the United States and Spain, concluded on the 22d of February, 1819.

2. As governor of the whole territories of which possession is to be thus taken.

3. As commissioner vested with special and extraordinary powers, conformably to the stipulations of the treaty, and to the act of Congress for carrying the same into execution; copies of both of which are also among the enclosures with this letter.

Together with the Spanish ratification of the treaty, there was transmitted to the Spanish minister at this place a royal order to the Captain General and Governor of the island of Cuba for delivering possession of the provinces of East and West Florida, according to the stipulations of the second article of the treaty.

Colonel James G. Forbes has been appointed by the President agent and commissary to deliver this royal order to the Governor of Cuba, to concert and arrange with him the execution of it, and to receive any documents or archives which may be at the Havana, and which are stipulated to be delivered by this article. A copy of his instructions is herewith enclosed, by which you will perceive that he is to deliver over to you all such documents or archives as he may receive at the Havana. It is desirable that those relating to each of the two provinces should be kept distinct from each other, and that this Government should be informed generally of their character and quantity.

Colonel Forbes is to take passage at New York in the United States sloop of war Hornet, Captain Read, and, on arriving at Pensacola, is to give you immediate notice, that you may repair thither to receive possession of that place. The Hornet is to remain there to escort the transports in which the Spanish officers and troops and their baggage are to be conveyed to the Havana.

The Spanish minister has expressed a strong wish that no troops of the United States may be introduced into Pensacola or St. Augustine until *after* the evacuation by those of Spain. The object of this request being to avoid any possible unpleasant altercations between the soldiers of the two nations, the President thinks it reasonable to comply with it, unless you should be of opinion that it will be attended with inconvenience. In that event, he relies that you will take every measure of precaution which may be necessary to guard against any such collisions between the soldiers; and he trusts with confidence that, in every arrangement for the evacuation, the utmost deli-

cacy will be observed to avoid every thing which might tend to wound the feelings of any of the Spanish officers, soldiers, or subjects who are to remove.

It is the President's desire that you should appoint General Gaines, or such other officer as you may deem expedient, to receive possession of St. Augustine; and that the same instructions should be applied to the execution of that service. The United States brig Enterprise or schooner Porpoise will be ordered to proceed to that place to escort the transports which are to convey the Spanish officers and troops thence to the Havana. The care of providing the transports at both places is referred to you. The number of troops at either place is not known, but supposed to amount to about five hundred men at each. The stipulation is understood to include civil as well as military officers, and provisions as well as passage.

Instructions will be given by the Secretary of War to the quartermasters and commissaries to furnish to your orders provisions and transports for the conveyance of the Spanish officers and troops. It is expected they will be supplied at New Orleans and Mobile for those to embark within the Gulf, and at Savannah and Charleston for those going from St. Augustine.

A copy and translation of the royal order to the Governor of Cuba, for delivering the possession of the provinces, is among the enclosures herewith. You will observe that it includes expressly the islands appurtenant to them. It will be proper that attention should be paid to taking possession of all these islands, but it may not be necessary that a formal delivery of them in every case should be made.

On receiving from the Governors of West and of East Florida possession of those respective provinces, it will be proper to exchange certificates of the time and mode of the transaction. Orders for the delivery of any military posts within the provinces will be expected, and they will be occupied by detachments of our troops, as you may deem expedient.

As soon as the possession shall be transferred, you will, in pursuance of your authority over the ceded territories, issue proclamations announcing the fact. A form adapted from that which was issued on the first occupation of Louisiana is herewith enclosed, to be modified as the circumstances, in your opinion, may require.

The powers vested in you by the enclosed commissions are also conformable to those which were intrusted to the Governor of Louisiana under an act of Congress of similar import. The President is satisfied that they will be exercised by you with a due regard as well to the privileges and usages of the inhabitants under the Government to which they have been subject, as to the personal and social rights to which they will be entitled by the stipulations of the treaty, and as associates to the union of these States. The money paid into the Spanish treasury before the delivery of possession, and whatever may be due thereto at that date, is to be considered as the property of Spain. Payments and debts subsequent to that date will belong, of course, to the United States.

The laws of the United States relating to the revenue and its collection, and those relating to the introduction of persons of color, being extended by the act of Congress to the territory, the execution of them will be superintended by officers to be appointed for the several collection districts to be established by the President conformably to the law.

Your compensation as governor will be at the rate of five thousand dollars a year. As commissioner for receiving possession of the provinces, such reasonable expenses as may be incurred will be allowed. Whenever your military command ceases, your salary as governor will commence.

In the taking possession of St. Augustine and East Florida, similar proceedings to those relative to the occupation of West Florida will be proper. Both provinces being placed under your direction, the proclamation to be issued there will be in your name; and General Gaines, or such other officer as you may appoint, will be instructed to consider himself, for all the purposes of the Government, subject to your orders.

At the ensuing session of Congress it is to be presumed one of the earliest objects of attention to that body will be to make further provision for the government of these territories. The President wishes you, in the interval, to collect and communicate to this Department any information relating to the country and its inhabitants which may be useful to the exercise of the legislative authority of the Union concerning them.

For the expenses incident to the services herewith required, you will draw upon this Department. Strict economy is to be observed in incurring them; and I have urgently to request the transmission, as early as possible, of all the accounts resulting from them, with the vouchers necessary for their settlement at the Treasury.

I am, with great respect, &c.

JOHN QUINCY ADAMS.

P. S. The third commission, being reserved by the President for consideration, is not enclosed.

Commission to General Jackson to receive possession of the Floridas.

JAMES MONROE, *President of the United States of America, to all to whom these presents shall come, greeting:*

Know ye, that, reposing special trust and confidence in the patriotism and abilities of Major General Andrew Jackson, of Tennessee, I have appointed him commissioner of the United States, with full power and authority to him to take possession of, and occupy, the territories ceded by Spain to the United States by the treaty concluded at Washington on the twenty-second day of February, in the year one thousand eight hundred and nineteen, and for that purpose to repair to the said territories, and there to execute and perform all such acts and things touching the premises as may be necessary for fulfilling his appointment, conformably to the said treaty and the laws of the United States: and I do, moreover, authorize the said Andrew Jackson to appoint any person or persons in his stead to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to [L. S.] be hereunto affixed. Given under my hand, at the city of Washington, the 10th day of March, A. D. 1821, and of the independence of the United States of America the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

Commission to General Jackson as Governor of the Floridas.

JAMES MONROE, *President of the United States of America, to all to whom these presents shall come, greeting:*

Whereas the Congress of the United States, by an act passed on the third day of the present month, did provide that, until the end of the first session of the next Congress, unless provision be sooner made for the temporary

government of the territories of East and West Florida, ceded by Spain to the United States by the treaty between the said parties, concluded at Washington, on the twenty-second day of February, one thousand eight hundred and nineteen, all the military, civil, and judicial powers exercised by the officers of the existing Government of the same shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion: Now, know ye, that, reposing special trust and confidence in the integrity, patriotism, and abilities of Major General Andrew Jackson, I do, in virtue of the above-recited act, appoint him to exercise, within the said ceded territories, under such limitations as have been, or may hereafter be, prescribed to him by my instructions, and by law, all the powers and authorities heretofore exercised by the Governor and Captain General and Intendant of Cuba, and by the Governors of East and West Florida, within the said provinces, respectively, and do authorize and empower him, the said Andrew Jackson, to execute and fulfil the duties of this present appointment according to law, and to have and to hold the same, with all its powers and privileges, until the end of the next session of Congress, unless provision be sooner made for the temporary government of the said territories so ceded by Spain to the United States: *Provided, however*, (and it is the true intent and meaning of these presents,) That the said Andrew Jackson, or any person acting under him, or in the said territories, shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons whomsoever, any title or claims to lands within the same.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to [L. S.] be hereunto affixed. Given under my hand, at the city of Washington, the 10th day of March, A. D. 1821, and of the independence of the United States of America the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

Special commission to Major General Andrew Jackson for carrying into effect the stipulations of the treaty.

JAMES MONROE, *President of the United States of America, to Andrew Jackson, greeting:*

Whereas, by an act of Congress passed on the third day of the present month, entitled "An act for carrying into execution the treaty between the United States and Spain, concluded at Washington, on the twenty-second day of February, one thousand eight hundred and nineteen," it is provided that, until the end of the first session of the next Congress, unless provision be sooner made for the temporary government of the territories ceded by Spain to the United States by the treaty concluded at Washington, on the twenty-second day of February, one thousand eight hundred and nineteen, between the two nations, all the military, civil, and judicial powers exercised by the officers of the existing Government of the same shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion: And whereas, on the tenth day of the present month, I did, by letters patent, under the seal of the United States, in pursuance of the powers vested in me as aforesaid, appoint you, the said Andrew Jackson, to exercise, under certain limitations, within the said ceded territories, all the powers and authorities heretofore exercised by the Governor and Captain General and by the Intendant of Cuba, and by the Governors of East and West Florida, within the said provinces, respectively, with the clauses and conditions in the said letters patent expressed: And whereas it appears to me expedient that you should be vested with the other powers hereinafter specified: Therefore, be it known that, in virtue of the above-recited act of Congress, I do, by these presents, appoint and authorize you, the said Andrew Jackson, to administer the government, with the existing authorities, in the best manner in your power, for the present, and to report without delay the actual state, with such alterations as you may think advisable, that further instructions may be given respecting the same; and I do, moreover, authorize you to suspend any officer or officers in the said territories which the public good may seem to you to require, with the exception always of such as are or may be appointed by the President of the United States, making a report to this Government of your proceedings therein. These letters patent are to continue in force until the end of the first session of the next Congress, unless provision be sooner made for the temporary government of the said territories so as aforesaid ceded by Spain to the United States, and unless it should be sooner revoked by the President of the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States [L. S.] to be hereunto affixed. Given under my hand, at the city of Washington, the 20th day of March, A. D. 1821, and of the independence of the United States of America the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

FORM OF PROCLAMATION.

By Major General ANDREW JACKSON, *Governor of the provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the island of Cuba over the said provinces, and of the Governors of said provinces, respectively.*

Whereas, by the treaty concluded between the United States and Spain, on the 22d day of February, 1819, and duly ratified, the provinces of the Floridas were ceded by Spain to the United States, and the possession of the said provinces is now in the United States:

And whereas the Congress of the United States, on the 3d day of March, in the present year, did enact that, until the end of the first session of the seventeenth Congress, unless provision for the temporary government of said provinces be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing Government of the said provinces shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion; and the President of the United States has, by his commission, bearing date the 20th day of said March, invested me with all the powers, and charged me with the several duties heretofore held and exercised by the captain general, intendant, and governors, aforesaid:

I have therefore thought fit to issue this my *proclamation*, making known the premises, and to declare that the government heretofore exercised over the said provinces, under the authority of Spain, has ceased, and that that of the

United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States; that, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess; that all laws and municipal regulations which were in existence at the cessation of the late Government remain in full force; and all civil officers charged with their execution, except those whose powers have been specially vested in me, and except, also, such officers as have been intrusted with the collection of the revenue, are continued in their functions, during the pleasure of the governor for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants and other persons within the said provinces to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force and violence from without or within.

In testimony whereof, I have hereunto set my hand.

Given, &c.

From the Secretary of State to Major General Andrew Jackson, at Nashville.

SIR: DEPARTMENT OF STATE, WASHINGTON, *March* 20, 1821.

I have the honor to transmit the third commission referred to in the instructions of this office to you of the 12th instant; and to be, with respect, your obedient and humble servant,

JOHN QUINCY ADAMS.

From the Secretary of State to Major General Andrew Jackson, Nashville.

SIR: DEPARTMENT OF STATE, WASHINGTON, *March* 23, 1821.

By the second article of the Florida treaty, it is stipulated that, with the Territories of East and West Florida, the *fortifications* within the same are ceded and to be delivered to the United States; but no express mention is made of the cannon belonging to them.

By the seventh article of the same treaty, it is provided that the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana; but no mention is made of the transportation of cannon, nor is there any express engagement on the part of the United States to furnish *provisions* to the Spanish officers and troops on the passage.

It is the opinion of the President that, by a fair and just construction of the treaty, the cannon belonging to the fortifications are to be considered as appendages to them, included in the cession, and are, therefore, to be left with them.

On the same principle, he is of opinion that, with the transports and escort to convey the Spanish officers and troops and their baggage, the provisions necessary for the passage are also to be furnished at the expense of the United States, although not specially mentioned in the treaty, and orders have accordingly been given for the supply of provisions.

It is, however, possible that the Spanish Governors of East and West Florida may, upon a different construction of the treaty, claim to carry away the cannon from the fortifications, because they are not expressly named in the article.

You will, in that case, claim that they should be left with the fortifications, and insist that, upon the principle of the other construction, the United States are not bound to furnish provisions for the passage of the officers and troops. You will state that the supply has been ordered in the confidence that the benefit of the same liberal construction of the treaty will operate in favor of the United States; and that, if it be not extended to them, they will have a just claim to be reimbursed for the expense of supplying the provisions.

You will add that, as there is no engagement on their part, express or implied, to furnish the means of transporting the cannon, they have made, and can make, no provision for that purpose.

Should the Spanish governors allege that their orders are express for having the cannon carried away, you will leave it to them to make provision for their transportation, and report forthwith the facts to this Department.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

From the Secretary of State to Major General Andrew Jackson, Governor of East and West Florida.

SIR: DEPARTMENT OF STATE, WASHINGTON, *May* 22, 1821.

I have the honor, by direction of the President of the United States, of informing you that he has established within the Territories of East and West Florida three districts for the collection of the revenue, namely, at Pensacola, St. Mark's, and St. Augustine. He has at the same time thought proper to appoint two territorial secretaries and two judges, one of each to reside at Pensacola, and the other at St. Augustine; the revenue district of St. Mark's to be included within the judicial district of Pensacola. He has thought the appointment of one marshal sufficient for the whole territory, authorizing him to appoint a deputy either for St. Augustine or Pensacola, while he shall reside himself at the other of those places. I subjoin hereto a list of the several persons appointed to these offices.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

[List of officers referred to in the above letter.]

Eligius Fromentin, of Louisiana, to be judge of the United States for West Florida, and for that part of East Florida which lies westward of the cape; to reside at Pensacola.

Alexander Anderson, of Tennessee, to be attorney of the United States for West Florida, and for that part of East Florida which lies westward of the cape; to reside at Pensacola.

William P. Duval, of Kentucky, to be judge of the United States for East Florida, with the exception of that part which lies westward of the cape; to reside at St. Augustine.

John G. Bird, of Georgia, to be attorney of the United States for East Florida, with the exception of that part which lies westward of the cape; to reside at St. Augustine.

James Grant Forbes, of New York, to be marshal of the United States in and for East and West Florida, with authority to appoint a deputy either for St. Augustine or Pensacola, while he shall himself reside at the other of those places.

George Walton, of Georgia, to be secretary in and for West Florida, and for that part of East Florida which lies westward of the cape.

William G. D. Worthington, of Maryland, to be secretary in and for East Florida, with the exception of that part which lies westward of the cape; to reside at St. Augustine.

Mark Harden, of North Carolina, collector of the customs at St. Mark's.

John Rodman, of New York, collector of the customs, and Richard S. Hackley, of Virginia, surveyor and inspector of the revenue at St. Augustine.

Alexander Scott, of the District of Columbia, collector of the customs; William S. Smith, of the District of Columbia, naval officer; and Charles Jenkins, of South Carolina, surveyor and inspector of the revenue at Pensacola.

The Secretary of State to Major General Andrew Jackson, Governor of East and West Florida.

SIR: DEPARTMENT OF STATE, WASHINGTON, *May* 23, 1821.

I have had the honor of receiving your letters of the 2d, 10th, and 12th of April from Nashville. The request for instructions relating to the Seminole Indians, contained in the first of them, having been referred by the President to the Secretary of War, has been answered through that Department.

The list of officers appointed by the President within the territory, which is now transmitted to you, consists altogether of citizens of the United States, the objects of their respective functions being the introduction and establishment of the laws of the Union in the country.

It is not, however, the intention of the President that, in the distribution of official situations, the natives or inhabitants of the country itself should be overlooked. The offices, the duties of which relate to the civil and internal administration of the territory, will be those for which the qualifications of the people of the country will be peculiarly appropriate; and, leaving the distribution of them entirely to your discretion, he is confident it will be exercised with a just regard to the interest and feelings of the people of Florida, and in a manner which may tend at once to their satisfaction, and to render their change of condition as acceptable to their inclinations as it is hoped it will be propitious to their welfare.

I am, with much respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

The Secretary of State to Andrew Jackson, Esq., Governor of Florida.

SIR: DEPARTMENT OF STATE, WASHINGTON, *June* 27, 1821.

I have had the honor of receiving your letters of the 24th of April, 1st, 7th, 19th, 23d, and 30th of May, with their enclosures.

The conduct of the Governor and Captain General of the island of Cuba in delaying, without any apparent satisfactory reason, the delivery of the orders to the Governors of East and West Florida for the evacuation of those provinces by the officers and troops of Spain, and in evading the delivery at all of the archives in his possession, and which, by a stipulation of the treaty, were to be given up, appears to have been very exceptionable.

The President has been disposed to make every allowance for the dilatory character of all transactions habitual to the officers of the Spanish Government. On receiving your letter of 19th May, he had thought it would be necessary to take measures, on a presumption that the unwarrantable delays of the Governor of Cuba would be still continued, which, under other circumstances, it would be very desirable to avoid. While these measures, however, were under consideration, intelligence was received from Colonel Forbes that he had at length received the orders for the delivery of the two provinces, and, immediately afterwards, that he had actually sailed from the Havana, on the 30th ultimo, for Pensacola. As the order to the Governor of St. Augustine had been despatched on the same day, and that order was received by him on the 7th instant, we are in daily expectation of receiving the information that that place has been delivered up to Colonel Butler, and that the Spanish officers and troops there have embarked for the Havana. The tenor of your correspondence with the Governor of Pensacola, as well as the character heretofore known of Governor Callava, have led to the hope and expectation that he will, on receiving the order of evacuation, manifest all the alacrity for carrying the treaty into execution which has been professed in his letters. It was therefore concluded here that it would be most advisable to take no step founded on the supposition that unnecessary delays will be still experienced in the evacuation of the Floridas, even after the orders for their evacuation shall have been received by the governors of the respective provinces.

Your letters of the 23d and 30th ultimo have been forwarded to the President, who is in Loudoun. I shall inform you as soon as possible of his directions on your suggestion of a wish to be furnished with a check on the Branch Bank at New Orleans.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

The Secretary of State to Andrew Jackson, Esq., Governor of the Floridas.

SIR: DEPARTMENT OF STATE, WASHINGTON, *August* 20, 1821.

I have had the honor of receiving your letters of the 16th, 17th, and 18th ultimo, with their enclosures. They were immediately transmitted to the President, who is at the Shannondale Springs.

As it will doubtless be one of the earliest objects of attention to Congress, at their ensuing session, to prepare a more permanent system of government for the Territories of Florida, I would solicit communications from you, as early and as ample as you can make them, of information which may serve to enlighten the inquiries upon which it may be expected that this legislation will be founded.

A reference to the laws of Congress which were from time to time enacted for the government of the Louisiana Territories, may serve to point out some of the particulars upon which information will be most desirable. In this view, the following acts are presented to your attention:

1. An act erecting Louisiana into two Territories, and providing for the temporary government thereof. March 26, 1804. Laws U. S., vol. 3, p. 603.

2. An act further providing for the government of the Territory of Orleans. March 2, 1805. Page 648.

3. An act further providing for the government of the district of Louisiana. Page 658. March 3, 1805.

4. An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the district of Louisiana. Page 652. March 2, 1805.

5. An act extending the powers of the surveyor general to the Territory of Louisiana, and for other purposes. Vol. 4, p. 6. February 28, 1806.

6. An act supplementary to an act entitled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the district of Louisiana." Page 50. April 21, 1806.

7. An act respecting claims to land in the Territories of Orleans and Louisiana. Page 111. March 3, 1807.

8. An act providing for the final adjustment of claims to lands, and for the sale of the public lands, in the Territories of Orleans and Louisiana. Vol. 4, p. 322. February 15, 1811.

9. An act to enable the people of the Territory of Orleans to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes. Page 328. February 20, 1811.

10. An act providing for the final adjustment of claims to lands, and for the sale of the public lands, in the Territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February 16, 1811. Page 356. March 3, 1811.

11. An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans. April 25, 1812.

There may be some others, but my reference to these is merely to suggest the nature of part of the information which it is probable may be desired by Congress in relation to the Floridas, and which, it is hoped, your position will enable you to furnish.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

Governor Jackson to the Secretary of State.

SIR: NASHVILLE, *April* 2, 1821.

I have the honor to acknowledge the receipt of your letter of the 12th ultimo, together with its enclosures, viz: two commissions; copy of the treaty; law for executing it (in a newspaper;) Colonel Forbes's instructions; royal order for delivery; translation of same; form of proclamation.

In pursuance of the instructions of the President, as communicated through you, I shall proceed, as soon as practicable, to Montpelier, *via* New Orleans, there to await the necessary information from Colonel Forbes, and shall immediately, upon receiving it, take possession of Pensacola, and proceed to organize the Government agreeably to the instructions. I hope to be able to leave this by the 15th instant, and to arrive at Montpelier by the 1st of May.

I have, agreeably to instructions, appointed Brevet Major General Gaines to receive possession of St. Augustine, and by the southern mail have forwarded him the necessary instructions for that purpose.

There is one subject which, at this early period, I wish, through you, to call the attention of the President to, and receive your instructions thereon. It is the situation of that part of the Creek Indians who in the late war abandoned their own country and fled to the Floridas, and continued hostilities against the United States until conquered in 1818. During that campaign, I ordered the conquered Indians above the Florida line, and directed them to settle down within their own limits (the Creek nation.) I have lately, however, understood that McQueen and his adherents have made a settlement at Mickasuky, and also on the Suwanee river. Are these Indians to be ordered up to the Creek country, there to settle themselves, or are they to be protected in their new settlement? I have only to remark that the country set apart for the Creek nation is sufficient for the support of all, and that, by removing those within Florida, greater security will be given to our frontier, and the Government would more certainly be enabled to prevent smuggling, which, no doubt, will be attempted to a considerable extent, through the various inlets in the country now inhabited by them. Whatever may be the President's instructions upon this subject shall be strictly obeyed, and likewise in relation to the negroes who have run away from the States, and inhabit this country, and are protected by the Indians.

With sentiments of esteem and regard, I have the honor to be, &c.

ANDREW JACKSON.

Governor Jackson to the Secretary of State.

SIR: NASHVILLE, *April* 10, 1821.

I have the honor to acknowledge the receipt of your communication of the 23d ultimo, and have perused with attention the instructions contained therein. The second article of the treaty, in which it is stipulated that the Territories of East and West Florida, and the *fortifications* within the same, are ceded and are to be delivered to the United States, is so clear and explicit, that it had never occurred to my mind that an attempt would be made by the Spanish authorities to strip the fortifications of their means of defence. Cannon is an *indispensable* appendage of a fortification, and the term *fortification* is always understood to include every thing appertaining to a work constructed for defence. Indeed, such was my view of that article of the treaty, that I should have considered the Spanish Government bound by their cession of the *fortifications* with the territory to pass over to the United States, not only the fortifications, but the ordnance and munitions of war contained therein.

If, on my arrival at Pensacola, any difficulty should arise on this subject, I will avail myself of your very just suggestions, and will endeavor, as forcibly as I can, to impress the governor with a sense of the liberal construction which the United States are disposed to give to the treaty. In any event, you may rest assured that your instructions will be most promptly attended to.

I have the honor to be, &c.

ANDREW JACKSON.

Governor Jackson to the Secretary of State.

SIR: NASHVILLE, *April* 12.

I have the honor to inform you that I sail from this place to-day, at 1 o'clock P. M. I have despatched my aid-de-camp, Captain Call, to Montpelier, with instructions to receive the communications from Colonel Forbes, in the event of his arrival before I reach that place, and to place the troops destined for the occupation of Pensacola in a state of readiness to march at a moment's warning. I hope to reach Montpelier by the 1st of next month, should I not be detained at Orleans for the want of a vessel to transport me to Montpelier.

I am, &c.

ANDREW JACKSON.

Governor Jackson to the Secretary of State.

SIR: NEW ORLEANS, *April* 24, 1821.

On the evening of the 22d instant I reached this city on my way to Montpelier, and will, if I can procure a transport, proceed on my journey on the 26th instant.

Immediately on my arrival, Mr. Fromentin waited upon me, and produced a commission dated in the year 1819, authorizing him to receive the Floridas, together with the archives at Pensacola and St. Augustine. He appears to be impressed with a belief that, although that part of his commission to receive the Floridas was superseded, yet, as the Executive had been silent on the subject of the archives to be received at Pensacola, &c., that he, with my approval, was entitled to the safe-keeping of them. From the tenor of my instructions, I do not conceive that I can create any office in the Floridas that does not exist there at present, and that clerks of any kind, except those that are contemplated under my instruction to translate and transcribe the archives for the information of the President, cannot be necessary until the next meeting of Congress. However, should the President be of opinion that a safe-keeper of the archives should be necessary, and that Mr. Fromentin should be appointed to that trust, and express the same to me, with the salary to be annexed, I will immediately notify Mr. Fromentin thereof, and request his removal to Pensacola. But it does not appear to me that there can arise a necessity for any individual to have a copy of any of the records before the meeting of the next Congress. I shall, therefore, not make any appointment of this kind until I hear from the President on the subject.

I have here met with Major Stanton, of the quartermaster's department, who advises me that he is without quartermaster's funds for the purpose of carrying into effect the transportation of the civil and military officers of Spain from the Floridas, as stipulated under the late treaty with Spain; and informs me that it is understood by the quartermaster general that through me the funds necessary to carry into effect the stipulation for transporting the Spanish troops are to be obtained. From the perusal of my instructions, it does not appear that I am authorized to draw upon the State Department for quartermaster's funds, but will take upon me the responsibility so to do. I thought it most advisable to endeavor to raise here, by a draft upon your Department, the sum necessary to meet the expenses of receiving the country and organizing the Government, fearing that a draft would not be sold at Mobile or Pensacola. For this purpose, I offered for sale a draft, and found I could not obtain United States paper for it without a discount. I therefore directed Major Stanton to apply to the Branch Bank of the United States, to be informed whether it would advance upon my draft. It refused. I then addressed a note to the collector, Mr. Chew: the enclosed is his answer. I also enclose the statement of Major Stanton: from all which you will discover that, without a discount, money cannot be obtained here on drafts upon the Government. No delay, however, shall occur in the transportation of the Spanish troops from the want of funds, as far as I can command them; nor will I ever consent to sell bills on the Government at a discount to any, and more particularly to the Branch Bank of the United States, in which is deposited all the revenue of the Government received at this place. I shall endeavor, at Mobile or Pensacola, to raise the necessary funds on drafts. Should I fail there, I trust, upon the receipt of this, the Government will instruct the Branch Bank to furnish me with the amount that may be necessary to meet the expenses that may occur in receiving the Floridas, and organizing the Government thereof.

I am, sir, &c.

ANDREW JACKSON.

[Enclosures in the above.]

Major Stanton to Governor Jackson.

SIR: NEW ORLEANS, *April* 25, 1821.

Agreeably to your request of this morning, I waited on the cashier of the United States Branch Bank, and stated to him your wish to negotiate, through his bank, a draft on Washington for ten or fifteen thousand dollars, which he peremptorily declined doing. Knowing the importance of obtaining funds, and that money could not be had in market for drafts but at a discount, I ventured to state to the cashier such reasons as suggested themselves to my mind why the favor requested should be granted, and the very serious embarrassment that might result to the public service should he persist in his refusal; which, however, he thought proper to do, without assigning any other reason than that the instructions of the mother bank forbade his negotiating drafts.

I have the honor to be, &c.

H. STANTON, *D. Q. M. G.*

The collector at New Orleans to Governor Jackson, dated

SIR: APRIL 26, 1821.

I have the honor of acknowledging the receipt of your letter of yesterday's date, and should have been extremely happy to be empowered to advance the sum you require, by accepting a draft on the Department of State; but particular instructions from the honorable Secretary of the Treasury would be necessary to authorize me to make that disposition of the public money in my hands. I am, &c.

BEVERLY CHEW.

Governor Jackson to the Secretary of State.

SIR: BLAKELY, ALABAMA STATE, *May* 1, 1821.

I arrived at this place on the morning of the 29th ultimo, and immediately communicated with Montpelier by express, which returned last evening with information that no advices had been received there from Colonel Forbes.

Being informed that associations exist for the purpose of introducing a number of Afrjcans into Florida before the change of Government, and for this purpose an agent from Baltimore and another from the east are now the one in Pensacola and the other in Cuba or Bahama islands, to obtain possession of the ceded country as soon as possible, and thereby prevent the furtherance of this dreaded evil, I have this morning despatched Doctor Bronaugh and Judge Brackenridge with communications to the Governor of Pensacola, copies of which I send you herewith, marked Nos. 1 and 2; and also with instructions to inquire into the truth of a complaint made to me in New Orleans, and reiterated here, that the Spanish subjects in Pensacola are in the habit constantly of pulling down the houses of non-resident Americans for fuel.

My aid-de-camp, Captain Call, whom I sent from Nashville over land to Montpelier, has not reached that place, owing, it is believed, to the unusual freshets prevalent in the upper country. This will detain me here until the arrival of my horses, and until the return of the gentlemen whom I have sent to Pensacola.

I have directed Colonel Brook, in command at Montpelier, to forward to this place all communications which may be received at Montpelier for me.

As soon as I hear from the Governor of Pensacola, I will communicate to you his reply.

I have signified to Commodore Patterson the propriety of sending a vessel to take a reconnoissance of the Florida coastas far as Tampa bay, to intercept any American vessel laden in whole or in part with Africans.

From conversing with Major Stanton, of the quartermaster's department, on the subject of supplies for the Spanish officers and soldiers on their voyage to Cuba, and the inconvenience of preparing their bread on board, I have directed him to order Captain Rogers, of the commissariat department at Orleans, to have a sufficient quantity of sea biscuit prepared for their supply. In this arrangement there will be a saving of tonnage to the United States, and it will have the happy effect of preventing any complaints from Spain on the score of supplies, or as to the liberality of the Government of the United States in their construction of the treaty. I hope this measure will meet the approbation of the President.

With high consideration and respect, &c.

ANDREW JACKSON.

No. 1.

Copy of a letter from Major General Jackson to His Excellency Don José Callava, Governor of West Florida, at Pensacola.

SIR: MONTPELIER, *April* 30, 1821.

Dr. J. C. Bronaugh, surgeon general of the southern division, and my friend, and one of my private secretaries, Judge Brackenridge, will present you this letter; they are the bearers of a communication to you on the subject of a treaty between the United States and His Catholic Majesty, and also of all the documents with which I have been furnished to authorize me to receive possession of the Floridas. These gentlemen are authorized by me to receive any communication you may be pleased to make in relation to the necessary arrangements for the transportation of the officers and troops of His Catholic Majesty, or to such other subjects as you may think necessary, preparatory to the surrender of the Floridas, according to the stipulations of the treaty.

With sentiments of great respect, &c.

ANDREW JACKSON.

No. 2.

Copy of a letter from General Andrew Jackson to His Excellency Don José Callava, Governor of West Florida, at Pensacola.

SIR: MONTPELIER, *April* 30, 1821.

I have the honor to inform your excellency that I have been duly commissioned by the President of the United States to receive possession of the Floridas, agreeably to the stipulations of the late treaty between the United States and His Catholic Majesty. I have also to state that Colonel James G. Forbes has sailed from New York to Havana, charged with the royal order to the captain general for the delivery of the countries ceded to the United States by the said treaty, and that he is to communicate to me from Pensacola immediately on his arrival, which may be daily expected.

Being desirous, in order to avoid all unnecessary delay, to have in readiness, on the arrival of Colonel Forbes from Cuba, the necessary transports for the civil and military officers, and the troops of His Catholic Majesty, agreeably to the stipulations of the treaty, as well as for their supplies, according to the liberal construction which the President is disposed to give to the treaty, I have to request you to inform me of the number of officers and troops to be transported from Pensacola and St. Mark's, and also of the number of days in which the passage from Pensacola to Havana is usually performed. As the transports and supplies will be procured at New Orleans, you will be pleased to inform me what length of time will be necessary, on your part, after the arrival of the order from the captain general, to enable you to make the necessary preparations to embark. This information is requested, in order that I may have every thing in a state of preparation for your transportation the moment you are ready. It is also important to enable me tohave the necessary supplies transported to Pensacola and St. Mark's, and in depots, for the troops which are to occupy the Floridas.

It being communicated to me that it is expected, from the assurance of the minister of His Catholic Majesty at Washington, that no unnecessary delay will take place in delivering possession of the Floridas, I have ordered the supplies of the troops of the United States to be forwarded to Pensacola and St. Augustine, and they are expected to arrive at those points by the 15th of the next month. The situation of my troops in the interior, and the difficulty of supplying them there, render this step necessary; and orders have been given to expedite no further supplies to the places which those troops at present occupy. A removal of them at an early day is, therefore, rendered necessary, and I have no disposition (unless urged by necessity) to move my troops to any garrison occupied by the troops of His Catholic Majesty, until the same shall be evacuated, being, I assure you, earnestly desirous that nothing may occur to disturb that harmony and good understanding which at present so happily exists between our respective Governments, and the citizens and subjects of each.

From a wish to maintain the most perfect harmony and good understanding between us during our correspondence, I have charged the bearers of this communication, Dr. J. C. Bronaugh, surgeon general of the southern division, and my friend, and one of my private secretaries, Judge Brackenridge, to make known to you the sincere desire, on my part, to carry into effect the stipulations of the treaty and the surrender of the Floridas with the utmost good faith and amity with the officers of His Catholic Majesty, as well as the promptness with which every thing stipulated under the treaty, on the part of the Government of the United States, will be executed, agreeably to the most liberal construction of that instrument.

I am, sir, with sentiments of respect, &c.

ANDREW JACKSON.

From Governor Jackson to the Secretary of State.

SIR: BLAKELY, *May* 7, 1821.

In my letter of the 1st instant I advised you of my arrival here, of communicating with Montpelier, and, hearing nothing from Colonel Forbes, of my sending Doctor Bronaugh and Judge Brackenridge to obtain information necessary to be had before I gave instructions to Major Stanton, quartermaster, to provide the transports and supplies necessary for the transportation of the Spanish officers and soldiers. These gentlemen have this morning returned. The enclosed translation of a letter from the Governor of Pensacola, and the report of these gentlemen, will give you the information acquired, and may not be uninteresting to you.

Finding, from the report of the above gentlemen, that the Hornet had reached the Havana on the 9th ultimo, and believing that she must reach Pensacola shortly, and reflecting that it is better for the transports to be ready with supplies, and to wait for the Hornet, than for the Spanish officers and troops to wait for the transports to be procured after her arrival, I have ordered Major Stanton to repair to Orleans and procure the transports and supplies, and to have them ready to sail for Pensacola on the first notice of the arrival of the Hornet there. Major Stanton informs me that he thinks vessels can be obtained on much better terms now than they can be after it is known the Hornet has returned, and that transportation must be immediately had. He is instructed to make the most advantageous contract he can, to save any demurrage on account of any short delay; and I have no doubt, from the rumors of mercantile associations to introduce large quantities of goods into Pensacola, that there will be a great saving to the United States by having the transports ready on the arrival of the Hornet, as well as earlier possession of the ceded country.

It is all-important for the health of our troops to have them removed from Fort Gadsden in all this month, or early in the next, and every exertion, as far as it rests with me, shall be used to obtain this object. I am at a loss to conjecture the causes of the delay of the Hornet; a few days will give us the reason, and I hope it may not be found to exist in any understanding existing between an association of our merchants and the Governor General of Cuba; but, sir, it is rumored and believed here that such an attempt will be made by merchants to prevail upon the governor general to withhold the order for the delivery of the Floridas until the last moment, to give time for the arrival of large shipments of goods for Pensacola.

I am, sir, &c.

ANDREW JACKSON.

Report of Dr. Bronaugh and Judge Brackenridge to Governor Jackson.

SIR: BLAKELY, *May* 7, 1821.

In pursuance of your instructions, we left this place on Tuesday morning, and reached Pensacola about 10 o'clock the Thursday following. The *Hornet* was not there, but, from information on which we believe reliance can be placed, she arrived at Havana on the 9th ultimo.

We immediately addressed a note (A) to the governor, enclosing our letter of introduction, and requesting an interview as soon as it would be convenient. He sent us a polite answer, (B,) inviting us to wait on him at the Government-house at 10 o'clock the following morning, the 4th instant. At the hour appointed we waited on him, and presented the communication from you, of which we were the bearers, and which, being explained to him, he observed that, on the subject of the treaty, he was only subordinate to the Captain General of the island of Cuba; that, as nothing had been communicated to him from his superior, he had no authority to enter into any arrangements respecting it; that he could do nothing until he should receive his orders through the regular and proper channel. He declared his wish to avoid all unnecessary delay, and to act with the utmost promptitude the moment he should receive his orders from the captain general. We observed to him that this information was requested in order to prevent useless delay, to enable you with greater certainty to provide the transports and supplies, and offered to show him the copy of the royal order, and other papers in our possession. We reminded him of the situation of the troops of the United States in the interior, intended to occupy the post within the Floridas; the approach of the sickly season; the difficulties of all military movements by land and sea, in this climate, after the months of May and June. He repeated that he had no authority whatever to take any step, until authorized by the captain general; declined the perusal of the royal order, but declared his willingness to communicate fully all the information required by you, the moment of the arrival of the order from Havana. We then requested him to communicate in writing to you what he had stated to us, which he promised to do. We received his reply (E) in the evening, and next morning set out for this place, where we arrived this morning. Previously to our departure from Pensacola, we addressed a letter (C) to the governor, expressing our regret at not being able to obtain the information which we sought, and enclosing a letter (D) to Colonel Forbes, making known your arrival, and stating your anxiety to obtain possession of the Floridas as speedily as possible.

With respect to the points on which we were instructed to obtain information, the following is the result of our inquiries and observation: The number of troops, including officers and persons connected with the Government, who will leave the country, does not exceed five hundred and fifty; two hundred of these are in Pensacola, the remainder at the Barrancas and St. Mark's. Every thing seems to indicate the prevailing understanding that they are shortly to quit the country. The troops are not regularly drilled; there are no morning or evening parades; the public buildings are entirely neglected; and the government seems to be carelessly administered; the inhabitants are impatient for the change, and it is said that but few of the Spanish families will leave the place. The governor, we were told, is personally desirous to be gone; he is a frank, candid soldier, and we have no doubt that any difficulties or delays which may occur will be occasioned by the captain general.

There are at present in the harbor only a few coasting vessels; there have been but few arrivals, and we are satisfied, from every thing we have observed, that the accounts which we have received respecting the importation of Africans is not correct; if any such traffic be carried on, it is much more likely to be between Havana and St. Augustine. On the other subject respecting which we were directed to make inquiry, the injury said to be done by the soldiery to the untenanted houses belonging to American citizens, we find that such injury has been done alike to the buildings of Spanish subjects. Nearly all the houses of this place are in a state of dilapidation, and there are nearly one-half unoccupied, few of which can be inhabited without extensive repairs. Nearly every dwelling, however, has been taken by persons who are waiting with impatience the change of government. Rents have risen astonishingly within a few weeks, and town property is now as high as it probably will be, excepting in particular situations, for some time to come. Nearly all the public property, the public squares, the ground around the block-houses, estimated at a very large amount, is claimed as private property, it having been sold by

the order of the King, as we are informed, some years ago. It is a subject, however, very well worth inquiring into. We suspect there is a great deal of very valuable public property in and about Pensacola.

From the shortness of our stay, it was not in our power to obtain information on other subjects, and on those we have noticed not as full as we have wished.

We have the honor to be, &c.

J. C. BRONAUGH,
H. M. BRACKENRIDGE.

A.

Messrs. Bronaugh and Brackenridge to Governor Callava.

SIR: PENSACOLA, *Thursday Morning, May* 3, 1821.

We have the honor to inform your excellency that we are the bearers of a communication from Major General Andrew Jackson, commanding the southern division of the United States army, and commissioner for receiving the Floridas. The enclosed letter will explain the object of our visit.

We take the liberty to request an interview as soon as it may be convenient. Your excellency will be pleased to intimate to us at what hour we may do ourselves the honor to wait upon you.

We have the honor to be, &c.

J. C. BRONAUGH,
H. M. BRACKENRIDGE.

To His Excellency Don JOSE CALLAVA, &c.

B.

[TRANSLATION.]

Governor Callava's answer.

SIRS: PENSACOLA, *May* 3, 1821.

By your esteemed favor of to-day, enclosing the letter from Major General Andrew Jackson, of which you are the bearers, I am informed of your commission from the said general, and, in compliance with your request, I have the honor to inform you that at 10 o'clock to-morrow morning, the 4th instant, at the Government-house, you may have the interview which you solicit.

I avail myself of this opportunity (the first which has presented itself) to offer you my services, and in the mean time remain

Your most obedient servant,

JOSE CALLAVA.

Messrs. J. C. BRONAUGH and H. M. BRACKENRIDGE.

C.

Messrs. Bronaugh and Brackenridge to Governor Callava.

SIR: PENSACOLA, *May* 4, 1821.

We do ourselves the honor to acknowledge the receipt of your excellency's reply to the communication of which we were the bearers from Major General Andrew Jackson, commanding the southern division of the United States army, and commissioner for receiving the Floridas.

We regret that your excellency does not consider yourself authorized to communicate the information solicited, as it was extremely desirable, for the reasons which have been urged. An exact knowledge of the number of persons for whom transports are to be furnished, and the necessary supply of provisions, would have very much facilitated the arrangements on the part of the United States. It will, however, be gratifying to General Jackson to receive your excellency's reply, on the arrival of Colonel James G. Forbes with the order from the Captain General of Cuba for the delivery of the Floridas, and to whom we have addressed the enclosed letter, which we take the liberty of requesting your excellency to deliver immediately upon his arrival at this place. We have requested Colonel Forbes to receive any communication your excellency may be pleased to make to General Jackson, and to forward the same, together with his own despatches.

We have the honor to be, &c.

J. C. BRONAUGH,
H. M. BRACKENRIDGE.

His Excellency Don JOSE CALLAVA, &c.

D.

Messrs. Bronaugh and Brackenridge to Colonel James G. Forbes.

DEAR SIR: PENSACOLA, *May* 4, 1821.

General Jackson arrived at Blakely on the 29th ultimo, and immediately sent an express to Montpelier, in expectation of meeting with despatches from you at that place. On the return of the express, he thought proper, from his great anxiety to comply with the wish of the President to obtain possession of the Floridas early in this month, to send us with a communication to the Governor of Pensacola, requesting the necessary information, to enable him to have provided the transports and provisions for the Spanish officers and soldiers, and also to communicate with you, calculating upon your having arrived. We were much disappointed at not finding the *Hornet* at this place, but immediately requested an interview with the governor, which we obtained the day following. He informed us that he could make no arrangements, or say any thing on the subject, until he received his orders through the Captain General of the island of Cuba, to whom he is subordinate. We were therefore disappointed in obtaining for the present the information which General Jackson desires; the governor promised, however, to communicate it fully, by express, as soon as you should arrive. General Jackson expected to have every thing in readiness by the 15th of this month, to transport the Spanish troops to Havana. The supplies for the American

troops are expected at this place and St. Augustine by that day, and orders have been given to discontinue the supplies at the points which those troops at present occupy. The engagement of transports at New Orleans, and the purchase of supplies, must be delayed until the information requested by the general shall be obtained. The situation of the troops in the interior renders it very important that they should be removed without a moment's delay.

We therefore request you to receive the governor's answer to General Jackson's communication, and to forward it with your own despatches for the general with the utmost possible expedition. He is extremely anxious to avoid all delay, as the season is now far advanced, and many reasons concur in rendering it necessary to take immediate possession of the Floridas.

We have the honor to be, &c.

J. C. BRONAUGH,
H. M. BRACKENRIDGE.

E.

[TRANSLATION.]

Governor Callava to General Jackson.

MOST EXCELLENT SIR: PENSACOLA, *May* 4, 1821.

In the morning of the day before yesterday I received your excellency's letter, dated at Montpelier, the 30th of April last, by which you are pleased to inform me that Dr. J. C. Bronaugh, surgeon general of the division of the south, and one of your private secretaries, Judge Brackenridge, are the bearers of a communication to me on the subject of the treaty between the United States and His Catholic Majesty, and also of the documents in virtue of which you have been empowered to receive possession of the Floridas; that the said Bronaugh and Brackenridge were authorized by you to receive any reply which I might think proper to make touching the necessary arrangements preparatory to the surrender of the Floridas, according to the stipulations. [Here follows a mere recapitulation of the letter of which Messrs. Bronaugh and Brackenridge were the bearers.] In reply, I have to inform your excellency that, at the present moment, I cannot enter into the particulars which are suggested to me, not having yet received any orders from the Captain General of Cuba, the superior on whom I am immediately dependant, relative to the treaty and the surrender of this province, and by which my measures must be governed, in case I should be selected as the person to make the same. Messrs. Bronaugh and Brackenridge have requested that I would advise you of the arrival of the Hornet as soon as she may arrive at this port, which I consented to do with much pleasure.

I have the honor to declare how satisfactory to me are the sentiments you express, and I take this occasion to reciprocate the offer of my most sincere services.

I am, with the highest consideration, your most obedient servant,

JOSE CALLAVA.

Governor Jackson to the Secretary of State.

SIR: MONTPELIER, *May* 19, 1821.

I am still without any information from Colonel Forbes, or from the Hornet, since her arrival on the 9th ultimo at the Havana, of which you were advised in my last. Her delay is unaccountable, and places us in an unpleasant situation. It certainly was, from the treaty, the expectation of both Governments that we would have been in full possession of the Floridas before the 22d instant. The situation of the troops on the Appalachicola, in the interior, and which are to garrison St. Mark's, is unpleasant, and the delay will add much to the expense of transporting provisions to them, especially as they are again to be transported to St. Mark's. Believing, as I do, that, as soon as the Spanish agents are notified of the ratification of the treaty, and the exchange thereof, there can be no reason for delay, the moment the Hornet arrives I shall move to Pensacola, and, having taken possession, shall organize and exercise the government of the country, as a thing which we have a perfect right to do at any time. The evacuation of the fortifications by the Spanish officers and troops, and the transporting them to Cuba, is another thing, to accomplish which they have six months, if it is not possible to withdraw them sooner.

Here, from my instructions, I am to remain until the arrival of Colonel Forbes; but, on his arrival, if any delay is attempted, it cannot be attributed to the Government of Spain, but a wanton act of her officers, not warranted by good faith or by the treaty. In this case, therefore, I have a right to present myself and demand possession. This course I intend to pursue, if necessary; and my conjectures that this course may become necessary grow out of the delay of the arrival of Colonel Forbes. From reading his instructions, I cannot see any real cause for his delay, or how it has occurred, or why he has permitted it; still, I hope he has good reasons to satisfy his Government in this particular. I am, sir, &c.

ANDREW JACKSON.

Extracts of a letter from same to same, dated

MONTPELIER, *May* 21, 1821.

On last evening Mr. G. L. Thompson reached me, having left the Hornet at Cuba on the 7th instant, and handed me a letter from Colonel Forbes, a copy of which is herewith enclosed. Mr. Thompson informs me that Colonel Forbes had assured him that he would not be detained more than four days at furthest, and stated to him that he had this positive assurance from the Governor General of Cuba.

I sincerely regret the delay of Colonel Forbes, as, on his arrival, I am prepared to present myself and receive possession of the country, and put an end to this barbarous traffic, [slave trade,] which I have no doubt is now practising on the coast of Florida.

I advised you in a former letter that I had sent bills on the Government, by Colonel Gadsden, to the amount of $3,000, to be sold in Orleans. I am advised by him that he could not effect a sale of them, and that he was compelled to raise money to enable him to procure the necessary transports for Major Stanton from other sources, of which you will be advised hereafter. Unless the Government furnishes me with a check upon the Branch Bank of the United States at Orleans, I am fearful that I shall not be able to proceed well in the organization of the Government.

I enclose you a copy of a letter from the Governor of Pensacola, received by my aid-de-camp, (Captain Call,) together with a copy of his report, which will show you the feelings of the governor, and that nothing is wanting but the arrival of Colonel Forbes to place us in possession of the ceded country.

I am, sir, &c.

ANDREW JACKSON.

Copy of a letter from Colonel J. G. Forbes to Major General Andrew Jackson.

SIR: HAVANA, *May* 7, 1821.

Commissioned by the President of the United States to deliver the royal order upon the Governor of Cuba for the delivery of the Floridas to our Government, I was directed by the honorable Secretary of State to communicate with your excellency upon my arrival at Pensacola with the further order of the governor to the Spanish authorities in the Floridas.

I arrived in the Hornet sloop of war on the 22d of last month, and was very favorably received by Governor Mahy, who expressed a wish to expedite me very promptly, as soon as the convoy for Spain sailed. This assurance has been renewed to me occasionally since, but I regret to say that I am still uncertain when I can receive either the necessary order, or the archives, which also come within the range of my commission.

I avail myself of the opportunity afforded by Mr. Thompson of making this communication, and take the liberty of suggesting to your excellency the expediency of having a person at Pensacola from whom I can, on landing, receive such information as will enable me to communicate immediately with your excellency by express.

I beg leave also to state that I have applied for an order, in duplicate form, so as to embrace East Florida, and that, on receipt of it, I shall endeavor to find a suitable opportunity of transmitting it to the commanding officer of the United States troops at Amelia island, subject to such orders as he may receive from the Department of State, or from your excellency, taking the original with me in the Hornet.

As Mr. Thompson is fully acquainted with the nature of my mission, I refer your excellency to him for any further information, with the assurance that no exertions have been, or shall on my part be, spared, to carry into complete effect the objects of such national importance.

I am, with great respect, sir, &c.

JAMES G. FORBES,
A Commissary and Agent of the U. S. under the Florida treaty.

Report of Captain Call to General Jackson.

GENERAL: MONTPELIER, *May* 21, 1821.

In obedience to your instructions of the 11th, I left this on the 13th, and arrived at Pensacola on the 14th instant. The result of my mission to which place I have now the honor to report.

On my arrival I addressed a note to the governor, of which No. 1 is a copy, and received in reply No. 2, herewith enclosed. On the 15th I had an interview with the governor, delivered your letter of the 11th, and received for answer No. 3, which I have presented to you, and from which you will find that the governor has acceded to your proposition, so far as it relates to your making a deposite of provisions at Pensacola, to facilitate which he has offered a public store-house, and a guard for its protection. But he expresses much regret that he is not authorized to withdraw the garrison of St. Mark's until he receives the orders of the Captain General of Cuba to that effect. He pledges himself that every exertion in his power shall be made to carry the treaty into immediate operation; and that, when ordered by the captain general, every facility on his part shall be given to the American authorities for the most prompt occupation of the ceded territory. I had repeated interviews with the governor, and, as far as I had an opportunity of forming an opinion of his character, I believe him to be a frank, ingenuous soldier, and that every confidence may be placed in the professions which he has made. Of this I am sure—he is not less anxious to leave than you are to occupy the ceded country. For information relative to the sloop of war Hornet, I refer you to Mr. Thompson, who left her in the port of Havana on the 9th instant.

I am, sir, &c.

R. K. CALL, *A. D. C.*

No. 1.

Captain Call to Governor Callava.

PENSACOLA, *May* 14, 1821.

Captain Call, of the United States army, presents his respects to Don José Callava, Governor of West Florida, and informs him that he is the bearer of a communication from Major General Jackson to his excellency, with whom Captain Call requests the pleasure of an interview.

No. 2.

[TRANSLATION.]

Answer to the above.

PENSACOLA, *May* 14, 1821.

His excellency Governor Callava has just received Captain Call's note. He presents his respects to him, and informs him that he may have the interview which he requests at ten o'clock to-morrow morning, in the Government-house.

No. 3.

[TRANSLATION.]

Copy of a letter from the Governor of West Florida to General Andrew Jackson.

MOST EXCELLENT SIR: PENSACOLA, *May* 16, 1821.

I received yesterday morning, with much satisfaction, by the hands of Captain Richard K. Call, your excellency's aid, your communication of the 11th, in reply to mine of the 4th instant.

I am persuaded that I stated to Judge Brackenridge, in the interview with me, and on the delivery of your first communication, that your excellency would find no obstacle to the depositing at this place the supplies to which you refer, and on this occasion I have given the same assurance to Captain Call.

The suggestion of your excellency respecting the transportation of the Spanish garrison of St. Mark's to this place, in order that, united with the rest, they may sail together under the convoy of the Hornet, is as worthy of your excellency's prudence as it is necessary and proper, and I shall contribute to it with pleasure (as soon as the expected orders shall arrive from the captain general) as far as may be in my power, and with the activity and energy necessary to prevent the inconveniences which may be occasioned by delay. I regret that, at present, this is not within the compass of my authority, those orders not having yet arrived.

I hope your excellency will do me the honor to be fully persuaded that I heartily concur with you in wishing that every thing between us may be conducted with the utmost harmony and friendship; as, also, of the satisfaction which your sentiments have given to the officers and troops under my charge, as well as to myself.

As soon as I shall be empowered to enter on the subject of the evacuation of this province, I will transmit to your excellency, with the utmost punctuality, the information requested of me, and whatever else may contribute to the more satisfactory accomplishment of the business. Captain Call shall receive from me all the respect and attentions due to him, as well on account of his individual worth, as of the pleasure I take in honoring your excellency's recommendation.

God preserve you many years.

JOSE CALLAVA.

Governor Jackson to the Secretary of State.

SIR: MONTPELIER, *May* 30, 1821.

In my letter to you of the 21st instant, I advised you of the arrival of Mr. Thompson, and the receipt of a letter from Colonel Forbes, a copy of which I enclosed to you, and which I hope will reach you in due time.

I have had no information from Colonel Forbes since my last, but it appears to be understood and expressed by the inhabitants of Pensacola that we will not get possession until the expiration of six months from the exchange of ratifications of the treaty. My letter of the 19th instant will have given you my construction of the treaty, and my power under the commission to take possession of the Floridas, combined with your instructions. I shall anxiously await your answer to that letter, as I have but little doubt now but we will experience every delay that can be thrown in our way, and I have no wish to do any act contrary to my instructions or the wish of my Government; but when I review the delays and conduct heretofore practised by the Spanish Government, I feel myself bound to oppose any attempt to prostrate our national character, and to violate the pledges of friendship given in the treaty. I feel every desire to harmonize and to obtain possession of the country ceded in the most gentle manner, provided I meet a corresponding disposition on the part of the officers of Spain; but if the order for the delivery should not be sent by Colonel Forbes to the Governor of Pensacola, on his report that he has delivered the royal order to the Captain General and Governor of Cuba, I deem it imperious upon me to advance within the limits of Florida, tender sufficient transportation, and demand a surrender of the country, agreeably to the second article of the treaty; it being presumed that the Governor General of Cuba has done his duty, and that, duly notifying the governor, he has given the necessary order for the delivery of the ceded country. If the governor alleges that he is not ready to deliver the country and embark his troops, it seems to me that he is not only bound to show good reasons, but also to defray the expenses of demurrage incurred upon the public vessels ordered for the transportation of his troops. If the Spanish governor should not embark his troops before the 22d of August next, must not the Spanish Government, after that date, furnish their own transportation, having violated the treaty? and have I not a right, after that date, to take possession by force, if not peaceably surrendered? From the wording of the act of Congress, I have no doubt we have.

I hope I may be agreeably disappointed in my forebodings; but, from the declarations of some Americans that we will not get, nor have a right to demand, possession until the expiration of the six months, and that even then we must negotiate for possession, added to the delay already experienced, I am induced to believe that every delay will be experienced that the Spanish officers think will be submitted to by the American Government. Be assured I shall act with caution, but with firmness and energy. I cherish a hope that the officers of Spain may meet me harmoniously; and, although appearances are at present to the reverse, I still believe they think that I will act promptly, and that they will be thereby induced not to hazard too much by unnecessary delay. I shall wait with anxiety for your answer to my letter of the 19th instant. I am, sir, &c.

ANDREW JACKSON.

Extracts of a letter from Governor Jackson to the Secretary of State, dated

MONTPELIER, *June* 9, 1821.

I am still here awaiting the arrival of Colonel Forbes, from whom I have heard nothing since the receipt of his letter of the 7th May last. As I advised you, Major Stanton has engaged the transports, and they will be in Pensacola bay on the 10th instant, unless adverse winds prevent. They were to sail from Orleans on the 3d instant.

It was calculated with certainty that Colonel Forbes would have been here long since. Should he permit himself to be much longer detained, the demurrage on the transports here and at Amelia island will be a heavy item in our expense, and occasion us to lose many soldiers by removing them in the height of the sickly season; for, sir, to be candid, I have now no hopes of his arriving here before the latter end of this month, or perhaps the 22d of August. I am, sir, &c.

ANDREW JACKSON.

P. S. 9 *o'clock P. M.*—A letter from Pensacola states that a gentleman just arrived from the Havana states that the intendant died on the 19th ultimo, and Captain Read lay very ill. By Lieutenant Hawkins, from Mobile, I am informed that a captain of a vessel from Havana stated to him that Captain Read, of the Hornet, was dead. No account of Colonel Forbes.

Governor Jackson to the Secretary of State.

SIR: CANTONMENT, MONTPELIER, *June* 10, 1821.

The mail is just passing, and I have only time to say that an express reached this from Pensacola, one hour since, bringing the information of the arrival of the Hornet at that place yesterday. We shall move from this on the 14th instant, and hope to be in possession of the Floridas as early after that date as possible.

I have the honor to be, &c.

ANDREW JACKSON.

Governor Jackson to the Secretary of State.

SIR: MONTPELIER, *June* 11, 1821.

My note of yesterday, sent by express after the post rider, will have advised you of the arrival of the Hornet at Pensacola on the evening of the 9th instant. The communication of Colonel Forbes to you, enclosed to me for perusal, with a request to forward the same as early as practicable, will afford you all the information I yet possess on the subject. There can now be no cause for delay in delivering the provinces of Florida, conformably to the stipulations of the treaty, unless it should arise from the error committed in designating Colonel Forbes, in the Captain General of Cuba's order, as United States commissioner authorized to receive the ceded country, and which error appears not to have been corrected on the note attached to the order addressed to the Governor of West Florida, as Spanish commissioner.

Colonel Forbes has not made known to me the causes which detained him after the receipt of the captain general's order for the delivery of the provinces, which bears date the 5th of May, 1821; and it is unaccountable how it should have required until the 28th of the same month for the two notes to be annexed, which are dated on that day.

By reference to Colonel Forbes's letter to you of the 8th instant, it appears that Don Alva, his Spanish colleague, is alone charged with the delivery of East Florida. Should this prove to be the fact, considerable delay and embarrassment may result, as the only public vessel on this station (the Nonsuch) was despatched from Havana to St. Augustine by Colonel Forbes, with the supposed commissioner, Arredondo, for the delivering the province of East Florida to the constituted authorities of the United States.

If Don Alva's presence in St. Augustine be indispensable, it is uncertain when he may be able to reach that place; nor do I conceive that, under the treaty, the United States is bound to furnish him with transportation. It is my intention to send Colonel Gadsden to St. Augustine as soon as possession is obtained of Pensacola, and I have applied to the collector of the port of Mobile for the revenue cutter Alabama for this purpose. Should this vessel be obtained, a passage will be offered Don Alva. I can only assure you that, guided by your instructions, no further delay in obtaining possession of the Floridas will be permitted. I do not anticipate any, unless it should grow out of the detention of Don Alva at Pensacola. I am advised by Colonel Butler that the transports were at Charleston on the 9th ultimo, and must have reached Amelia island by the 15th. All necessary arrangements connected with the occupation of West Florida have been matured. The transports were to have sailed, with Major Stanton on board, from New Orleans on the 3d instant, and their arrival in Pensacola may be expected daily.

I am, sir, &c.

ANDREW JACKSON.

Governor Jackson to the Secretary of State.

SIR: MONTPELIER, *June* 13, 1821.

Your communications of the 22d and 23d ultimo, accompanied with a list of appointments made by the Executive, with a view of establishing and enforcing the revenue laws of the United States within the Territories of East and West Florida, conformably to the act of Congress for the government of said provinces, were received late last night by express. They have been placed on file, and their contents duly noted.

With respect, &c.

ANDREW JACKSON.

Governor Jackson to the Secretary of State.

SIR: MANUEL'S, *(fifteen miles from Pensacola,) June* 29, 1821.

I arrived here on the 15th instant, since which I have been employed in making the necessary arrangements for receiving possession of West Florida, &c., and have the honor to inform you that every thing is now in readiness but a vessel, to supply the place of the transport Cora, which was chartered by Major Stanton at New Orleans, and unfortunately lost off the Balize in a heavy gale on her way to Pensacola. Another transport could only be procured at New Orleans, and it was confidently expected that Quartermaster Hunt, stationed at that place, would have chartered another vessel, and despatched her here immediately upon hearing of the loss of the Cora; but this responsibility it appears he did not think proper to assume, although he must have received information of her loss shortly after the accident, and no step was taken to supply another until the arrival of Major Stanton's express, who was despatched to Orleans the instant that a vessel could be procured to transport him, after the information of her loss reached Pensacola. The winds have been unfavorable, but the arrival of the transport I think cannot be delayed more than a day or two, and immediately after I shall receive possession; as I have the pledge of the governor that, in four days, or six at furthest, after the arrival of the transport, he will deliver formally the keys of Pensacola to me.

Some difficulty was likely to have occurred in relation to the artillery appertaining to the fortifications. The governor contended that he had the right to take them away, as they were not specifically ceded under the second article of the treaty. I claimed them as being included under the term *fortifications*, and urged that it might be considered a violation of the treaty if an attempt should be made to strip the fortifications of their means of defence, and instanced the case of a vessel of war transferred from one nation to another, which might as well be stripped of her armament by the party disposing of her, as to remove from a fortification its guns mounted for its defence, which would entirely change its character, and reduce it to a mere edifice. He, however, at length agreed that an inventory should be taken of ordnance stores, &c., and the subject be referred to our respective Governments; they remaining in the possession of the officers of the United States until the question should be decided. Immediately upon claim being set up to the ordnance, and a receipt demanded for it, as in deposite, I demanded a receipt for the provisions, and likewise for the transportation which would be furnished for the civil officers, and families of officers, which were not specifically enumerated under the seventh article of the treaty. This also has been agreed to, and is to be referred in like manner to our Governments. So soon as I receive possession of the country, I will submit to you all the correspondence which has taken place on this subject, and also a full report of all my proceedings adopted in relation to the occupancy of the Floridas.

In justice to Major Stanton, I must add that no blame can possibly be attached to him for the loss of the transport Cora, he having used every necessary precaution to ascertain that she was seaworthy, as he had been ordered by me to employ no vessel unless he was satisfied that she was such. His report, together with certificates, &c., which fully prove that he faithfully performed his duty, shall be furnished you.

The unlooked-for delay of the Hornet, in the first place; the extraordinary occurrence of Don Alva bringing with him to Pensacola a despatch to the Governor of East Florida, which the Governor of West Florida yesterday assured me was from the Captain General of Cuba, and relates to the delivery of East Florida, when the United States vessel Nonsuch, at the request of Colonel Forbes, was ordered from Havana direct to St. Augustine, together with the delay which has necessarily [been] occasioned by the loss of the transport Cora, will add to our expense in obtaining possession of the Floridas. And, to prevent any further delay from the circumstance of Don Alva having brought to this place despatches for the Governor of St. Augustine, and to insure immediate possession, Colonel Gadsden will sail to-morrow in the United States schooner Revenge, which fortunately touched on yesterday at Pensacola, taking with him the necessary orders to Colonel Butler, and offering to carry the despatch to the Governor of East Florida.

I was fortunate enough to obtain from Colonel Gadsden the sum of four thousand seven hundred and twenty dollars, for which I have given him duplicate drafts, as per letter of advice.

I have had much writing in answering the letters of the Governor of Pensacola, which has engrossed all my time, and given great labor to my translators.

I have the honor to be, &c.

ANDREW JACKSON.

Governor Jackson to the Secretary of State.

SIR: PENSACOLA, *July* 17, 1821.

Mine of the 29th June advised you of the occurrences to that date. I have now to inform you that, at 10 o'clock of this day, the province of West Florida, with its dependencies, &c., was delivered to me in due form by Don José Callava, the commissioner on the part of the King of Spain.

I shall take the earliest opportunity to communicate the circumstances preceding and attending the surrender. Suffice it to say, for the present, that it was accomplished in the most friendly and harmonious manner, although at one moment, from a misapprehension on both sides, I did not flatter myself with so happy an issue.

Some ordinances for the better government of the town and province, and in fact which are absolutely necessary, have been prepared; copies of these, as well as a report of my whole proceedings as commissioner for receiving possession of Florida, will be forwarded to you as soon as possible, and I am satisfied they will be found strictly within the powers with which I am clothed by the President.

None of the officers appointed by the President for this province have yet joined me; whether any of those appointed for East Florida have arrived, I am not certainly informed.

With great consideration, &c.

ANDREW JACKSON.

Governor Jackson to the Secretary of State.

SIR: PENSACOLA, *July* 18, 1821.

I have the honor to enclose you the *procès verbal*, having retained the duplicate.

Very respectfully, your most obedient servant.

[*Without signature.*]

The undersigned, Major General Andrew Jackson, of the State of Tennessee, commissioner of the United States, in pursuance of the full powers received by him from James Monroe, President of the United States of America, of the date of the 10th of March, 1821, and of the forty-fifth [year] of the independence of the United States of America, attested by John Quincy Adams, Secretary of State; and Don José Callava, commandant of the province of West Florida, and commissioner for the delivery, in the name of His Catholic Majesty, of the country, territories, and dependencies of West Florida, to the commissioner of the United States, in conformity with the powers, commission, and special mandate received by him from the Captain General of the island of Cuba, of the date of the 5th of May, 1821, imparting to him therein the royal order of the 24th of October, 1820, issued and signed by His Catholic Majesty Ferdinand the Seventh, and attested by the Secretary of State, Don Evaristo Perez de Castro:

Do certify by these presents that, on the seventeenth day of July, one thousand eight hundred and twenty-one of the Christian era, and forty-sixth [year] of the independence of the United States, having met in the court-room of the Government-house, in the town of Pensacola, accompanied on either part by the chiefs and officers of the army and navy, and by a number of the citizens of the respective nations, the said Andrew Jackson, major general and commissioner, has delivered to the said colonel commandant, Don José Callava, his before-mentioned powers, whereby he recognises him to have received full power and authority to take possession of and to occupy the territories ceded by Spain to the United States, by the treaty concluded at Washington, on the 22d day of February, 1819, and for that purpose to repair to said territories, and there to execute and perform all such acts and things touching the premises as may be necessary for fulfilling his appointment conformably to the said treaty and the laws of the United States; with authority, likewise, to appoint any person or persons in his stead to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty. Wherefore, the colonel commandant, Don José Callava, immediately declared that, in virtue and in performance of the power, commission, and special mandate, dated at Havana on the 5th of May, 1821, he thenceforth, and from that moment, placed the said commissioner of the United States in possession of the country, territories, and dependencies of West Florida, including the fortress of St. Mark, with the adjacent islands dependant upon said province, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, according to, and in the manner set forth by the inventories and schedules which he has signed and delivered, with the archives and documents directly relating to the property and sovereignty of the said Territory of West Florida, including the fortress of St. Mark, and situated to the east of the Mississippi river; the whole in conformity with the second article of the treaty of cession concluded at Washington, on the 22d of February, 1819, between Spain and the United States, by Don Luis de Onis, minister plenipotentiary of His Catholic Majesty, and John Quincy Adams, Secretary of State of the United States, both provided with full powers; which treaty has been ratified on the one part by His Catholic Majesty Ferdinand the Seventh, and the President of the United States, with the advice and consent of the Senate of the United States, on the other part; which ratifications have been duly exchanged at Washington the 22d of February, 1821, and the forty-fifth [year] of the independence of the United States of America, by General Don Dionisio Vives, minister plenipotentiary of His Catholic Majesty, and John Quincy Adams, Secretary of State of the United States, according to the instrument signed on the same day.

And the present delivery of the country is made in order that, in execution of the said treaty, the sovereignty and the property of that province of West Florida, including the fortress of St. Mark, shall pass to the United States under the stipulations therein expressed.

And the said colonel commandant, Don José Callava, has, in consequence, at this present time, made to the commissioner of the United States, Major General Andrew Jackson, in this public cession, a delivery of the keys of the town of Pensacola, of the archives, documents, and other articles, in the inventories before mentioned; declaring that he releases from their oath of allegiance to Spain the citizens and inhabitants of West Florida who may choose to remain under the dominion of the United States.

And that this important and solemn act may be in perpetual memory, the within named have signed the same, and have sealed with their respective seals, and caused to be attested by their secretaries of commission, the day and year aforesaid.

ANDREW JACKSON.

By order of the commissioner on the part of the United States:
R. K. CALL, *Secretary of the Commission.*

JOSE CALLAVA.

Por mandato de su Señoria el coronel comisario del Gobierno de España:
El Secretario de la Comision, JOSE Y. CRUZAT.

[The following papers, relating to the same subject, were communicated by the messages of the 29th January, 19th April, and 6th May, 1822.]

The Secretary of State to Mr. Forsyth.

SIR: DEPARTMENT OF STATE, WASHINGTON, *June* 13, 1821.

The hope had been entertained, after the ratification by both parties of the treaty of 22d February, 1819, between the United States and Spain, that all our relations with that country would thenceforth have been of the most amicable character, signalized only by the interchange of good offices. It is painful to be obliged, on your return to your station at Madrid, to charge you with representations to be made to the Government of Spain relative to the unwarrantable delays of the Governor and Captain General of the island of Cuba in taking the measures incumbent upon him for carrying the treaty into execution.

By the seventh article of the treaty, the Spanish troops were to be withdrawn from the ceded territories, and possession of them was to be given of the places occupied by them within six months after the exchange of the ratifications, *or sooner if possible;* and the United States were to furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

As soon as was practicable after the exchange of the ratifications, arrangements were made on the part of this Government with the view of carrying into effect these stipulations. The royal order from the King of the Spains to the Captain General of the island of Cuba for the delivery of the ceded territories, and of the archives belonging to them, to the commissioners of the United States authorized to receive them, had been transmitted, with the Spanish ratification of the treaty, to the minister of Spain residing here, to be delivered by him after the exchange of the ratifications. It was accordingly delivered by him. Colonel James Grant Forbes was appointed by the President to carry it to the Governor of Cuba, and commissioned to receive the orders to the governors or commanding officers of the places within the territories for their delivery, and also the archives which were to be given up. The United States ship Hornet was despatched to the Havana with Colonel Forbes, who was instructed, on receiving them, to proceed with them forthwith to Pensacola, taking suitable measures for transmitting the order to the Governor of East Florida, at St. Augustine. A letter from the Spanish minister here to the Governor of Cuba was also furnished to Colonel Forbes, announcing him as the officer authorized to receive the order for delivery and the archives. General Jackson was appointed by the President Governor of East and West Florida, and was instructed to proceed immediately to Montpelier, the post within the United States nearest to Pensacola, there to await the arrival of Colonel Forbes with the necessary orders; upon which, the general was directed to receive possession for the United States, and to provide for the transportation of the Spanish officers and troops and their baggage to the Havana; and, by a liberal construction of that article of the treaty, the provisions necessary for the subsistence of these officers and troops on their passage were considered as included within its obligation.

General Jackson reached the post of his destination on the 30th of April. On the 22d of the same month, Colonel Forbes had arrived in the Hornet at Havana; and, had he been despatched without delay, might have arrived at Pensacola in season for the reception of General Jackson, without any unnecessary detention. The letters received at this Department from Colonel Forbes (copies of which are herewith enclosed) exhibit a series of delays on the part of the governor, for which no adequate reason is assigned, but which have already produced great public inconvenience to the United States, and which, if longer continued, will give them the most serious grounds of complaint. The last letter received from Colonel Forbes bears date of the 23d of May, when his detention had already been protracted more than a month; in the interval of which, the reappearance of the disease incidental to the climate excited strong apprehensions for the health of the captain and crew of the Hornet, as well as of Colonel Forbes himself. There is too much reason for the alarm with regard to Captain Read, who is stated, by accounts of dates more recent than those officially received, to have been on the 28th of May still at the Havana, and very dangerously ill.

General Jackson, desirous of ascertaining the number of men for whom it would be necessary to procure transports and provisions, as well as to make arrangements for the supplies necessary to the troops of the United States who were to take their place, sent, on the 1st of May, Dr. Bronaugh and Judge Brackenridge to Pensacola, with a communication to Don José Callava, Governor of West Florida, to communicate to him the commission and authority with which he was clothed, and to ask of him such information as would be necessary for the arrangements adapted to the evacuation of the territory by the troops of Spain, and to the taking of possession on the part of the United States. Governor Callava declined making any such communication, declaring himself subordinate altogether to the Governor General of Cuba; and that he did not feel authorized to act at all in regard to the execution of the treaty, until duly instructed to that effect by his superior officer. The letters (copies of all which are enclosed) contain intimations from various sources that all these dilatory proceedings have too much connexion with private purposes and dishonorable pecuniary speculations. It is yet wished that this awkward and unpleasant state of things may before this have terminated; but the unreasonable delays of the Governor General of Cuba, inconsistent no less with good faith than with the good harmony which we are so desirous of cultivating with Spain, cannot be suffered to pass without animadversion. You will take the earliest opportunity after your arrival at

Madrid to make suitable representations on this subject to the Spanish Government, and to state that whatever unpleasant or injurious consequences may result from this unwarrantable conduct of the Governor of Cuba might be attributed altogether to him.

By the fourth article of the treaty, each of the contracting parties engaged to appoint a commissioner and a surveyor, to meet before the termination of one year from the ratification of the treaty, at Natchitoches, on the Red river, to run and mark the boundary line. Colonel McRea has been appointed the commissioner on the part of the United States, and will be ready to proceed on the important duties of the commission as soon as the appointment of the Spanish commissioner and surveyor shall be notified to us. It is further stipulated that the two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and to their escorts, if necessary. At the time of the exchange of ratifications, General Vives, at my request, promised to remind his Government of the necessity of an immediate appointment of the commissioner and surveyor on their part. It is presumed this will have been done before you reach Madrid. Your attention to the subject is nevertheless requested, in case any thing should yet remain to be done to put in train the execution of this article. As the necessary supplies for the commissioners will be naturally best known on the scene of their operations, it is presumed the Spanish Government will authorize its minister here to agree for them to such arrangements in this particular as may be found necessary.

I am, with much respect, &c.

JOHN QUINCY ADAMS.

JOHN FORSYTH, *Minister Plenipotentiary of the United States to Spain.*

The Secretary of State to Mr. Forsyth.

SIR: DEPARTMENT OF STATE, WASHINGTON, *June* 16, 1821.

Since my letter of the 13th instant, a letter of the 28th ultimo, with enclosures, has been received by Colonel James G. Forbes, copies of which will be forwarded to you next week. By a letter of the 5th instant from Mr. Warner, our commercial agent at the Havana, we are informed that Colonel Forbes, in the Hornet, sailed for Pensacola on the 30th ultimo, and the Nonsuch for St. Augustine on the 1st instant.

It is hoped that on the arrival of these vessels at the places of their destination no further vexatious and unwarrantable delays will occur in the execution of the seventh article of the treaty. But Colonel Forbes has been obliged to depart without the archives and public documents which were stipulated by the treaty, and directed by the royal order to the Governor and Captain General of Cuba to be delivered over to us.

As Colonel Forbes thus appears to have been *at last* despatched, the uncertainty as to the extent of time during which this measure might be protracted has ceased; and the representation which, by my letter of the 13th instant, you were requested to make to the Spanish Government, will properly be accommodated to the circumstances as now known to us. With the complaint of delays, without assignment of any reasonable cause, which it will yet be proper that you should prefer, a firmer confidence in the expectation that no further unnecessary postponements will occur may be expressed; but our disappointment at the detention of the archives will also require to be more explicitly signified; and it will be very desirable that you should obtain a new and peremptory order to the governor and captain general for the delivery of *all* the archives and documents to which we are entitled by the treaty, which will leave him no apology or pretence for either denial or procrastination.

I am, &c.

JOHN QUINCY ADAMS.

JOHN FORSYTH, *Minister Plenipotentiary of the United States to Spain.*

Extract of a letter from Mr. Forsyth to Don Eusebio de Bordaxo y Aguva, Minister of Foreign Affairs at Madrid, dated

MADRID, *September*, 1821.

As soon as the treaty of the 22d February, 1819, was ratified by the Government of my country, the necessary steps were immediately taken on its part for carrying it into execution. By the seventh article of the treaty, the Spanish troops were to be withdrawn from the ceded territories, and possession was to be given of the places occupied by them within six months after the exchange of the ratifications, *or sooner if possible;* and the United States were to furnish the transports and escort necessary to convey the Spanish officers and soldiers to the Havana. The royal order from His Catholic Majesty to the Captain General of Cuba for the delivery of the ceded territories, and of the archives belonging to them, to the commissioner of the United States authorized to receive them, was delivered by His Majesty's minister to the American Government with the ratified treaty. Colonel J. G. Forbes was appointed by the President to convey this order to the Governor of Cuba, and commissioned to receive the orders to the governors or commanding officers of the places within the territories for their delivery, and also the archives that were to be given up. The ship of war Hornet was sent to the Havana with Colonel Forbes, who was directed, on receiving them, to proceed forthwith to Pensacola, taking suitable measures for transmitting the order to the Government of East Florida, at St. Augustine. A letter from the Spanish minister near the United States to the Governor of Cuba was also furnished, announcing Colonel Forbes as the officer appointed to receive the order for delivery and the archives.

General Jackson was appointed Governor of East and West Florida by the President, and was instructed to proceed to Montpelier, the post within the United States nearest to Pensacola, there to await the arrival of Colonel Forbes with the necessary orders; upon which the general was directed to receive possession for the United States, and provide for the transportation of the Spanish officers and troops and their baggage to the Havana; and, by a liberal construction, the provisions for the subsistence of the officers and troops were considered as included within the obligation of the seventh article of the treaty.

General Jackson reached the post of Montpelier on the 30th of April. On the 22d of the same month, the Hornet arrived at Havana with Colonel Forbes; and, had he been despatched without delay, might have arrived at Pensacola in season for the reception of General Jackson, without unnecessary detention. It is with regret that I have to state that, so far from immediately despatching Colonel Forbes, by issuing the necessary orders, and delivering the archives, there was, on the part of the Governor General of Cuba, a series of delays, for which no adequate reason has been assigned, until the end of the month of May, and then Colonel Forbes was under the

necessity of departing without having received the archives. Great public inconvenience has been, and will be, sustained by this conduct of the captain general, not less inconsistent with the obligations of the treaty, than, as the United States believe, with the orders of his own Government. The health of the commissioner and of the officers and the crew of the Hornet was endangered by a continuance, at an unhealthy season, in the port of Havana; in fact, her commander, Captain Read, a gallant and meritorious officer, was nearly lost to his country by the ravages of the prevalent disease of the West Indies. General Jackson, desirous of ascertaining the number of men for whom it would be necessary to procure transports and provisions, as well as to make arrangements for the supplies necessary to the troops of the United States who were to take their place, sent, on the 1st of May, a communication to the Governor of West Florida of the commission and authority vested in him by the President, and to ask such information as was necessary to provide for the evacuation of the territory by the Spanish troops, and the occupation of it by those of the United States. This information was not furnished; Colonel Callava replying that he could not act until duly authorized by his superior officer.

In the mean time, intimations were received by the American Government, from various sources, that these delays had too much connexion with private purposes and dishonorable pecuniary speculations. Without giving credit to these intimations, the Government of my country is nevertheless under the necessity of stating that all the injury which has been sustained, and may arise, from the delay to deliver the ceded territory, is to be imputable to the Governor of Cuba; and while the proper confidence is entertained that no further unnecessary postponements will occur in the evacuation of the territory, the failure to deliver the archives is a subject of surprise and disappointment. Although, by the royal order, the delivery of the archives is expressly directed, I would submit to your excellency the propriety of furnishing me with a new and peremptory order to the Governor and Captain General of Cuba for the delivery of all the archives and documents to which we are entitled by treaty, that will leave him neither apology nor pretence for denial or procrastination.

[TRANSLATION.]

Mr. Salmon to the Secretary of State.

SIR: PHILADELPHIA, *October* 6, 1821.

It falls to my lot, and to me it is very grievous, to see myself under the necessity of commencing my functions as chargé d'affaires of His Catholic Majesty with complaints. This is the more sensibly felt by me, inasmuch as I have to direct them against an officer of the United States, a conspicuous citizen of the Union, and a highly distinguished general—the hero of New Orleans.

Colonel Don Joseph Callava, as commissary on the part of Spain, confirmed the delivery of West Florida to General Andrew Jackson, who was authorized to receive it, on the 17th of July last; and he could not leave the province on the same day, because it was impossible for him to have concluded the press of business which the delivery produced; and, also, because he was sick; and, lastly, because he had, with the same general, to await the decision of their respective Governments whether the artillery should be included in the treaty or removed, (which was kept in the mean time under his care.) Upon this decision, principally, his remaining in Florida depended, in order to consummate the delivery. Colonel Callava, therefore, remained there, not as an individual, for his pleasure and personal purposes, but for fulfilling his duty *as a commissary*, charged to give a due effect to the treaty of 22d February. *As a commissary*, he acted with Governor Jackson many days after the delivery of the province, (on the 3d of August;) and, *as a commissary*, he was in the territory of a friendly nation, under the protection of the most sacred law of nations. But all laws, divine and human, were, in the present case, trampled under foot by General Jackson.

By the accompanying copy of protest, you will be informed, sir, minutely, of the transactions at Pensacola on the 22d of August last. A copy of other faithful documents likewise accompanies this, which prove the truth and correctness of the whole, as far as the commissary, Don Joseph Callava, has explained; and I am also ready to show you the originals whenever you may demand them.

The treaty of the 22d February speaks of certain documents and papers which the Spanish commissaries were to deliver to those of the United States along with the Floridas, being allowed to carry away others only. The classification of the whole being made, Colonel Callava made the delivery in due form of the former, and then of the second to the Secretary of War and Finance, the officer *Don Domingo Sousa;* leaving the official correspondence of the Government in the charge of the secretary. The whole were ordered to be put in boxes, in order that, as soon as the commission should be concluded, they might be removed from the province; and *Sousa* was executing the orders of the commissary, Callava, when three men (to him unknown) presented themselves to him, and, saying that they were commissioned by Governor Jackson, demanded of him those papers. *Sousa* replied that they were not his, and consequently that he could not give them; but if there were any which they wanted, they could have recourse to his principal, the commissary; but the sight and examination of them were not refused. The same men afterwards returned, repeating that they came for the said papers, and they gave him a note of those which they demanded. *Sousa* replied as before; but, alarmed at the second visit, and fearing lest they should be taken away, he carried them (now in boxes) to the house of the commissary; but finding him absent, he gave them to his steward. Such is the origin, without disguise, of the atrocious injustice which was afterwards committed upon the Spanish commissary, Callava.

Although his subjoined document shows that none of the papers were of the class of those which ought to have been delivered, since they had no direct relation to the sovereignty and public property of the province, (as the whole belonged to the military, financial, admiralty, or Government archives,) yet there is no opportunity, at present, for discussion on this point. Wherefore, he wishes it to be well understood that General Jackson did not demand them *officially* of him, Callava; and that a question of that sort ought not to be decided, in the first instance, by the bayonet. Notwithstanding this, the aforesaid general acted in the manner which you will see explained.

Only upon slight suspicions that the Spanish commissary unduly retained some documents, and without their having been demanded in the regular and accustomed way, was his house assaulted and entered by force, in the silence of the night, by a company of soldiers. The servants and friends who were with him were driven from it, and he, being alone, sick, and almost confined to bed, was torn from it with sad array, and conducted, like the most abandoned criminal, about the middle of the night, before Governor Jackson. In vain did he represent the privilege of his character. In vain did he protest against a conduct so atrocious. In vain did he beg to be kept in arrest at his own house, or at least that time should be given him to recover a little from the illness under which he labored. All was in vain. In so abandoned a situation, even there, also, he underwent a species of trial which

he could not understand, from his ignorance of the language. A person acted as interpreter, who did not choose to interpret all that he said. A person who acted as *interpreter and secretary* at the same time, gave as such testimony what that very person had said, and not what the Spanish commissary had wished he should say. From thence they carried him *to the prison*, and he was set at liberty the day following; but his house, in the mean time, his property, and the papers of his Government, remained at the mercy of the soldiery. He found the seals of his Government broken, and some papers thrown about, and of that he took testimony. This is, in a few words, the history of the noisy occurrence of the 22d August, in Pensacola.

Colonel Callava, considered as a private individual, was in Florida under the protection of the civil laws which secure property and persons. As the federal constitution, so also the present Spanish constitution guaranties these laws of protection. Both constitutions separate the judicial power from the executive, which the governor or captain general of a province exercises, (without which the power would not be independent.) Both constitutions, then, condemn the acts of the general. Arbitrariness in the decrees, informality in the process, inhumanity in the execution of the decrees, are here the characteristics of his procedure with Callava. General Jackson, as commissary, as governor, and even, if you please, as supreme judge, trod all the laws under foot.

If Callava be considered, as in fact he was, as *commissary of His Catholic Majesty* for bringing to a due conclusion the treaty of the 22d of February, he remained in Florida under the privilege and protection which the laws of the countries (the most sacred) and the law of nations grant. In every way the procedure of General Jackson is irregular, illegal, unconstitutional, and violent. If the security of his person be not guarantied to the commissary, if impediments are put in the way of the exercise of his duty, how can he execute the charge with which the King has intrusted him according to the last treaty of the 22d of February?

The scandalous proceeding of General Jackson against the Spanish commissary is wholly without example, and my Government cannot but view it as a grievous offence committed against Spain. It will be viewed, even by the sensible citizens of this Union, whose sentiments on the point of honor and philanthropy are well known to the whole world, as an insult offered to their country, and to the free constitution which governs it. All nations who esteem themselves civilized and Christian will look upon it as an outrage upon humanity itself.

Wherefore, I believe it my duty to protest, and I do protest, in the name of His Catholic Majesty, before the Government of the United States, against the injustice which *General Andrew Jackson*, Governor of the Floridas, has committed upon the Spanish commissary, *Colonel Don José Callava*. And I doubt not but that the Federal Government, upon a view of the authentic facts which I have related, will highly disapprove of the irregular and precipitate conduct of the above-mentioned general, and thus give to Spain a proof of friendship which will redound to the honor of both nations; and I expect this with the more confidence, since His Catholic Majesty has recently determined to give a new evidence, among many others, of his particular esteem and regard for the interests of the United States in the permission which he has granted them of keeping in Mahon a deposite of provisions and naval stores, which they may introduce free of duties.

I embrace this occasion of doing myself the honor to present to you, sir, a testimony of my particular respect and distinguished consideration, and pray God that you may live many years.

HILARIO DE RIVAS Y SALMON.

[Copies which accompany the note.]

A.—Protest of Callava, with its appendix.
B.—Testimony upon the bad interpretation of an interpreter.
C.—Another of many witnesses on what passed with Sousa, Fullarat, and Callava.
D.—Summary of what Jackson did.
E.—Testimony of how he found his house after he was set at liberty.

A.

[TRANSLATION.]

Protest of Colonel Callava.

PHILADELPHIA, *October* 3, 1821.

I, Don José Callava, colonel of the Spanish armies, late Governor of West Florida, and at present commissary, representing my Government, in order to carry into complete effect the stipulations between His Catholic Majesty and the President of the United States of America in relation to said Florida, in the treaty of amity, settlement, and limits which they made and ratified on the twenty-second of February of the present year, one thousand eight hundred and twenty-one, do make oath, as far as the law requires, upon my honor, as to the truth of what was committed against my privilege, person, house, and papers, on the evening and night of the twenty-second day of August of the said present year, by Don Andrew Jackson, commissary in said Florida, representing the United States under the same treaty.

On the 17th day of July last, at 10 o'clock in the morning, I delivered West Florida, which was that day under my charge as governor, in which character he met me, to the commissary, Don Andrew Jackson, in a public act held in the Government-house. There he received from me all the archives and documents registered, and directly relative to the property and sovereignty of that province of Florida; and he received them by faithful and exact inventories, which had been compared with the documents by four persons, and had been certified to be correct. From the constitutional Spanish alcalde, and by my order, an alcalde named by Don Andrew Jackson received, by like inventories, all the criminal and civil causes of the suits of the neighborhood which are pending before the tribunal of the first instance, over which he presided, and also the notices and papers of its archives.

The papers of the official correspondence belonging to the secretary's office remained in the charge of the secretary of my Government; and the military papers, judicial proceedings of the national finance, and arrivals, *(arribadas finecidas,)* belonging to their respective branches at the Havana, to which they have been restored by the evacuation, remained with the Secretary of War and Finance, which office Don Domingo Sousa had exercised for the space of fifteen or twenty years. There also remained the smaller vessels, their crews, carpenters, and blacksmiths of the garrison, the effects of the magazines, which were to be withdrawn; the commander of artillery, with the accounting officer of that department, some sick troops, and myself with the aforesaid; and the effects, and all that remained under my authority and prerogative, during the execution of what was intrusted to me, and ordered to be completely fulfilled; and the artillery, with what belonged to that department, kept under my protection during the delivery or removing of it, (which in either case had to be executed by me,) according to the determination which might be made by the President of the United States, and the minister plenipotentiary of His Catholic Majesty near that

Government, according to an agreement entered into by us, the commissaries, (as the official correspondence between us shows,) and to which I have given performance; and in this state, and as far as I have related, I have waited for that resolution, (which is yet pending;) and the commissary, Don Andrew Jackson, so understood me, (for my Government has substituted no other person in my place;) and I also was recovering from an acute disease, which had at that time brought me to the gates of death.

The day previous to these transactions, (the 21st of August,) three persons, dependants of Don Andrew Jackson, came to the house of the secretary, (Sousa,) to be informed if he had in his possession some military testamentary dispositions, which they mentioned to him. Sousa told them yes, and without reserve they were shown to them, and he informed them that if they wished for any thing they should ask me. All the papers which he had in his charge were closely examined; they declared they would carry off those which they had pointed out to him, because they could not be in his possession as a private individual. Sousa told them that he was not a private individual, that he was an officer depending on my commission and authority, and that he could not give them without my order; and, finally, they went away, leaving the papers. They demanded of him an answer in writing; which they obtained from Sousa, on a second visit.

The following day, (22d,) in the morning, this officer met me in the street; he informed me of the occurrence, and also told me that he had resolved to carry the boxes to my house, with all the papers which he had in his possession, and had delivered them to my steward, not having found me within; because he was afraid, from what he had observed in those people, that they might take them away from his house, and he wished to save himself from the responsibility; and I answered that *it was well.*

At four in the afternoon of the same day, and not much before, I was dining at the table of Colonel George M. Brooke, of the fourth regiment of the United States line, and of the garrison at Pensacola, by whom I had been invited with all the Spanish officers residing there. The company consisted of Brooke, his wife, Judge Fromentin, the commander of the United States vessel of war Enterprise, Mr. Michael Kearney, the citizens vicar Don James Colman, D. John Innerarity, D. Juan de la Rua, D. Pedro de Alba, and D. José Noriega; and the officers Lieutenant Colonels D. Marcos de Villiers and D. Francisco Palmos; Captains D. Luis Guayare and D. Bernardo Prieto; Lieutenants D. Arnaldo Guillemard and D. Carlos de Villiers; and Sub-lieutenants D. Mariano Latady, and D. José Ignacio Cruzat, secretary of my Government.

Don Domingo Sousa presented himself to me there, with an officer of the United States, telling me that he was a prisoner; and that the reason was, that the three persons of the former day had returned to his house the day before, telling him that they came with orders from Governor Andrew Jackson to seize the papers; that, having informed them that he had that morning sent them to my house, they searched his house, and at last carried him to prison; and he related before the company what had occurred about the papers with the same persons the preceding day.

I immediately ordered my aid-de-camp, Don Bernardo Prieto, accompanied by Alba, who was the public interpreter, to present my compliments to Don Andrew Jackson, and to inform him that Sousa was in fact, as he had intimated, an individual of my commission, and was under my power and authority; and that he could not deliver the papers in question of himself; that he would have the goodness to ask me in writing for such as he might find it proper to claim, and if they were to be given by the regulation of the treaty, or other particular circumstances, I would deliver them to him by the same procedure which indispensable regularity dictated, as had been done with the other papers; or that he should have, in the same way, a distinct explanation of the reasons which prevented their delivery, and that every direct mode of conciliation should be sought, if there was any thing that could be of use to him in any way.

The aid-de-camp and interpreter brought back for answer that Sousa should go to prison, and that they should tell me *that I should be put into another dungeon with him.*

It appearing to me that Don Andrew Jackson had not been well informed of my message by the interpretation, (although the incident offended me and surprised those at table,) I made the same persons return and inform him a second time; and that gentleman repeated to them in a loud voice, in the presence of several persons, and upon the street balcony, the same thing, saying, *Colonel Callava to the dungeon!*

An occurrence so strange and abusive in the presence of those who surrounded me at table, a great part of whom were there as a greater compliment to me, and others my subordinates, could not but raise a blush in my face, and disorder my stomach in the very act of eating, and in the convalescent state in which I was; and I felt myself attacked by a deadly pain, (which I almost habitually suffered, and which had frequently attacked me on the preceding days:) notwithstanding, I concealed the circumstance so as to render it impossible to be discovered, that, upon quitting the table, I might go and reflect, for it was not known upon what such answers or occurrences rested.

We all left the table. Brooke's lady was very much grieved; and I was going to the street, when three persons presented themselves to me in Brooke's house, telling me, from Don Andrew Jackson, that they came for the papers which Sousa had carried to my house, or to carry me with them to Jackson's house; because the governor with his authority could not respect me in any other light than as a private individual.

Astonished to find myself involved in such events, with expressive actions I entreated them to do me the honor of returning to the commissary governor with my compliments, asking him how he could forget that I was the Spanish commissary who had delivered to him that province, and whom he had found as governor in it, and who at the same time had not been removed by his Government, nor concluded the delivery, nor withdrawn the artillery, (the destination of which was expected,) nor of other things under my power? That I was surprised at what passed between us; that he would have the goodness to reflect that every paper in my possession on that day belonged to the government which I had exercised in that province, was sacred under my authority and character, by the privilege of the law of nations, which has always been mutually observed and respected among nations, as to those individuals of either to whom the execution of treaties has been intrusted, or other commissioners, and it is a thing unknown that any authority has forcibly violated a trust so sacred, without cause or reason; that whatever paper he might wish to ask, he might demand of me in *writing;* that on that very day I had offered him this, if it was to be given, or the reasons for its not being my duty or not being in my power to give them; that this was the only mode agreeably to the exact usual procedure in the important charge with which we were intrusted, in the political subject between nations, in the performance of which he could not, by his authority, call my proceedings in question, nor constrain them by judicial force as governor, by which the security of the papers in my possession could be violated, nor any other thing directly depending not on my person, but on my official situation; that I should preserve, as to myself and to my nation, the peace and harmony in which I found our countries, and that I have preserved it with the utmost care as to the commissary, and as to the governor, as far as I have been concerned with him, and also preserved it indiscriminately to all the citizens of the United States who had remained permanently in Florida, or had passed through during my government.

The officers went away to carry this answer, which was given them in the presence of all at Brooke's house; and I, feeling now a recurrence of my pain, requested them to permit me to go home, whither several of those per-

sons accompanied me. As soon as I arrived, I caused my secretary to extend in my office all that I had said to the persons sent, and with him I sent Lieutenant Colonel De Villiers, accompanied by another officer, to the governor, thinking that thus my answer might be more correctly understood by him; but, when it was presented, he would not receive it, and they brought it back to me unopen.

After these officers returned to me, now at my own house, the same three persons came with a determined and brief message that I must not make any pretensions to official situation or other considerations—"*the papers, or go with them.*" I was surrounded by my officers, and other persons of character, whose countenances I saw filled with pain and surprise to see me in the sad state of suffering, and unable to remain tranquil. Till then I knew not of what papers they spoke, as I had not entered upon an inquiry, nor had they given me an opportunity of doing so; and I answered them that I was unable to go out of my house. I entreated that they would, at least, give me an abstract of what papers and of what class those were which they demanded, and I would inform Don Andrew Jackson that I was sick.

Without giving me any answer, they went away, and I laid myself on the bed. An hour afterwards, one of the three presented himself in my house, and gave me an abstract, written on a half sheet of paper, in the English language, and signed *Alcalde Brackenridge*. I took it; I told him that I should have it translated, and should reply to it; he went away; I gave it to the interpreter at that hour, which was nine at night, and sought repose on the bed; but, a while after, and without further preliminaries, a party of troops, with the commissioners, assaulted the house, breaking the fence, (notwithstanding the door was open,) and the commissioners entered my apartment; they surrounded my bed with soldiers with drawn bayonets in their hands, they removed the mosquito net, they made me sit up, and demanded *the papers, or they would use the arms against my person.*

It ought to be remarked that, of the three, only one spoke and understood a little of the Spanish language; he was the only interpreter, and I neither spoke nor understood one word of English, and thus I neither knew what he said to his companions respecting what I answered, nor did they know what was asked me. I had to do with him alone, and he was one who had gone and returned with them in all their visits. Some officers and other persons who had accompanied me from the house of Brooke, and who had not yet retired, and were seated in the gallery of the house, leaving me to repose, entered the room, and I answered, in their presence, that the note had not yet been returned translated, but that this was of no consequence; that there were all the boxes containing papers, my trunks, and all my house; that, since force had once openly been used in their demand, they there had every thing at their disposal, without any resistance on my part; but that, before they should proceed to take what they thought fit, I represented to them that now, since my person was not secure as a free man, and in a free country, in the asylum of my house, and in the dead of the night, and that what ought to be preserved to my nation was not respected in my official situation and character, I laid these things before the Government of the United States, and took refuge under their laws, and hoped that they would respect both.

They did not proceed to search for papers, nor did they move any further question about them, when they now saw them at their disposal; but they ordered the troops to carry arms, leave me alone, and send from my house those who assisted and accompanied me. This they did; and to one who appeared desirous to interpret in English what I had said for their better understanding, they intimated, with threats, that he should be silent as soon as he had begun, and I continued alone sitting on the bed, and they in the apartment, looking at each other.

In fine, a short while after, one of the three went out, and returned accompanied with an officer, who, placing himself before me, told me I was a prisoner, and ordered me to dress myself. I answered that I was so, but that he would have the goodness to observe that I was so sick as that I ought not to be taken out of my house at that hour. He made no answer to the interpreter, and remained silent; but one of the three deliberately ordered me to dress. I dressed in my uniform, was going to put on my sword, but, upon reflection, thought it better to deliver it to the officer. I did so, and one of the three took it from his hand, and threw it upon the chimney, and in this manner I was conducted through the streets among the troops.

They took me to a private house, in which they presented me to Don Andrew Jackson, who, with two other persons, was seated near a table; the house was filled with people of all ages and classes, and there he made me a sign to sit down, which I did. By the only interpreter who had hitherto delivered and carried back the verbal messages which I have already mentioned, he put one question to me, according to my recollection, confined solely to whether certain papers had been carried to my house by Don Domingo Sousa, and delivered to my steward.

I requested him to permit me to answer in writing, and to do so with my own hand. He granted it readily. I set myself to write a regular protest, that I might go on to answer afterwards; but I had hardly begun, when Don Andrew Jackson took the paper from before me, and, with much violence and furious gestures, spoke for some time, looking at the by-standers; and when he had concluded, the interpreter told me that he ordered me to give no other answer to all that he had asked me but *yes* or *no*. I replied that I offered to be very brief, but that he should question me *by writing the question*, and permitting me to write the answer with my own hand, and give in my turn the most precise reason for it. He absolutely refused me, and the interpreter wrote upon that same paper which had been snatched from me I know not what.

Don Andrew Jackson proceeded to speak for a considerable time, looking at the people, but speaking furiously; and in the countenances of the by-standers I perceived fear or surprise, caused by what he said. He concluded, and the interpreter told me that the governor would not treat me in any other way than as a private individual; this idea (which I knew not how to account for) made me catch at the word, and demand some explanations. Don Andrew Jackson did not permit me to speak. I insisted that the interpreter should translate what I said; he was sometimes about to do this, and he interrupted him at the very beginning; so that, of all that he said in two hours, (and Don Andrew Jackson directed himself to me,) only the aforesaid intimation was translated to me, *that I had not a word to answer but yes or no to what I should be asked*, and that the governor would not treat me in any other way than as a private individual. Nothing was read to me, nor was I informed of any thing which the interpreter wrote in that act, nor was any signature required of me; and seeing myself in such circumstances, I put a question, by my secretary, to that of the government of Don Andrew Jackson, if he could furnish me with an authentic copy of all that had been written in the execution of these transactions, and he answered him *in the affirmative.*

I remained silent; they called my steward; they asked him if certain papers had been delivered to him by Sousa at my house. He answered, *yes.*

Don Andrew Jackson drew from among other papers one which was already written; he read it to me, and it contained the order for committing me and my steward to prison.

I got upon my feet; I begged the interpreter to ask him if he did not shudder and was not struck with horror at insulting me, and I pronounced a solemn protest against his proceedings. The interpreter informed him, and he replied, that for what he had done he had no account to give but to his Government, and he told me that I might protest before God himself.

I was carried off to prison at twelve at night, and my steward also. I left my house open, with three or four soldiers of the United States troops in it. I left all my private papers, all the official correspondence of my Government, and what was under my charge officially, without any account, at the discretion of Don Andrew Jackson. The keys of my trunks and money chests were not removed. I left in my house no person to represent me, and who was in my confidence; and, lastly, by a respectable citizen of the United States, and my officers, at two in the morning, a couch was spread for me and my other assistants to throw ourselves down upon; (for, by Don Andrew Jackson, I was permitted to throw myself, sick as I was, upon the bricks of the prison;) when, afterwards, I was informed by various persons who understood the Spanish and English languages, that the matters above related, which had been conceived against me, and were not translated by the interpreter, consisted in having endeavored to persuade the people that the papers were taken from the office of the alcalde, and that I was an accomplice in that criminal action.

At eleven in the morning of the following day, (the 23d,) Judge Eligius Fromentin issued a writ of *habeas corpus* for the release of my person; and Don Andrew Jackson answered that it was not proper to carry it into execution; but, on the same day, at one in the afternoon, he gave order that an officer should inform me that I was released from prison, and might be accompanied by him to my house to examine if the boxes were sealed.

I replied to the person who communicated this to me that I could not enter it unless accompanied by a judge, who might be present, and certify to the situation in which all things in it were found, since I had been dragged from it, leaving every thing to their discretion.

The officer accompanied me into the presence of Judge Fromentin, whom we found sick. I related to him what had happened, and entreated him to afford the protection of the law to my prerogative, person, and house. He informed me that he could not assist me, because his situation rendered it impossible; but he would cause witnesses to accompany me, who should make the examination, and sign it.

I went thither with the officer and many other persons: it was found open, with three or four soldiers within; the papers of official correspondence scattered upon the table, and the covers open; one box, which was left shut, and sealed with the seal of my Government, had been burst open, the seals broken, and again shut, with different seals; and nothing was found wrong in the contents of the money chest. I had not time to examine the papers, nor could I do it, because I was too much indisposed.

On the 26th day of the same month, about half-past three in the afternoon, the secretary of the government of Don Andrew Jackson delivered to mine the testimony which I had asked on the night of the 22d; and early in the morning of the following day, (the 27th,) sick as I was, I set out with my secretary for Washington, to give an account to the minister plenipotentiary of His Catholic Majesty near the Government of the United States, leaving without my power and authority in Pensacola what was under my charge belonging to the nation of which I am a dependant, because in me all confidence and every law of nations had been violated by the authority now existing there.

To this faithful narrative, to which I have sworn upon my honor, I add separately, in order to avoid confusion, notes and observations which express and produce the necessary proofs for this condensation.

1st. That the papers in question were most legally and regularly given to the care of Don Domingo Sousa, into his possession, and under my power and authority.

2dly. That they never were abstracted, fraudulently or otherwise, from the archives of the alcaldes.

3dly. That he did not think of concealing them.

4thly. That it was impossible to conceal them; and,

5thly. The nullity and bad aspect of the judicial proceedings against me, against my subaltern, and against my steward, by Don Andrew Jackson, on the day of those events and actions which I have related; and I have produced the proofs of them, as well by authentic as by original documents, all which might be considered as an integral part of this relation, to which I have sworn. And, therefore,

Seeing that Don Andrew Jackson, at present Governor of West Florida, has violated, in that territory, under his authority, the immunity and confidence with which I held in it my situation of commissary for Spain, carrying into effect, under that treaty, what was stipulated by her and the United States in a solemn treaty: that he has also violated the pale of my charge, by breaking open and plundering their sanctuary, at his own discretion alone; by insulting my person in the most illegal manner, and by deeply wounding my character and honor, with the supposition, before the public, of events which I leave to their merits, *(ameritadas;)* and by obliging me by all this to leave Spain without a representative in said Florida, to the dereliction of its interests: I solemnly protest against the aforesaid Don Andrew Jackson, as the actor in the before-mentioned deeds, before the minister plenipotentiary of His Catholic Majesty near the Government of the United States of America.

JOSE CALLAVA.

A true copy:

H. DE RIVAS Y SALMON.

[TRANSLATION.]

APPENDIX TO COLONEL CALLAVA'S PROTEST.

Statement of the papers comprehended in the notice of the 22d August, sent to the Spanish commissary, Don José Callava, by a person who signed himself H. M. Brackenridge, Alcalde.

1. The papers relative to the testamentary disposition of José Maria Vidal.
2. The proceedings in the case of Manuel Bonfay and Carlos de Ville.
3. The proceedings in the case of Carlos de Ville and Eugene Sierra.
4. The documents in the case of Pedro Guilkes and Tomas Villaseca.

Observations and elucidations which show the merit, importance, and circumstances of these papers.

THOSE OF VIDAL.

Vidal died auditor of war, in Pensacola, in eighteen hundred and six; he left four daughters, whom he had by a mulatto woman, who were informed by the authorities of those times of the sale of some part of their property at Baton Rouge, and, of course, their right to it, and Vidal's property in it ceased, because its having passed to another possessor appears evident from all the antecedent decrees in the register and notarial offices, where the property was then sold, and may afterwards be sold, passing from one to another.

What may depend upon that testamentary disposition has nothing to do with Florida, and belongs entirely to some creditors whom Vidal left residing in the Spanish territories; therefore, those papers belong to the captainship

general, with its auditory of war, because, by the evacuation of Florida, it has resumed the authority and tribunal of the Spanish Government of Pensacola. I repeat, it has no existence at this day in Florida: the right of presenting their actions in their proper and natural tribunals cannot be taken from creditors who are Spaniards and reside in the territories of Spain; but, nevertheless, it is also observed (in order to convince that not one person was injured by it in West Florida, in any point of view) that, after the evacuation of the province, the quadroon Merced, daughter of Vidal, requested the Spanish commissary to deliver to her this testamentary disposition, in order that she might show it to lawyers of the United States, that they might inform her if she could obtain any thing from it; and the Spanish commissary ordered the clerk, Don Domingo Sousa, to give it to her, and he told the quadroon, if she wished to procure an authentic copy, to remain in Pensacola, or in her own power, that she might extract it in her own house, and avoid the expenses of the clerk, and that what might be extracted might be immediately compared, and he would legalize the whole, gratis. The quadroon received these papers, and had them on the day when they were demanded in the manner expressed in the proceedings, and she may have them still, since they have neither been procured or demanded to be returned: all which will be hereafter verified.

Those of Carlos de Ville.

Carlos de Ville was a lieutenant colonel of the regiment of Louisiana, stationed in the garrison of Pensacola, and died in eighteen hundred and twenty, (in the time of my government.) About six months before his death, more or less, he sold a house, the only property he had in Florida, and, after his death, all that he left came, in the end, *(vino en remmen,)* to consist of some pay which was due for his service by the National Treasury. He named as his executor an officer of his own regiment, who went in one of the transports to join it in Havana, on the day of the evacuation of Florida, carrying with him the papers of the testamentary disposition to obtain from the Treasury what was due to the deceased De Ville: he also left some children, whom he had by a mulatto woman, as his sole heirs, but neither their mother nor they are in Florida, or have a residence in it.

Four or six months after the death of De Ville, a difference arose between a Spanish agent, named Don Eugene Sierra, against the testamentary execution about the right of property of a small part of the enclosure of the house which he had sold. Sierra had no means of justifying his claim; I decreed that he should present the proof of property in the time prescribed by law, and that, in the mean time, the executor should not dispose of the property according to the provisions of the testamentary disposition; and thus this difference was suspended, waiting for the time. The property is in possession of the executor at the Havana; thither Sierra is destined, as well as the other agents who have been removed from Florida: the purchaser has quiet and peaceable possession of what he purchased by public and registered deed in the archive delivered, so that, if Sierra has a right, the recovery is certain, and in the place where he can do it; therefore, the demand of these papers is yet more unnecessary, if possible, than that of the others, and their trifling importance has been seen.

The case of Pedro Guilkes and Tomas Villaseca.

They have had a dispute for about fifteen years in the court of the Treasury, *(tribunal de Hacienda,)* concerning the right of property of a piece of ground; the proceedings proved that it was in neither, and the Treasury sold it for two or three hundred dollars, and in those times employed it in building three small wooden bridges over some rivulets, for the more convenient passage of the people. The purchaser justified the property in Florida by a deed, or document, which the Treasury granted him. Villaseca and Guilkes could not be permitted to plead to a thing which had been finished fifteen years by authority of an affair judged of, nor can it enter into the imagination that it can interest them, nor that they have pretended such a thing, as, in fact, it is not evident that they have made any such request; it is only to be attributed to this: that, on the day when Sousa showed all the papers to those three persons, they, from their animosity, and without entering into an investigation of the precedents, became judges, parties, and attorneys, without knowing what they asked. The proceedings of the Treasury in recoveries, and which produce its entries, are those which produce due steadiness in account and reckoning.

The importance, merit, and circumstances of the papers have been deduced. The case of Manuel Bonfay, which was mentioned in the abstract of Brackenridge, does not take place, because it is comprehended in that of Sierra and De Ville; Bonfay being the person who represents the purchaser of the house: which is another convincing circumstance that the same Brackenridge did not understand what he asked for.

Observations and precedents, which form proofs that the papers in question were, with the greatest legitimacy and regularity, in the care of Don Domingo Sousa, and under my power and authority.

That they never were fraudulently or otherwise taken by him from the archives of the alcaldes.

That he thought as little of concealing them, and that the concealment of them was next to impossible.

And lastly, reflections in regard to the interest to which the actions of Don Andrew Jackson against the Spanish commissary could contribute.

Observation 1.

The Governor of Pensacola, with a lawyer of the title of auditor, exercised all the authority of West Florida in the courts known in Spain, previous to the constitution, except the ecclesiastic, and constituted there the tribunal of the first instance, in which Don Domingo Sousa had acted for fifteen or twenty years as secretary, with an assistant; and under his care, and in his office, were all the causes and documents of the office, because there never had been in Pensacola a person under the title of secretary.

Observation 2.

In the middle of the year 1820, the constitution was established in Pensacola, and by it the political and military governors were deprived of the jurisdiction which they exercised by the ordinary ancient custom. The nomination of a constitutional alcalde took place, into whose power that court came, (he was Don José Noriega,) and to Sousa all the causes and papers relative to the sentence which this alcalde passed came by inventories now existing. It does not appear in those inventories that the papers mentioned in the notice of Brackenridge had been passed to him, which had not taken place, for the reasons which will be mentioned in the following observation.

Observation 3.

The military court was left by the constitution in the same state as formerly, and by that the governor, with his auditor, exercised in it the same jurisdiction as before. The causes of finance, also, were of the same resort, as well as those of the *arribadas;* and in these three jurisdictions the secretary, Don Domingo Sousa, remained with

the governor and the alcalde, to whom other persons were occasionally called to sit in judgment. The testamentary dispositions of Vidal, as he died auditor of war, were dependant on the military court, and the case of Villaseca and Guilkes on the finance; and thus both remained in the jurisdiction of the governor, and in the office of Sousa.

Observation 4.

In 1820, Lieutenant Colonel Don Carlos de Ville died, and, as a military man, his testamentary disposition was subject to the court of the governor, and consequently to the office of the secretary, Sousa: these papers, therefore, not having been in the archives of the alcaldes, could not be taken from them.

Observation 5.

The province was delivered over, on the 17th July, to the commissary of the United States. The Spanish alcalde delivered over all the papers of his archive and jurisdiction, by inventory, to another alcalde, whom Don Andrew Jackson named to receive them; and this last did not receive the said papers from the former; therefore, they could as little be taken from him.

Observation 6.

Nothing was delivered over from the office of Sousa, either to an alcalde named by Jackson, or to any other person, either on the 17th or afterwards; therefore, it is fully proved that such papers were not taken from any of the places from whence they are supposed to have been taken.

These are not the first or second falsehoods which, in the discharge of his duties as commissary for receiving Florida, Don Andrew Jackson has forged to provoke disorders, and to compel me to what it required all human prudence in me to shun; which appears well established in the official correspondence which he has held with me.

Although the reason why the papers of the office of Sousa were not delivered over on the 17th July is here of no consequence, as Don Andrew Jackson, neither as commissary of the United States, nor as Governor of Pensacola, is judge of the residence of a commissary in relation to the functions committed to him by Spain, and as he had nothing else to do but to ask of me whatever he thought it his duty to receive, as comprehended in the treaty, and, in case they were not given to him, to represent it to his Government, to which it belonged to exhibit to mine what it might think necessary, and be confident of satisfaction; nevertheless, I shall express it.

They were not delivered over because they consisted of testaments of soldiers who were not in Florida, and it had not been stipulated that all Spaniards should be prevented from representing their rights in their respective and natural tribunals; nor was it a thing which, in any point of view, interested, or could interest, the United States, in suits of judicial recoveries by the finance, and of shipwrecks and arrivals of vessels, of which the cases were deposited in the national bureaus, and were passed to those of the Havana; but these papers were not yet withdrawn and sent to any part out of Florida, because, with those of the official correspondence of the secretary's office of the Government, which I still left in the charge of the secretary, I had detained them with me under my power and authority as commissary for Spain, because, if any doubt was raised whilst I remained with this charge, as I was remaining to manage it in the way my duty demanded, and having concluded the whole, to make the proper use of them, when the period should arrive for me to withdraw.

Proof that the Secretary (Sousa) did not keep the papers concealed, but also that, at the very time, it was next to impossible that he could conceal them.

Observation 1.

Sousa kept them in the proper place, where the rest were kept. The first time that they were asked for by those three persons, strangers to him, he answered them that they were in his possession. He put them before them, and also all the other papers which were with them in his care, and permitted them to examine both at their discretion, telling them finally, that, if any of them were wanted, they should ask them of me. And could any mortal, any honest man, act with greater candor? That Sousa acted thus, appears confessed by those three persons, in the account which they gave in writing, and it is evident in the trial which they held on the same day. It is therefore seen that Sousa neither kept them concealed, nor thought of concealing them.

Observation 2.

After the delivery of the province had been made, the quadroon Merced, the daughter of the deceased auditor, Vidal, asked me for those testamentary dispositions to show them to lawyers of the United States, because she wished them to inform her if there was any thing in them which she could demand. I ordered Sousa to deliver them to her, and I told her, if she found any thing for her interest, that she might take a copy at her own house, to save what the secretary might require for his trouble, and that I would afterwards compare and legalize the whole, gratis. She carried them away, and she had them in her possession on the day of my apprehension and that of my subordinate. Therefore it was impossible that Sousa, or other persons, could conceal these papers, because they were in the power of one who said that she had an interest in them. With respect to the other papers, I have already related their importance, as also that he placed them in public with the greatest frankness the first time they were asked of him.

Upon a view of the whole that precedes, which has been expressed in the utmost truth, and on an examination also of what will afterwards appear in the returns made in writing, which corroborate and increase the others, the most scanty light of reason will be convinced that the whole is rational, that the opinion was correct of those ideas published before the people being purposely falsified, and the successive steps to appear in their color and sanction conspiring in a very fatal project against innocence.

The most favorable construction that can be given by prudence to those proceedings is, to attribute them to the effects of some lofty and frantic passion. If he assumes upon that authority an anxious desire that his name should make a noise in society, and because other opportunities did not offer in which his existence could be remembered, this excuse had been precipitated to bring him into view; for, in fact, under whatever color it was viewed, the subjecting that which, in its execution, was enforced by the shameful imprisonment, in the face of the world, of the commissary of a friendly nation, and with such impunity, finding it within the period in which he was proceeding to the execution of a stipulation of a solemn treaty of amity and settlement, is not a common occurrence, and, therefore, calls the attention of society towards the man who is capable of depending upon that.

Observations, elucidations, and circumstances, which afford proof of the nullity, illegality, and bad aspect in which the judicial operation has been viewed, which was executed by Don Andrew Jackson and his three officers against the commissary for the Spanish Government, Colonel Don José Callava, in the afternoon and night of the 22d day of August of the current year.

OBSERVATION 1.

The numbers 1 and 2, by which the answers begin, immediately indicate the treachery of the project, if attention be paid to the tortuosity of their commencement, and they also show that the alcalde, Brackenridge, went in that path by joint concurrence and design with Don Andrew Jackson, and not as an impartial man, in the execution of his authority. It is proved, also, because if he took Don Domingo Sousa for a private individual, he assumed in himself all the authority compared with him, if the demand of the papers was a subject of justice, and there was no necessity for that of Don Andrew Jackson; for if he had recourse to him as governor, who had assumed the powers of the Captain General of the island of Cuba and intendant, the alcalde knew very well that neither of them exercises judicial power by the law over private individuals. Therefore, Brackenridge, as well as Don Andrew Jackson, who took up the matter, knew that the claiming of those papers was not a subject of justice, and that it was in the political course of discharging the duties of commissaries named for the execution of the stipulation in the treaty, and that, being with Don Domingo Sousa, they depended upon my power and the proceedings subject to it; but, to pursue the project, they made a mixture of a disguised nature.

OBSERVATION 2.

The numbers 3, 4, and 5, relate to the candor of Sousa, in having placed before the commissioners all the papers which he then had in his care, and informing them that he could not make use of them without my order, because he was subordinate, and also that they should ask them of me; therefore, they then could entertain no doubt in this case, although they had formerly pretended ignorance; but, notwithstanding, in spite of what they saw of the impossibility of their being able to conceal their knowledge, it appears in No. 6, that, without proceeding to the proof of whether what Sousa had shown them was true or not, that, upon a view of the result, they might prosecute the matter, or apply to me; that, leaving this precise path of the law and of the whole proceeding known to be regular, because it did not suit their projected mode, they returned to demand that Sousa should give them up, who, pursuing his duty in the most precise manner, insisted that they should direct their demand to me.

OBSERVATION 3.

In the 7th number Don Andrew Jackson did not address me by word or writing; he commanded my subordinate to be seized because he did not violate the confidence reposed in him by his chief. He did not hesitate to trample upon an ancient and well-deserving officer of the armies of a friendly nation; and, lastly, he confounds him with the greatest impunity and injustice, by insulting him in his person, innocence, society, and his nation.

If it is asked why Don Andrew Jackson preferred this procedure to the regular mode of addressing the Spanish commissary, the imagination, the penetration, and the prudence of man will be unable to discover the reason.

OBSERVATION 4.

In numbers 8 and 9, the officer, Don Domingo Sousa, appears already taken, and in the presence of Don Andrew Jackson, and that without my having the least notice; that he was treacherously asked to give testimony by answering with the monosyllable *yes* or *no*, (a sort of limitation unknown till now in all the laws established by men.) What he answered, or did not answer, was done from the rigor of his situation, to please the fancy of his oppressor. What he answered was written, or not written, because one only of those who surrounded him understood the Spanish language, and he, being the only interpreter and secretary, gave credit to himself, and the others did not know what was asked of Sousa, nor what he answered, nor did Sousa know what the other wrote; and, lastly, having understood that the papers had been carried to my house, he finished with him by committing his prisoner to jail. Here I omit referring to the circumstance of the papers, because I have already discussed that with truth in another place.

OBSERVATION 5.

By the 10th number, it appears for the sole fact of Sousa having said that he had carried the boxes of papers to my house before Don Andrew Jackson asked me for them, or claimed them from me in any way, that for that simple act of going to claim them from the commissary of a friendly nation, and to claim papers of that importance, he ordered to prepare a large party of troops, and furnished them with ammunition as if it were for an action in war. But this is not the most singular thing; for its commander had to go five hours afterwards to receive orders, (five hours are mentioned, because at half-past three he made Sousa a prisoner, and that was the course he pursued.) I call attention to this circumstance for a future occasion; but I will mention, by the way, that of all the occurrences with Sousa, in the morning of the 22d, and of these orders of Don Andrew Jackson, I was ignorant, as I was dining at the table of Colonel H. M. Brooke, with all the Spanish officers and other persons, at a public feast which that colonel, the most friendly of his nation and of men, had given for the sole purpose of entertaining us as Spanish soldiers, and from attention to my official situation and character; and I also was making the necessary arrangements for entertaining Don Andrew Jackson, his friends, and the officers of the United States, a few days afterwards—a satisfaction which I might have enjoyed on the day subsequent to the occurrence.

OBSERVATION 6.

In the 11th number he is seen to give the order for my imprisonment, without endeavoring to inquire the least thing of me, or making any claim, by word or writing; and this proves that Don Andrew Jackson well knew, by his own duty, that to ask papers of me from those which depended upon the obligations of my official situation, and to demand them of me with violence in a strange manner, was a natural cause why I should forbear giving them, and should require the precise method in him that I might fulfil my own duty; and thus it is that, the design being to seize me, he commanded it to be done, by giving that as a reason, before hearing or knowing any thing from me.

OBSERVATION 7.

By the 12th number, it appears that the demanding of them from me by judicial process was committed to three persons, but that, in place of the secretary, who had been present at, and acted in, the former proceedings against my subordinate, Sousa, a surgeon, named Bronaugh, was appointed, who is of the family of Don Andrew Jackson, and a man the best suited to his ideas, and subservient to them; and this exchange was certainly formed from a belief that the person and proceedings of the secretary were not suited for the deeds which ensued.

Observation 8.

In the 13th number I am seen in the presence of Don Andrew Jackson, without knowing why he brought me there, because this had been conveniently concealed, and it was also convenient to fabricate other causes. Here it is necessary that the empire of reason and of justice should display, to the horror of mortals, the facts which may convince them of the falsehood, perfidy, and treachery of the three commissioners, and, at the same time, the authority which had induced them to such proceedings.

In the 13th number, already cited, they say "that they had been at my house, and had not found me there; but that, having returned a little after, they found me accompanied by a number of Spanish officers, dressed with their swords by their sides." What is there upon earth so sacred as not to have been insulted and profaned by creatures who, without the least shame, conceal from those who know that it cannot be concealed all that the same persons did in the house of Colonel Brooke, and which I have related in my deposition? They also conceal my answers, and the governor (Don Andrew Jackson) conceals the representations and entreaties which I made, by my aid-de-camp, and the interpreter, Alva; and, lastly, by the officer whom I sent with a lieutenant colonel, which he must have received. And why is that which happened in Brooke's house, in the presence of eighteen or twenty respectable persons, in the very act of meeting them at table, principally concealed? It has already been mentioned that they concealed the insult which they offered in that house to a deserving and respectable citizen of the United States, and such a concourse of persons, to whom, in every point of view, consideration was due, finding them assembled in the act of dining; and it was also concealed to introduce the paradox that the officers had on their swords. (Should they not have had them, when they were dressed in uniform, in that house, and in a becoming act, in company with their chief, and when they went from thence, accompanied by other persons, to his house, which was situated thirty or forty paces from that of Brooke?) What can be expected from men who, in the exercise of judicial proceedings, conceal, on one side, what they do with so much impudence, and, on the other, falsely fabricate criminal ideas against innocence, as will appear in continuation?

Number 13 also says "that the demand of the papers was formally made to me and refused by me." Here, also, they conceal the verbal manner in which it was made to me, and the tenor of *yes* or *no*, and come with us; and the regularity of my answer, which I do not repeat, as I have already mentioned it in my deposition.

The same number also states "that, when they informed me that my refusal would be considered as setting the authority exercised by the governor at defiance, and they asked me again, I persisted in refusing to give them up." This relation is entirely false, and their very words show it. In the first place, they omit having any reference to my entreaties and assurances to Don Andrew Jackson, requesting him to ask them, by writing, in the regular course, and that he should immediately have them, if they were to be given to him, or the clearest explanations why they could not be given; and I do not think that this answer was a defiance to him, either as commissary or governor. But I have formally established that no such word was ever spoken to me, nor did they expend more words upon me than those expressed in the relation; and that thirteen impartial persons were present, men of probity, and most honorable in the eye of the law.

The 13th number also says "that, upon my determined refusal to give the papers, these commissioners were about to retire, and that at that moment I declared that, if they would furnish me with a copy of the memorandum of them, I would deliver them, and that they agreed; that Brackenridge gave it me, and informed me that in two hours afterwards he would come for them."

In fact, he gave me the note which I have mentioned in the deposition; and my answer, when he brought it to me, was, *that I would have it translated, and would answer it.* That of the confession is false, and the following affords proof of it.

The 13th number likewise asserts that, at the appointed hour, they came for the papers, (and they came with a strong party of troops, sent for a seizure, with or without the papers, as will presently appear,) and here observe the proof of the forged confession; because, if they came for papers, which I had offered to give, for what purpose did they bring troops with them? for, in order to receive papers of that importance, or otherwise, there was no necessity for them; but they brought them, not to search for papers, as will hereafter appear.

Now, they likewise, in this number, confess that they also forced the house, the door of which was open; that they found me in my chamber, in bed, &c. &c.; for all the rest which it recites is so much fiction, as the circumstance of Brooke's house has been concealed, for all the act from entering into my chamber, (it was not necessary to seek for lights, as they were there,) consisted in what I have related in my deposition, except that they ordered the troops to charge; and this is the truth, but it is not true that I said, even once, that they should not take me out of my house alive, for I had no idea of saying so, nor was I desirous that they should assassinate me with impunity.

It is also true that the boxes of all classes of papers were in my chamber, and the money chest. But they suppress the observation which I made to them, that, if the taking them prevented the consequences which I was persuaded were about to ensue, they should immediately have my good-will, and the boxes, the trunks, and my whole house should be at their disposal; that they might take what they wanted; (this was said in a suppliant manner, and in the presence of several persons.) They then did not wish the papers, when they could take them away, because they were not those which they were in search of, which, if they had been, it was more in order to violate in my presence the sanctuary which kept them, because, at least, the deed left no suspicion of other cares than to violate it in my absence the following day, (and without any person to represent me,) and to take possession of my house for a whole night, because I gave place to it, especially when I left in disorder all that was within its walls. These papers were not, to appearance, concerned with the course of the transactions, because, in important circumstances, there appeared to be, in no case, any such foreign and clamorous necessity, but the pretext of them prevented the certain advantage of the bold attempt, as will afterwards appear.

Observation 9.

In the 14th number the list of the papers is presented, and the 15th number relates what was done with me in the presence of the governor, and mentions the questions which he put to me, and my answers.

It may be observed that it is not known how, in a population where, in one hour after sunset, not one solitary person was seen in the streets, Don Andrew Jackson had such great numbers of all classes and ages assembled with him, after eleven o'clock, in a very dark night, for those crowds, only knowing (as they did know) all that was resolved on, and was to be transacted on that day with the Spanish commissary, might have been assembled to observe so singular a novelty; but prudence advises that the opinion of that assemblage should be, that it originated from the outcries from the balconies, or other intimations of a similar nature, because the commissary of a friendly nation was about to be sent to prison as an accomplice or the author of abstracting papers from certain archives; for that was the idea which passed current about the imprisonment of the officer Sousa. Let us return to the questions and answers.

It appears in the first, that, whilst I was protesting, in order to answer afterwards, I was not permitted to come to that point; and, also, it appears that the manner of his preventing me is concealed.

In the second, it is observed that he again interrogated me as in the first, but his confining me in my answer to the bare words *yes* or *no* is concealed.

In the third, it appears that I was accused, among other things, of being associated with individuals who had concealed papers to carry them out of the country, and that I was tried solely in the capacity of a criminal. I observe here that nothing of this interrogatory and charge was mentioned to me by the interpreter; but that these criminal motives and dishonest actions, which the governor detailed to the public against my person, were the cause of that surprise in the surrounding people, (to which I have made reference in my deposition;) and, therefore, he appears here justified in the opinion of good men for having sent me to prison; besides, my person had been very much offended by the mouth of the governor and the proceedings of the false interpreter.

In those proceedings (which are the only ones which have taken place) no person appears to have accused me; therefore, the governor has falsified that to accuse me of such crimes against my honor; and against him the calumny is proved.

It is said that in my reply I declined answering, except in the manner which I considered proper to my place, and doing it with my hand. And now it appears that, viewing me as a criminal, as a witness, or as a man interrogated in a judicial trial, I asked nothing else but the legal right of men, acknowledged in every society; but it also appears, with the trembling of humanity, that I was absolutely refused, and he was solicitous not to hear me in any way, passing, in order to avoid it, to the examination of my steward.

It may also be observed that, in the two interrogatories, they could not be changed for about two hours, which was the time in which Don Andrew Jackson addressed to me what is above related; and that all was concealed by that minister of justice, only secretary, only alcalde, and only interpreter in the whole transaction; that the other two persons and Don Andrew Jackson did not know what he asked me, or what I answered, and that he wrote what he pleased; but the most particular thing is, that my declaration being written in English, he did not read it to me, nor require me to sign it; and it was very well, for as he knew what he had written, that was all that was necessary. I shall go no further, to avoid being too diffuse, and because it does not appear to be necessary, inasmuch as I presume I have already proved all that was necessary concerning the illegality and fatal aspect of the proceeding.

In the 16th number it appears that I was sent to prison with my confidential servant. On the 18th, the quadroon, Merced Vidal, declares that the papers had been given to her, (as the deposition mentions.) On the 19th, the boxes were ordered to be broken, and their contents to be taken out, without my being present, or any person to represent me. On the 20th, they were broken; and on the 21st, I was ordered to be set at liberty, the papers, as they say, having been found in my possession in the boxes. If, therefore, they were abstracted from the archives of the alcaldes, or concealed in any other manner, maliciously, by private individuals, in order to take them out of the province, why have they not instituted a criminal suit against me?

OBSERVATION 10,

And a review of the preceding, which prove the total impossibility of the Spanish commissary having been able to avoid those scandalous events, by not meeting the project, and the steps which ensued in pursuance of it, in the course of foresight, prudence, suffering, and political sacrifices.

As soon as, by the first premeditated transaction, and Sousa's consequent showing the papers, whom they knew to be the secretary, the circumstance of their having been robbed from the archives of the alcaldes was feigned; then, although this does not appear in the transaction, because it was afterwards concealed in them, it will here produce conviction. On the foundation of said circumstance, the seizure of Sousa was commanded, when he said that I had put them in his possession, and the writ confirmed it, and then my official situation was disavowed; and an understanding with me was absolutely refused, until the party was ready which was to put me in prison, as an abstracter of these papers, or an accomplice; because, if I delivered them to justice as a private individual, the judicial procedure against me was secure; and if I did not deliver them, I was seized for not doing it; but, as I wished to remove that circumstance, if I were heard by writing, under any character, every effort was used to avoid hearing me, that my constancy might give way. The demanding of them from me in that manner, and under the character of a private person, was persisted in; because, if it could be obtained that I would give them up from the persuasion that I might thereby avoid confusion, and save an injury to the nation to which I belonged, and also the official correspondence, it resulted that my proceeding might belong to my official situation, might appear in accordance with that criminal and base circumstance, and then the project might be effected with greater degradation, under a better appearance and with less responsibility; so it is that, without that recourse, (which at first appears to have been adopted as a political agreement to save scandal, and the other papers,) I was set at liberty.

Here I have given the projected machination, and the extremities to which I was reduced by it, without the power of making greater sacrifices than those of stopping the torrent of my feelings, and giving an example to the agents around me of moderation, and also to a people who felt the execution of those atrocities in my person. I owe all to the nation to which as its creature I belong, and, therefore, whatever is most sacred of the dignity of man, which has been violated in me with impunity, I have sacrificed as a debt due to it.

In the proceedings the declarations have been concealed which were cunningly and perfidiously received from the persons who had been tried by the alcaldes in the investigation whether the papers had ever been in their archives, and other informations whilst I was a prisoner; and finding by the results that nothing could be obtained against me, and that now the intention, if it was to obtain possession of my papers, or to make a noise in the world, was gained, I was taken from prison, as has been seen. But previously the mandate of the judge was not obeyed, who put in execution the law of *habeas corpus* in favor of my person, because it was opposed by Don Andrew Jackson and his three creatures during those last perfidious inquiries.

The colonel and commissary for Spain in West Florida, under the treaty of cession,

JOSE CALLAVA.

PHILADELPHIA, *October* 3, 1821.

A literal copy:

HILARIO DE RIVAS Y SALMON.

B.

[TRANSLATION.]

Testimony respecting bad interpretation.

PENSACOLA, *August* 24, 1821.

The undersigned, being acquainted with the English and Spanish languages, make their appearance before you. That, on the night of the twenty-second current, they were present at the judicial act which Don Andrew Jackson, the

governor of this place, held against you, and that they took special and exact notice that what you alleged in your defence, by the explanations which you made, was not faithfully interpreted; that what was interpreted of all your narrations was very little, and very imperfectly interpreted; that, likewise, in that public act your person was grievously insulted by the governor, and that those scandalous reasons of his were not interpreted to you, leaving them therefore undisputed by you, and, consequently, he who exhibited them may be unpunished for them before justice; and, in the opinion of the by-standers, who were only acquainted with the English language, you were convicted of atrocious deeds which we know to be as foreign from you as they are peculiar to a few of the most abandoned characters. We give you this information in defence of the most sacred things, and which all men ought to protect, even when not called upon in their defence. As we swear, we are ready to prove and make appear the solemn truths which we have related. Be assured that the same interpreter will find it impossible to deny it, because the interpretation was so extremely faulty.

PEDRO DE ALBA,
SANTO. COLMAN,
JUAN INNERARITY,
JOSE Y. CRUZAT,
JOSE NORIEGA,
JN. DE LA RUA.

A true copy:

H. DE RIVAS Y SALMON.

C.

[TRANSLATION.]

Declaration of many respectable witnesses of what passed with Sousa, Fullarat, and Callava.

We, the undersigned, were present as eye and ear witnesses on the twenty-second day of the month of August, in the year one thousand eight hundred and twenty-one, at the events which we are about to express hereafter, which happened on the said day, in the city of Pensacola, and were enforced by the governor of it, Don Andrew Jackson, against the Spanish colonel, Don José Callava, ex-governor of the same place, and commissary residing there on the part of Spain, charged on its part with the entire accomplishment of what was stipulated by the King of Spain with the President of the United States of America in the cession made to them of West Florida by the treaty of amity, settlement, and limits, which both ratified on the twenty-second of February of the same year.

Being assembled at four in the afternoon of yesterday, the twenty-second current, at table, dining with the colonel of the troops of the fourth regiment of the United States line, Don George M. Brooke, present at the same table with his wife, and also the citizens of the same nation, Don Michael Kearney, commander of the vessel of war Enterprise, Judge Eligius Fromentin, and the said Spanish colonel, Don José Callava,—an officer of the United States presented himself, guarding the Spanish sub-lieutenant, Don Domingo Sousa; he requesting to see the commissary, his chief, who made him enter; and in presence of all Sousa said "*that they were conducting him to a prison.*" The commissary asked him for what cause, and he answered in the following terms:

"Sir, yesterday three American citizens came to my house, demanding of me, with authority (as they said) of the governor, Don Andrew Jackson, that I should deliver them certain civil causes of the military jurisdiction and of the finance, which they had been told were in my possession. I had some boxes, with papers of the military tribunal and of that of the finance, which you had put under my care for their preservation, till they should be sent to the Havana with those of the secretary's office. That those papers had been put into boxes by me, and that it appeared to me that those which they sought were among them; which knowledge I possessed, because I had spent many years in this place, under the orders of former governors, and of you, in the office of secretary, (or evidence may now be of my presence in both courts,) and I was in the exercise of it on the 17th of July, when you delivered over the province. That I was your subaltern, subject to your immediate orders in your commission; and, therefore, without your express order, I could deliver nothing: for which reason, I represented to them that they should make their request to you. The three persons mentioned went away, and after a short space they paid me another visit, with the same demand in writing, and requiring me to answer it in the same manner. I did so; and this morning, having gone to you to communicate it, I did not find you in the house, and my mind told me to place those boxes there immediately. I carried them and placed them in your apartment, in the charge of your servant, and I gave him a message to deliver to you the moment you came in, if I did not see you before; but in a short time, I having informed you in the street, you answered me that it was well. My house was presently searched by the same three persons, and they told me that, unless I delivered the papers, I must go to prison. I answered that the boxes were in your house; and they are carrying me to prison."

The commissary, Don José Callava, made his aid-de-camp rise from table, and ordered him to inform the governor, from him, that the officer, Don Domingo Sousa, was his subaltern, and dependant on his commission; that, therefore, he had the honor of acquainting him with it, and of requesting him that, if the papers which he demanded from Sousa were relative to the decree of the treaty, or other reasons connected with it, he would have the goodness to direct himself to him as now commissary, or as former governor; because every paper of the office of governor, or which might have relation to his commission, could be delivered by no other but himself; and that, in pursuing the regular course, and the regularity with which he had attended to harmony and concord with him, he was always disposed to give him every accommodation.

The aid-de-camp brought back for answer that Sousa was in prison, and that he should tell Colonel Callava that he would also put him into the same prison.

The Spanish commissary mentioned to those at table that his explanations had been badly interpreted to the governor, and he ordered the same aid-de-camp to return, accompanied by another officer and the public interpreter, to acquaint him anew with the same explanations, because the reply was not a consequence of them, and might be the origin of a great mistake.

The aid-de-camp, the officer, and the public interpreter returned, bringing the same answer; but stating that it had been given them in a loud voice, in the presence of several persons, by telling them *Colonel Callava shall go to prison.*

The Spanish commissary said, unmoved, yet with wonder, that he knew not to what he could attribute what he had experienced from the governor, and insisted in the belief that some great mistake had been made in the interpretations; and stated that he would go and see the governor when he should rise from table: but, before that time came, three persons, habited like countrymen, presented themselves in the house of Colonel Brooke, demanding, by order of the governor, that he should immediately give up the papers which had been demanded of Sousa, and that it was unnecessary to use other modes or considerations than what might be used with any private individual.

The Spanish commissary gave them for answer that they might advise the American commissary and governor, Don Andrew Jackson, in the first place, that it was impossible that he did not know his official situation on the part of Spain in what had been confided to him under the treaty; also, that he had received West Florida from him as the Spanish commissioner to deliver it; that he had also found him governor in it; and how could he be ignorant that his continuance till that day, with his secretary and other officers depending upon his commission, was waiting for the determination for which they had consulted their respective Governments about the meaning which ought to be given to the second article of the treaty, with regard to the artillery which was deposited under safeguard? and, lastly, how could he be ignorant, also, that the papers or other documents relative to the office of governor, or which were to be delivered over by the treaty, could not be delivered to any one by him under the simple character of a private individual, because they had not thus come into his possession, nor yet had they been deposited in his care as a private individual? that he was surprised at what was then going on; that his papers were sacred and protected in Pensacola, along with his person, under the immunity of the law of nations, which has always been so protected, defended, and respected, between civilized nations, in respect to the individuals of each other mutually commissioned by them with the charges of their respective Governments; that, nevertheless, he knew not what the papers were, ordered to be delivered in that way; that he repeated the request for the third time to the governor and commissioner, Don Andrew Jackson, that he might be the better informed, according to his official situation, and in conformity with the peace and harmony reigning between Spain and the United States and their respective citizens—a peace and harmony which had always been so much respected and observed with particular consideration by the Spanish commissary to Don Andrew Jackson, as an individual of the United States, as well as commissary on their part, and as Governor of West Florida; and had been also constantly observed by Governor Callava (when he was so) to all the citizens of the United States, indiscriminately, and who had arrived in West Florida in the time of his government; that Don Andrew Jackson might be sure, both as commissary of the United States, and as Governor of Pensacola, that whatever papers were to be delivered to him on that day would be facilitated to him immediately by the proper course which they ought to pursue in the regular execution of both their duties.

The commissioners went away with very little good-will, and the Spanish commissary told the by-standers that he felt himself attacked with a deadly pain which he suffered, and that they would permit him to retire to his house, which he did, accompanied by them.

Immediately on his arrival, he caused his secretary to extend an official letter to the governor, making in it all the explanations which have been related, and its contents were read to those who accompanied him, and he delivered it to a Spanish lieutenant colonel, requesting that, accompanied with another officer, he would deliver it to the governor, Don Andrew Jackson; which gentleman would not receive it, after the greatest entreaties of the bearers, according to the information given by them when they returned with it and delivered it to the commissary, who was indisposed; and about seven in the evening those same three persons came to his house, requesting that he would deliver the papers as a private individual, or that he would accompany them to the house of the governor. He answered them that his health at that time would not permit him to go into the street; that the papers, of the nature of which he was still ignorant, could not be delivered in any other way than as claimed from the Spanish commissary under the treaty, or as from the governor, the functions whereof he had exercised; because, being in boxes, (as was mentioned,) they must necessarily belong directly, either to the office of governor, or else to the financial or military branch; whatever civil papers were in the ordinary court having been delivered by the constitutional alcalde, and also the registers, to the United States commissary, Don Andrew Jackson; but yet they should, at least, inform him in writing what class of papers those which they demanded belonged to, as they had hitherto demanded of him papers without his knowing what they were.

The three persons went off, and, about an hour afterwards, one of them returned with a half sheet of paper written in the English language, and told the Spanish commissary that in it were mentioned the papers; that they were ordered to deliver it to him precisely as to a private individual, and that he was recognised in no other light.

The Spanish commissary answered that, after the paper had been translated, he would read and answer it. Upon this, the person who had brought it went away, and he immediately ordered it to be translated by the interpreter. He threw himself upon the bed; and a while afterwards, having found some rest, a large party of troops, commanded by an officer, and under the orders of the same three persons, because they found the principal door shut, scaled the house, breaking the fence; some soldiers, with drawn bayonets in their hands, entered the chamber, and the three persons with them. He sat up in the bed, and, directing his discourse to one of the three who acted as interpreter, said: "Now that the asylum of my house is of no avail to me as a man and a citizen; that the official situation which I have in West Florida, for Spain, is also of no avail to me; nor the character of my office, nor the asylum of the immunity which I possess in the territory of the United States, by its laws and by the rights of nations, I throw myself upon their Government, and solemnly protest, before God, before this very Government, and before men, against the author of such great violations of justice."

One of the commissioners answered that he came with express orders from Governor Don Andrew Jackson to demand of him in that act that he should deliver to him the papers already mentioned in the note, or to bring him prisoner by force; and for that produced his orders.

The Spanish commissary answered that the note had been given to the interpreter to be translated, and that it had not yet come; that he was unwell; and how could he attempt to take him from his house at that hour? but if he could avoid the execution of any similar acts only at the expense of the three persons opening the trunks and boxes of the Spanish commissary, and taking from them those papers which they demanded, or what they deemed proper, that he was ready to yield to force, and that there they had the whole at their disposal. The answer which he received was, that one of the three persons entered into the chamber to the officer who commanded the troops, and the citizen Don Juan Innerarity (who speaks English) seeing the threatening act, it appeared to him that the explanation of the Spanish commissary had been wrongly interpreted, and he wished to mention it; but, upon his beginning to speak, he was commanded, with great menacing, by one of the three, to be silent; and the officer of the troops was ordered to intimate to the Spanish commissary that he might deliver himself up prisoner to an armed force. The said officer did so, and the Spanish commissary answered that he surrendered himself prisoner, but represented to him that he was sick. He answered that he was understood; he ordered him to dress and put on his coat, and in this manner he was conducted by the troops to a house in which, with a great assemblage of all classes, was Governor Don Andrew Jackson; when, by the alcalde, who acted in this business as secretary and interpreter by turns, an interrogatory was extended in writing, which the governor dictated, and the Spanish commissary was required to answer it. He answered that he would do it immediately, but with his own hand, and in his own language, at the foot of the interrogation. This was readily granted; but, whilst he was extending it, he was forbidden to continue what he had scarcely begun.

The governor, Don Andrew Jackson, with turbulent and violent actions, with disjointed reasonings, blows on the table, his mouth foaming, and possessed with the furies, told the Spanish commissary to deliver the papers as a private individual; and the Spanish commissary, with the most forcible expressions, answered him that he was con-

vinced that he did not resist the delivery of papers, because he still did not know what papers were demanded of him; that, as soon as he could know it, if they were to be delivered, he would deliver them most cheerfully; and that, if papers were demanded of him which he ought not to deliver, he would resist it by the regular and prescribed means; that all these questions were not put to him in writing; that his answers were the same as he had given to every interrogatory which had been put to him, because he was not permitted to write it in his own defence; and, also, that he would answer for the future constancy of it, as well as what had been asked of him, and all that had been done to him; that he wished for this protection of the law to every man; that he would never yield.

The governor, Don Andrew Jackson, furious, did not permit the interpreter to translate what the Spanish commissary answered, that the by-standers, it appears, might not understand it; and the interpreter made such short translations that, what the Spanish commissary took two minutes to explain, he reduced to only two words; and that when the governor gave him time enough, (and as has been since related by various persons, who spoke both languages, of what the Spanish commissary said,) not even half was interpreted, and that little not faithfully. Lastly, the governor, Don Andrew Jackson, after having insulted the Spanish commissary with atrocious words, took out an order, already written, and made the interpreter read it; and it contained the order for his imprisonment.

The Spanish commissary said that he obeyed it, but asked if the governor, Don Andrew Jackson, was not afraid to put in execution deeds so unjust against a man like him; and, rising to his feet, he addressed himself to the secretary, whom the governor kept on his right hand, and said, in a loud voice, that he protested solemnly, before the Government of the United States, against the author of the violations of justice against his person and public character.

The governor, Don Andrew Jackson, answered to the protest, that for his actions he was responsible to no other than to his Government, and that it was of little importance to him whatever might be the result, and that he might even protest before God himself.

The Spanish commissary was committed to the armed force, and put in prison at twelve at night; his house was left open, with some soldiers in it; the keys of his trunks were not taken away; all his papers were left at discretion, and also his money, and what he had by his commission belonging to his nation; none of his officers nor any person of confidence were permitted to remain in the house; his steward also was taken at the same time.

At eleven in the morning of this day, several of the undersigned went to the United States judge, Don Eligius Fromentin, soliciting a writ of *habeas corpus* to liberate the person of the Spanish commissary, Colonel Don José Callava, which was duly issued; but the governor, Don Andrew Jackson, despised the said writ, and replied that it was not proper to carry it into effect.

The relation which we have given is what we were present at; is exactly the most sacred truth, and, therefore, we solemnly swear to it, that it may be for the defence of law and justice wherever the knowledge of it may come. Pensacola, August 23, 1821.

Signed Marcos de Villiers; Lieutenant Colonel Santiago Colman; Juan Innerarity; Carlos de Villiers; José Y. Cruzat; Captain Luis Guayare; Lieutenant Arnaldo Guillemard; Captain B. Prieto; José Noriega; Sub-lieutenant Mariano Latady, with the exception of having been absent about half an hour in the beginning; J. De la Rua; Pedro de Alba, with the exception of having been present a part, and not the whole; Pedro de Alba, with the same exception as the former witnesses; Pedro de Vegas, sub-lieutenant.

H. DE RIVAS Y SALMON.

D.

[Documents relating to the arrest of Domingo Sousa, Colonel José Callava, and Antoine Fullarat.]

From H. M. Brackenridge, Alcalde, to His Excellency the Governor.

PENSACOLA, *August* 21, 1821.

I learn from the most satisfactory evidence that a number of documents relating to estates in this place, and to suits instituted here, are in possession of an individual of the name of Domingo Sousa; these papers properly belong to this office, but were not included in the inventory delivered by the late governor. Some of the circumstances attending the affair are of a very peculiar nature; but, as the necessity of obtaining possession of the documents is urgent, I must defer making a report respecting them to some other period. At present, I must request your excellency to authorize some one to make a regular demand of the said documents, and to *ascertain precisely what they are.*

I am, respectfully, your most obedient servant,

H. M. BRACKENRIDGE, *Alcalde.*

His Excellency Major General ANDREW JACKSON, *Governor of the Floridas, &c.*

His Excellency the Governor to Messrs. Walton, Brackenridge, and Miller.

OFFICE OF THE EXECUTIVE OF FLORIDA,

PENSACOLA, *August* 21, 1821.

GENTLEMEN:

Having been officially informed that there are a number of papers or documents in the possession of an individual of the name of Domingo Sousa, of a public nature, and which belong to the office of the alcalde of this town, although not delivered with the other documents relating to private property, you are hereby authorized and instructed to proceed to the dwelling of the said Domingo Sousa, and to make a demand of all such papers or documents as may be in his possession. In case the said Sousa should refuse to exhibit and deliver the same, you will immediately report the fact to me in writing.

ANDREW JACKSON, *Governor of the Floridas, &c.*

From the Commissioners, Messrs. Walton, Brackenridge, and Miller, to His Excellency the Governor.

PENSACOLA, *August* 22, 1821.

SIR:

At an early hour yesterday morning we repaired to the dwelling of Domingo Sousa, and explained to him the object of our visit, and the authority with which we were clothed. He immediately produced two boxes, containing papers, declaring that they belonged to the military tribunal and to the revenue of Spain. On examining

the said papers, it appeared that, with a few exceptions, they related to courts-martial, and to personal disputes between officers and soldiers, cognizable by the military tribunals. But the following papers *we conceive* to be of a different nature: the proceedings relating to the estate of Nicolas Maria Vidal, formerly Auditor of War of this province, and whose heirs reside in this place. They relate to property and claims in this country; and whatever the Spanish laws may be on the subject of the military privilege by which the military courts have sole cognizance in all cases where persons of that profession are in any way interested, yet in this case the persons now interested have nothing to do with the Spanish Government. Another package contains the papers in the case of Peter Guilkes against Tomas Villaseca, which relate to real property that has passed into other hands. There are, also, the papers in the case of Manuel Bonfay against Carlos de Ville, relating to a lot of ground in Pensacola; also, the proceedings between Carlos de Ville and Eugene Sierra, relating to real property here, and in which other parties are now interested. These are all the papers *we conceive* important to the inhabitants here, excepting some cases of admiralty jurisdiction, and one as late as 1813, but which appear to be principally copies, the originals having been sent to Havana. After having examined the whole of the papers in the possession of the said Sousa, we made a demand of the foregoing, but he refused to deliver them, declaring that he was merely the servant of the late Governor Callava, who had placed them in his hands, and that, without an order from him, they could not be given up to us. We then made a formal demand in writing, and which is annexed to this report; and the same evening we received his answer, hereto annexed. We then prepared the annexed letter for the 22d; but when presented to him by Colonel Miller and H. M. Brackenridge, he declined receiving it, stating that he had no control over the papers; that Colonel Callava was the person of whom they must be demanded; and therefore refused to receive any letter from them. He further stated that he had communicated the demand to Colonel Callava, who told him to answer by simply stating that he was subordinate to *his* (Callava's) orders. He said that, in order to relieve himself from the responsibility of keeping the papers, he was about to deliver them to the late governor.

GEORGE WALTON,
H. M. BRACKENRIDGE,
JOHN MILLER.

His Excellency ANDREW JACKSON, *Governor of the Floridas, &c.*

From Messrs. Walton, Brackenridge, and Miller, to Mr. Sousa, (referred to in the above report.)

SIR: PENSACOLA, *August* 21, 1821.

We have this day been authorized and instructed by his excellency General Andrew Jackson, Governor of the Floridas, to require of you to deliver up certain public documents, which no private individual has a right to keep, as they relate to the rights of persons holding or claiming property in this province. Among those papers it is believed there are the documents relating to the estate of Don Nicolas Vidal, whose heirs are interested in the same; also, the papers relating to a house and lot in Pensacola, which was the subject of a proceeding between Manuel Bonfay and Carlos de Ville; also, Carlos de Ville and Eugene Sierra, relating to a piece of ground in this place; and, also, the documents in the case of Peter Guilkes and Tomas Villaseca, relating to real property in Pensacola. In pursuance of our instruction, we therefore make a formal demand of the foregoing, and all other papers which relate directly to the right of private property in West Florida, and in which the inhabitants thereof are interested.

GEORGE WALTON, *Secretary of West Florida.*
H. M. BRACKENRIDGE,
JOHN MILLER.

Don DOMINGO SOUSA.

[TRANSLATION.]

Mr. Sousa to Messrs. Walton, Brackenridge, and Miller, (also referred to in their report.)

MESSRS. ALCALDE AND SECRETARIES:

I am a Spanish officer, staying at present in Pensacola, and subject by my commission to the orders of the late governor of this place, Don Sor. Callava; consequently, I have not under my charge, in quality of a private individual of this town, any papers which I am bound to deliver to you, in compliance with your request. It is a positive fact that I have exercised the functions of assistant witness *(testigo de asistencia)* for the suits in the courts of war and revenue in Pensacola, and under the Spanish Government; and that there are in my sole keeping, boxed up, some of those papers intrusted to my care by the above-named governor, for their preservation. This is all I have to communicate to you in answer to the letter which you have been pleased to address me to-day.

God preserve you many years.

DOMINGO SOUSA.

A correct translation:

E. A. RUTLEDGE, *Translator Spanish language.*

Messrs. Walton, Brackenridge, and Miller, to Mr. Sousa.

SIR: PENSACOLA, *August* 22, 1821.

Your note in reply to our demand of yesterday has been received. You are in the exercise of no civil functions under the existing Government: we, therefore, can only regard you as a private person. We do not claim any papers in your possession, or in that of any other, relating to the military tribunals, or to the revenue of the Spanish Government; but we are certain that no individual, no matter what office he may have held under the Spanish Government, has any right to retain possession of archives or documents which relate directly to the sovereignty of this province; and no reason can be given why such papers as concern property in this country, and which may be necessary to establish titles or assert the rights of individuals, should be withheld from the officer now authorized to take charge of them. We again make a positive demand of the papers mentioned in our note of yesterday, to wit, the documents in the case of Don Nicolas Maria Vidal; the proceedings in the case of Carlos

de Ville and Eugene Sierra; also a proceeding between Manuel Bonfay and Carlos de Ville; and the documents in the case of Peter Guilkes and Tomas Villaseca. These papers are known to be in your possession, and we demand to know by whose authority, as no person whatever has any right to authorize you to detain them.

GEORGE WALTON,
H. M. BRACKENRIDGE,
JOHN MILLER.

Don Domingo Sousa.

Note.—This letter was handed to the above-named Domingo Sousa by the undersigned, and the said Sousa refused to receive the same.

H. M. BRACKENRIDGE,
JOHN MILLER.

His Excellency the Governor to Messrs. Miller and Butler.

Office of the Executive of Florida,

Pensacola, *August* 22, 1821.

It being made known to me, by the report of Colonel George Walton, secretary of West Florida, H. M. Brackenridge, alcalde for the city of Pensacola, and Colonel John Miller, clerk of the county court for the county of Escambia, duly authorized and appointed by me to make demand for and to receive the following documents and archives, claimed to appertain and belong to the following persons, as evidence of their real and personal rights, which are guarantied to them by and under the second article of the late treaty with Spain, and which are represented to be in the possession of Domingo Sousa, who states that these documents and papers have been placed in his charge and care by the late Governor of West Florida, Don José Callava, that is to say: 1st, the documents relating to the estate of Nicolas Maria Vidal; 2d, the documents in the proceedings between Carlos de Ville and Eugene Sierra; 3d, the documents in the case of Manuel Bonfay and Carlos de Ville; 4th, documents in the proceedings in the case of Peter Guilkes against Tomas Villaseca.

Colonel Robert Butler, of the army of the United States, and Colonel John Miller, clerk of the county of Escambia, are hereby commanded forthwith to proceed to seize the body of the said Domingo Sousa, together with the said papers, and bring him and them before me at my office, immediately, to the end that he then and there answer such interrogatories as may be put to him, and to comply with such order and decree touching the said documents and records as the rights of the individuals, secured to them by and under the second article of the treaty with Spain, concluded at Washington the 22d day of February, 1819, and ratified on the corresponding day of 1821, may require, and the justice of the case demand.

Given under my hand, at Pensacola, this 22d day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas.*

Return of Colonels Butler and Miller to the above.

Pensacola, *August* 22, 1821.

We have the honor to report that we proceeded to the house of the within-named Domingo Sousa, and found that the papers referred to had been by him taken, through the aid of a negro, (as he reports,) to the house of Don José Callava, late governor. The body of Domingo Sousa is herewith presented to you.

We have the honor to be, very respectfully, your most obedient servants,

ROBT. BUTLER,
JOHN MILLER.

Examination of Domingo Sousa.

Office of the Executive of Florida,

Pensacola, *August* 22, 1821.

Present: His Excellency the Governor.

Question 1. Were you not in possession on yesterday and this morning of the following papers—that is to say, the documents relating to the estate of Nicolas Maria Vidal?

Answer. Yes.

Question 2. Had you or had you not in the same manner, at the same time, in your possession the papers in the case of Carlos de Ville and Eugene Sierra, relative to property in this province?

Answer. Yes.

Question 3. Had you in your possession, in like manner and time, the proceedings in the case of Manuel Bonfay and Carlos de Ville, relating to property in this province?

Answer. Yes.

Question 4. Had you in your possession, in like manner and time, the proceedings in the case of Peter Guilkes against Tomas Villaseca, relating to property in Pensacola?

Answer. Yes.

Question 5. Whether the documents and papers in all the above cases do not relate to private property in this province?

Answer. That the estate of Vidal is at Baton Rouge, but that the heirs are here.

Question 6. Is not the case of Carlos de Ville and Eugene Sierra on the subject of a piece of ground in this place?

Answer. Yes.

Question 7. Is not the case of Bonfay and De Ville relative to a piece of ground in this place?

Answer. It relates to the same piece as that of De Ville and Sierra.

Question 8. Is not the case of Guilkes and Villaseca in relation to property in this place?

Answer. That cause related to a piece of property in Pensacola.

Question 9. When and by whom were those papers placed in your possession?

Answer. That these papers were placed in his possession at the time of the adoption of the constitution, when the civil functions were distributed to the alcalde; that this was better than a year ago.

Question 10. Did you ever act as civil alcalde of Pensacola?

Answer. No; that he was a clerk or witness of asistencia.

Question 11. Who was alcalde at the time of your obtaining possession of the papers?

Answer. Don José Noriega.

Question 12. Did not all papers appertaining to the right of individuals, and relating to suits before the alcalde, e long to his office?

Answer. Yes; all that were of a civil nature, and all such have been delivered, but not the military papers.

Question 13. At what time this morning were the papers which had been demanded of you delivered by you, to whose order, and through what channel?

Answer. That, after the demand had been made by Colonel Walton, the alcalde, and Colonel Miller, now present, he went to Colonel Callava, and stated that he wished to free himself from the responsibility of keeping them, and that he this morning, at eleven o'clock, had them carried to Governor Callava's house by a negro belonging to Manuel Domingo, and there delivered to Fullarat, the major domo of the governor.

Question 14. When you stated that you wished to free yourself from the responsibility of keeping the papers, what was the reply of Colonel Callava?

Answer. He said nothing.

Question 15. Do you know that Governor Callava received possession of the papers?

Answer. He does not know positively whether the governor has received them or not. That he went with the negro, and the papers were left at the house: there was no person there but the major domo, in whose charge they were left.

DOMINGO SOUSA.

Order to Colonel Brooke.

SIR: PENSACOLA, *August* 22, 1821.

You will furnish an officer, sergeant, corporal, and twenty men, and direct the officer to call on me by half-past 8 o'clock for orders: they will have their arms and accoutrements complete, with twelve rounds of ammunition.

Respectfully, your obedient servant,

ANDREW JACKSON, *Governor of the Floridas, &c.*

Colonel G. M. BROOKE, *Commanding 4th Infantry.*

Order to Lieutenant Mountz.

SIR: PENSACOLA, *August* 22, 1821.

Should Colonel Callava and his steward refuse to deliver the documents which will be required of them by Colonel Butler and Doctor Bronaugh, and on the report of Colonel Butler to you of their refusal, you will immediately take the said Colonel Callava and his steward (Fullarat) into custody, and bring them before me, to answer such interrogatories as are required by the circumstances attending the case.

Very respectfully, your obedient servant,

ANDREW JACKSON.

Lieutenant MOUNTZ, *Officer of the Guard.*

Order to Colonel Butler and Doctor Bronaugh.

OFFICE OF THE EXECUTIVE OF FLORIDA,

PENSACOLA, *August* 22, 1821.

It being made known to me, by the confession of Domingo Sousa, that the papers named in the petition of Henry M. Brackenridge, alcalde of the city of Pensacola, and which were demanded under my orders as the property of private individuals, by Colonel George Walton, secretary for West Florida, Colonel John Miller, clerk of the county court of Escambia, and Henry M. Brackenridge, alcalde for the city of Pensacola, were, after said demand in pursuance of my orders as aforesaid was made, by the said Domingo Sousa and a negro man, carried this day to the house of the late governor, Don José Callava, and delivered the said documents and papers into the possession of his steward, named Fullarat, Colonel Robert Butler, of the army of the United States, and Dr. J. C. Bronaugh, accompanied by Henry M. Brackenridge, Esq., alcalde for the city of Pensacola, will wait upon Colonel Don José Callava, and his steward, named Fullarat, and demand from them the following papers this day delivered to the said Fullarat, at the house of the said Colonel Callava, by the said Domingo Sousa, that is to say: first, the documents and papers relating to the estate of Nicolas Maria Vidal; second, the documents in the proceedings between Carlos de Ville and Eugene Sierra; third, the documents and papers in the case of Manuel Bonfay and Carlos de Ville; fourth, documents and papers in the proceedings in the case of Peter Guilkes against Tomas Villaseca: all which documents and papers are acknowledged to be the property of individuals, and appertaining to their rights, and which are secured to them by and under the second article of the treaty with Spain, concluded at the city of Washington on the 22d day of February, 1819, and ratified on the corresponding day of 1821, and must remain for the protection of the rights and property of the said individuals; and no officer of Spain can rightfully take them away, or keep them from the office of the duly appointed alcalde for the city of Pensacola. It is further ordered that, if the said late governor, Don José Callava, or his steward, Fullarat, when the above-described papers are demanded of them, should fail or refuse to deliver the same, the said Don José Callava and his steward (Fullarat) be forthwith brought before me, at my office, then and there to answer such interrogatories as may be put to them of and concerning the premises, and to abide by and perform such order and decree, touching the said documents and papers secured to them as aforesaid, as the justice of the case may demand.

ANDREW JACKSON, *Governor of the Floridas.*

Report of Messrs. Butler and Bronaugh.

SIR: PENSACOLA, *August* 22, 1821.

Pursuant to your official order bearing this date, we proceeded to the house of Colonel Callava, who was absent; but again returning to his house shortly after, we found him, accompanied by a number of Spanish officers,

clothed with their side-arms, and Mr. John Innerarity in the porch; the demand was formally made of the documents enumerated in your order, and peremptorily refused; when he was informed that his refusal would be considered as setting at defiance the authority exercised by you as Governor of the Floridas, in the execution of the laws, and they were again demanded, and the consequences of refusal on his part enumerated, but in which refusal he still persisted; and we were about taking our leave to prepare for the final execution of your order, when Colonel Callava declared that, if we would furnish him with a copy of the memorandum of the documents required, he would deliver them to us; to which we assented. The alcalde, H. M. Brackenridge, accordingly waited on him with a copy of the memorandum herewith accompanied, and informed him that he would call in two hours for the reception of the documents as promised. We proceeded at the appointed time, and found the gate and front part of the house closed; the former we opened by removing a bar, and, on reaching the latter, a considerable stir seemed to be making in the house; we knocked some time without receiving any answer, when admittance was demanded in the name of the governor in three instances, still without reply; the guard was then ordered to advance and form in the front of the house, and part detached to the rear, when it was discovered that the back door was open, and several Spanish officers, with Mr. Innerarity, (who is one of your cabildo,) were on the porch. We inquired for Colonel Callava, to which we were answered they did not know where he was; lights were procured and the rooms searched, when Colonel Callava was found in his bed, divested of his coat. Demand was then made of the documents, agreeably to his promise, and to our astonishment they were still refused, and several attempts made on his part to show that he was not amenable to the laws; to which he was answered that the governor was, in the execution of the laws, bound to demand the papers, as they appertained to the rights and property of individuals resident in Pensacola, and that formal complaints had been made that they were improperly withheld, and that the governor knew no distinction between Colonel Callava and any other man under his government. We then proposed that Colonel Callava would deliver the papers, and he should have our receipt for them, which was also refused; we then again demanded them, reiterating our sentiments that his refusal would be received as an act of open mutiny to the civil authority exercised in the Floridas, and that he must expect the consequences. He persisted to refuse, and the officer of the guard was ordered to take him and Fullarat into custody, and bring them before your excellency, which is now done. We would add, in conclusion, that Colonel Callava repeatedly asserted that he would not be taken out of his house alive; but he seemed to act without much difficulty when the guard was ordered to prime and load. A corporal and three men were detached to remain as guard in the house of Colonel Callava, and to prevent the removal of the boxes which had contained the documents, and which Mr. Brackenridge recognised in the bedroom. From the relation in which Mr. Innerarity stands in this business, together with the interest taken on the side of Colonel Callava, and at the same time exercising the functions of one of the cabildo of this city, we deem it an indispensable duty to recommend that your excellency will fill his place in the council with a character who will manifest a proper respect for the dignity of the laws, and you their Executive.

We have the honor to be, &c.

ROBERT BUTLER, *Col. U. S. A.*
J. C. BRONAUGH.

[Memorandum referred to in the above report.]

Memorandum of the documents which have been demanded of Colonel José Callava, agreeably to the order of his excellency Major General Andrew Jackson, Governor of the Floridas, and which, on the demand of Colonel Robert Butler and J. C. Bronaugh, accompanied by H. M. Brackenridge, Colonel Callava promised to deliver to Colonel Butler, if they should be found in the boxes delivered to him by Domingo Sousa.

1. The papers relating to the estate of José Maria Vidal.
2. Proceedings in the case of Carlos de Ville and Eugene Sierra.
3. Proceedings in the case of Manuel Bonfay and Carlos de Ville.
4. Documents in the case of Peter Guilkes and Tomas Villaseca.

The whole of the above papers having relation to the rights of property in West Florida, and in which private individuals are interested.

H. M. BRACKENRIDGE, *Alcalde*.

PENSACOLA, *August* 22, 1821.

Minutes of the examination of Colonel Callava and Fullarat.

OFFICE OF THE EXECUTIVE OF FLORIDA,
PENSACOLA, *August* 22, 1821.

Colonel José Callava, being brought before Andrew Jackson, Governor of the Floridas, to answer certain interrogations relative to documents and papers named in a schedule bearing this date, and which relate to the property and sovereignty of the Floridas, the following interrogatories were put to him, viz:

Question 1. Were or were not the papers mentioned in a schedule handed to you by H. M. Brackenridge, alcalde of the city of Pensacola, delivered by Domingo Sousa at your house this day to Antoine Fullarat, your major domo; and, if so, at what time of the day?

Answer. [Translated.] I say that I solemnly protest against the act, which, at ten, in the middle of the night, took me from my bed, where I was sick, although I consider myself as Spanish commissioner, appointed by the Spanish Government, under the treaty recently concluded between the said Government and that of the United States, for the cession of the Floridas, which commission has been conf—. [Here the governor stopped Colonel Callava, and directed the following question to be put to him:]

Did or did not Domingo Sousa deliver at your house this day the papers above mentioned; and, if so, where are those papers now?—and answer this directly.

Answer. That he declines answering, except in the manner he considers proper—in his own language, and with his own hand.

The question being repeated, he answered that he was here as a commissioner, and could not answer in any other capacity; on which he was informed by the governor that he could not view him as a commissioner, or in any other light than as a private individual charged with refusing to surrender papers which belong to the public archives of this province, and with being connected with individuals charged with being about to secrete papers and to carry them out of the country, by which the inhabitants thereof would be deprived of their evidence of property, and which, under the second article of the treaty with Spain, ought to have been delivered with the other papers placed in the charge of the alcalde for safe-keeping. The question being again repeated, he refused to answer, except in the manner before stated.

Interrogations put to Antoine Fullarat.

Question 1. What is your name and age?
Answer. My name is Antoine Fullarat. I do not know my age.
Question 2. Did not Domingo Sousa deliver to you this day some papers in boxes at the house of Colonel José Callava?
Answer. Yes.
Question 3. Where are those papers now?
Answer. They are at the house of Colonel Callava.
Question 4. In whose possession are they?
Answer. They are now in Colonel Callava's house.
Question 5. At what time of this day were they delivered by Domingo Sousa?
Answer. He does not recollect.
Question 6. Are not you the major domo of Colonel Callava?
Answer. Yes.

I do hereby certify the foregoing to be a correct minute of the examination before Andrew Jackson, Governor of the Floridas, at which I acted as clerk and interpreter.

H. M. BRACKENRIDGE.

Order for the imprisonment of Domingo Sousa, Colonel José Callava, and Antoine Fullarat.

WEST FLORIDA, }
Pensacola. }

OFFICE OF THE EXECUTIVE OF FLORIDA,
PENSACOLA, *August* 22, 1821

TO THE OFFICER OF THE DAY:

You will take into custody, and safely keep, Domingo Sousa, until he produces, or causes to be produced and delivered, unto Henry M. Brackenridge, alcalde of Pensacola, the following documents and papers, viz: Those relating to the estate of Don Nicolas Maria Vidal; also the papers relating to a house and lot in Pensacola, which was the subject of a proceeding between Carlos de Ville and Eugene Sierra; also the proceedings which took place between Manuel Bonfay and Carlos de Ville, relating to a piece of ground in this place; and also the documents in the case of Peter Guilkes and Tomas Villaseca, relating to real property in Pensacola: all which documents and papers appear to appertain to individuals and their rights, and for their benefit ought to be in the possession of H. M. Brackenridge, alcalde of the city of Pensacola, and not to be taken away by the officers of Spain; and which documents and papers were seen by Colonel George Walton, Colonel John Miller, and H. M. Brackenridge, alcalde, in the possession of the said Domingo Sousa on the 21st instant, and demanded by the said alcalde to be delivered to him, the said alcalde, under the written order of the undersigned given for that purpose, and the said documents and papers to be retained by the said alcalde for safe-keeping; on which the said Domingo Sousa refused to deliver the same, but, in open violation of the above-recited order and demand, did convey the said documents and papers to the house of Colonel José Callava, late Spanish governor of the province of West Florida, and left in the hands of the said Colonel Callava's steward, by name Fullarat, in the dwelling-house of the said Colonel Callava. All which acts aforesaid of the said Domingo Sousa are in open contempt of the authority of the undersigned, as Governor of the Floridas, &c., and in open violation of the rights of the citizens, secured to them under the second article of the late treaty with Spain; for all which, and until he, the said Domingo Sousa, complies with the foregoing order, by delivering the aforesaid enumerated documents and papers, he is to stand committed to the calabouse.

Given under my hand this 22d day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas, &c.*

To Captain DADE, *Officer of the Day:*

You will take into custody and safely keep Don José Callava, and his steward, (Fullarat,) until the documents and papers recited in the order annexed for the arrest of Domingo Sousa are produced and delivered unto H. M. Brackenridge, alcalde of the city of Pensacola.

Given under my hand, this 22d day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas.*

H. M. Brackenridge, Alcalde, to His Excellency the Governor.

SIR: PENSACOLA, *August* 23, 1821.

Having strong grounds to believe that the documents and papers claimed by me as appertaining to the archives of this province, and directly relating to the property and sovereignty of the same, are now in the house of Don José Callava, but enclosed in boxes, I beg leave to request that authority may be given to such persons as your excellency may appoint to open and examine the said boxes, and to report thereon. From the examination of Domingo Sousa and Antoine Fullarat, and the affidavit hereto annexed of Merced Vidal, there can be no doubt but that the said documents were delivered in the boxes before mentioned to the said Callava, at his house, and are in his possession. The documents demanded are as follow:

1. Papers relating to the estate of José Maria Vidal.
2. Proceedings in the case of Carlos de Ville and Eugene Sierra.
3. Proceedings in the case of Manuel Bonfay and Carlos de Ville.
4. Documents in the case of Peter Guilkes and Tomas Villaseca.

H. M. BRACKENRIDGE, *Alcalde.*

Affidavit of Merced Vidal.

Before me, H. M. Brackenridge, alcalde of Pensacola, personally appeared Merced Vidal Padro, who, being of full age, and being duly sworn, deposeth and saith: That her father, Nicolas Maria Vidal, left her by will one of his heirs, and that he died about the year 1806, possessed of a large real and personal estate in Florida and Louisiana. The deponent further saith that the will of her said father, together with the inventories of his real and

personal estate, and all the papers relating thereto, were for several years missing from the public archives of Pensacola, having been, by some person unknown, withdrawn from the same; that repeated solicitations were made by her to the authorities then existing here to compel the restoration of the said papers and documents, as they were, and she believes still are, necessary to enable her to prosecute her claim under the said will; that a certain John Innerarity, of this place, whom this deponent believes to be a debtor to the said estate to a large amount, was decreed to restore the said papers, if in his possession; that the said papers were finally restored, and that a decree was passed against the said Innerarity to account with the deponent as one of the heirs of Nicolas Maria Vidal. The deponent further states that, a few days before the change of government, she demanded them of Colonel Callava, who informed her that he could not give them up, as he was obliged to take them to Havana. The deponent afterwards requested permission to make a copy of them; that this was granted by said Callava, on condition that they should only be delivered by separate pieces or parcels, and that a confidential person should be found to copy them; but the deponent says that the expense of copying them exceeds her means, as they amount in all to several hundred pages of common writing paper. The deponent afterwards learned that the said papers were in the actual possession of Domingo Sousa, who acknowledged the same, and delivered three pieces to her for the purpose of being copied. The deponent further states that the said papers relate to property in this country and Louisiana, and were necessary in order to enable her to prosecute her claims under the will of her father.

MERCED VIDAL.

Sworn and subscribed to before me, this 23d day of August, 1821,

H. M. BRACKENRIDGE, *Alcalde.*

Search Warrant.

OFFICE OF THE EXECUTIVE OF FLORIDA, PENSACOLA, *August* 23, 1821.

Agreeably to the petition of H. M. Brackenridge, alcalde of the city of Pensacola, hereto annexed, and the affidavit of Merced Vidal, relating that she has reason to believe, from what Colonel José Callava has told her, that those papers would be taken to Havana: and whereas Domingo Sousa, in his declaration before me, the undersigned, on the 22d instant, declared that he, the said Domingo Sousa, in open violation and contempt of my order requiring that he should deliver the documents and papers named in the annexed petition of H. M. Brackenridge, alcalde for the city of Pensacola, had delivered them to Antoine Fullarat, the steward of Colonel José Callava, and in the house of the said Callava: and whereas an order was issued by the undersigned, on said declaration of the said Domingo Sousa, that a demand should be made to Colonel José Callava, and his steward, Fullarat, that they deliver said papers agreeably to a schedule delivered by Colonel Robert Butler, of the army of the United States, and Dr. J. C. Bronaugh, accompanied by the said alcalde for the city of Pensacola, who proceeded and made a demand of the aforesaid papers, which Colonel Callava refused to deliver, on which an order was made to bring the said Callava and Fullarat before me, to answer such interrogatories as might be put to them, &c.; this order being executed, and the said parties before me, Colonel Callava having declined answering interrogatories put to him, except in his own way, and as commissioner of Spain for the delivery of West Florida and its dependencies, which the undersigned would not in his judicial capacity, nor could he, know him in any other than his individual capacity, brought before him on the complaint of his acts being injurious to the rights and property of individuals, and in open violation of the orders of the undersigned, and in contempt of his decrees; Fullarat, having been interrogated, declared that he received from Domingo Sousa the papers alluded to, and that the said papers in boxes were in Colonel Callava's house:

Colonel George Walton, Secretary of West Florida, Colonel John Miller, clerk of the county of Escambia, David Shannon, Esq., presiding justice of said court, and Thomas Brownjohn, Esq., presiding justice of said court, accompanied by H. M. Brackenridge, Esq., alcalde of the city of Pensacola, will forthwith proceed to the house of Colonel José Callava, and make search for the said papers, breaking open said boxes; and if said papers, as mentioned in the annexed petition, are found therein, to take the same and bring them to the undersigned, with this warrant, leaving all other papers in said boxes secured in the same way as said boxes are found, and report the same to me in writing how they have executed this warrant.

Given under my hand and private seal, (there being no seal of office,) at Pensacola, in West Florida, the 22d day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas.*

Return of Messrs. Walton, Miller, Shannon, and Brownjohn, to the above.

PENSACOLA, *August* 23, 1821.

In the execution of the above order, we, the undersigned, proceeded to the dwelling of Colonel Callava, and, having opened a box containing papers, found the documents enumerated in the above list, and, after taking them out, again closed the said box, placing a seal upon the same. We now deliver into your excellency's possession the papers and documents above enumerated.

GEORGE WALTON,
Secretary of West Florida.
JOHN MILLER,
D. SHANNON,
J. BROWNJOHN.

To His Excellency Gen. ANDREW JACKSON, *Governor of the Floridas.*

Order for the discharge of Colonel Callava, Domingo Sousa, and Antoine Fullarat.

OFFICE OF THE EXECUTIVE OF FLORIDA, PENSACOLA, *August* 23, 1821.

Application being made to the undersigned, this 23d day of August, 1821, by H. M. Brackenridge, alcalde for the city of Pensacola, by petition founded upon the affidavit of Merced Vidal, of the 23d of August, 1821, and on the declaration of Domingo Sousa, and Antoine Fullarat, steward of Colonel Callava, that the first had delivered, and the latter received, at the house of Colonel José Callava, the papers found at the house of Domingo Sousa,

and, by the order of the undersigned, commanded to be delivered, for the use of the individuals whose rights are involved and concerned, into the hand and possession of H. M. Brackenridge, Esq., alcalde for the city of Pensacola, for safe-keeping, and that said papers were in the boxes as above stated, and in the house of said Callava; and information being made to me, by report of Colonel Robert Butler, Dr. J. C. Bronaugh, and the said H. M. Brackenridge, alcalde as aforesaid, that the said boxes were seen in the house of the said Colonel Callava on the evening of the 22d instant; and it being stated by the affidavit of Merced Vidal that the papers were about to be taken to Havana, and a warrant prayed to make search for the same: and whereas the said warrant was granted to Colonel George Walton, secretary of West Florida, Colonel John Miller, clerk of the court for the county of Escambia, David Shannon, Esq., president of the said court, and Thomas Brownjohn, Esq., accompanied by H. M. Brackenridge, alcalde for the city of Pensacola, to execute, and report in what manner they had executed the same, who made the following report thereon:

"PENSACOLA, *August* 23, 1821.

"In the execution of the above order, we, the undersigned, proceeded to the dwelling of Colonel Callava, and, having opened a box containing papers, found the documents enumerated in the above list, [which accompanied the warrant,] and, after taking them out, again closed the said box, placing a seal upon the same. We now deliver into your excellency's possession the papers and documents as before enumerated, &c.

GEORGE WALTON,
JOHN MILLER,
D. SHANNON,
J. BROWNJOHN."

Whereupon, the undersigned ordered that said papers be and remain in the possession of Colonel G. Walton, Secretary of West Florida, and by him to be delivered over to H. M. Brackenridge, alcalde for the city of Pensacola, for safe-keeping, taking his receipt for the same.

The officer of the day over the guards of Pensacola (Captain Wager) will therefore discharge Domingo Sousa, Colonel José Callava, and Antoine Fullarat, Colonel Callava's steward, from the custody of the guard; make known to them that the papers for the non-delivery of which, and contempt of the orders of the undersigned, they were confined, are in my custody, to be handed over to H. M. Brackenridge, Esq., alcalde for the city of Pensacola, for safe-keeping, for the benefit of the individuals and their rights that may be concerned, making them subject to such costs as the said H. M. Brackenridge, alcalde for the city of Pensacola, may tax against them; then conduct Colonel Callava to his house, examine if the two boxes of papers remain sealed, leave him in possession of them, and dismiss the guard from his house, and report the same to the undersigned, with this order.

Given under my hand, at Pensacola, this 23d day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas.*

Return of Captain Wager to the above order.

PENSACOLA, *August* 24, 1821.

I have the honor to report that your order of yesterday, directing the release of Domingo Sousa, Colonel José Callava, and Antoine Fullarat, has been complied with. Immediately upon the receipt of said order, I repaired to the guard at the calabouse, and, having communicated its contents to Colonel José Callava, I conducted him to his own house, where I examined two sealed boxes said to contain papers. I further attended him in the examination of his own effects, with the safety of which he appeared satisfied. I then dismissed the guard from his house, and left him in peaceful possession of it.

I have the honor to be, &c.

P. WAGER.

His Excellency ANDREW JACKSON, *Governor of the Floridas.*

H. M. Brackenridge's (Alcalde) receipt to Colonel Walton for the documents above mentioned.

PENSACOLA, *August* 25, 1821.

Received of G. Walton, Esq., Secretary of West Florida, the following documents belonging to the archives of this province, being the same obtained through proceedings instituted at my instance:

1. The papers in the case of Vidal.
2. In the case of Bonfay and Carlos de Ville.
3. In the case of Carlos de Ville and Sierra.
4. In the case of Peter Guilkes and Villaseca.

H. M. BRACKENRIDGE, *Alcalde for the city of Pensacola.*

SECRETARY'S OFFICE, PENSACOLA, *August* 25, 1821.

I do hereby certify that the above are true copies of all the documents in my office relating to the arrest and imprisonment, and discharge from imprisonment, of Colonel Don José Callava, Domingo Sousa, and Antoine Fullarat.

Given under my hand and private seal, (there being no seal of office,) this 25th day of August, 1821.

GEORGE WALTON, *Secretary of West Florida.*

E.

[TRANSLATION.]

Testimony in behalf of Colonel Callava.

We, the undersigned, declare, upon oath, that about half-past five in the afternoon of yesterday, the 23d current, we were witnesses of the examination which the Spanish colonel, Don José Callava, made of his house, who,

accompanied by an officer of the United States, entered it for the first time, after having been dismissed from prison, into which he had been put the night before by the governor of this place, Don Andrew Jackson. The house was found open, and troops in it; these troops belonged to the United States, and were armed. In the colonel's chamber we saw bundles of papers upon the table which served him for a writing desk, and these bundles neither sealed nor secured. We also saw and examined two boxes secured with nails, and sealed with black wax in various places, upon white paper, and that the seal was that which the said colonel used in making up his despatches as governor in Pensacola; and, for our greater certainty, the seal being upon the table, we took it and compared it with the stamp upon the wax on the boxes. We also saw and examined that one of these boxes had various broken seals, which demonstrated evidently, and convinced the human understanding beyond a doubt, that the said box had been opened after it had been sealed and nailed. We observed, also, that it was secured anew, and that close by the broken seals other seals had been put with wax of the same color as the others, but the seals were of a different figure; all this was likewise observed by the officer of the United States who assisted in the examination. We also saw that the colonel took from his bed some large keys, and that with them he opened a strong-box, and from a drawer therein he took out a bag of gold, which he emptied upon a table, and counted, by pieces of gold, in our presence, two hundred and fifteen pieces, with seven pieces of silver, and two reals more; that afterwards he returned the said money into the strong-box; on his doing which, the officer of the United States said that he had finished his business, and went away.

The relation of these facts we have thought proper to present in this declaration, as they appeared to us, accompanied by the said officer of the United States, on this examination. And for its verification we sign it, at Pensacola, the 24th day of the month of August, 1821.

LUIS DANNOG,
B. PRIETO,
JOSE Y. CRUZAT,
PEDRO DE VEGAS,
ENRIQUE MICHELET,
LUIS GAGNET.

A true copy:

H. DE RIVAS Y SALMON.

The Secretary of State to Don Joaquin de Anduaga.

SIR: DEPARTMENT OF STATE, WASHINGTON, *November* 2, 1821.

Previous to your arrival in this country, I had the honor of receiving from Don Hilario de Rivas y Salmon, then chargé d'affaires from your Government, a letter dated the 6th of the last month, with sundry papers enclosed, exhibiting complaints against the governor of the territories of Florida for certain proceedings in his judicial character against Colonel Don José Callava. That letter was immediately submitted to the consideration of the President of the United States, by whose directions I have now the honor of addressing you an answer thereto.

The complaints, in substance, are—

1. That Colonel Callava being a commissioner of His Catholic Majesty for delivering the province over to the United States, and entitled to the special protection of the laws of nations, his house was forcibly entered in the night time, and he, himself, being then sick in bed, was, under special circumstances of rigor and inhumanity, summoned and compelled to go before Governor Jackson to answer interrogatories.

2. That the questions put to him, and his answers to them, were both falsely interpreted; he being ignorant of the language in which the interrogatories were put.

3. That he was finally committed to prison, and there detained for the space of a day before he was released.

4. That, during the period of his detention, his house, his property, and the papers of his Government, were left at the mercy of the soldiery. That he found, on his return to his house, the seals of his Government upon certain boxes of papers broken, and some of the papers scattered about.

I am instructed by the President of the United States to assure you of his deep regret that, in the completion of a transaction of such high importance to both nations, any circumstance to excite pain on either side should have occurred.

On the merits of the proceeding complained of, all the light necessary to the formation of a correct judgment has not been received. It would be improper, therefore, in the present case, to pronounce definitively on the subject. In its intercourse with foreign Powers, the Government of the United States is scrupulously observant of the rights of the representative character of persons charged by their Governments with the performance of any duty incident to their relations with this Union. Although Colonel Callava was not clothed with the character or credentials of a public minister, it is readily admitted that, in the execution of his trust, as a commissary for the delivery of the province, he was entitled to all the protection and all the immunities necessary for the discharge of that duty. But it is not less true that, in the treaty itself, it had been stipulated that the whole transaction of the surrender of the provinces, and the evacuation of all the officers of His Catholic Majesty within it, should be completed within six months from the exchange of the ratifications of the treaty, which six months had elapsed at the time when these incidents occurred. It is also true that the surrender had been completed; that the authority of Spain within the province had more than a month before ceased, and that of the United States had taken its place. The troops of His Catholic Majesty had been removed; and if Colonel Callava and other officers of Spain remained there after the consummation of that event, they could no longer claim the immunities of public agency, or any other privileges than those of strangers permitted to reside in the place—strangers not only amenable to the common judicial tribunal, but who, conformably to the Spanish laws existing before the cession of the province, would have been liable to removal from it, or to imprisonment, at the discretion of the governor, for the mere act of being there.

It is asserted by Colonel Callava that the postponement of his departure from Pensacola had been necessary, because it was impossible for him to terminate the business incident to the surrender on that day; because he was sick; and because the question, whether the artillery belonging to the fortifications was or was not included in the cession, had been referred to the decision of the two Governments. To this the reply is obvious: that, without now referring to the delays which protracted till the 17th of July the surrender which might have been effected more than two months before, there was yet ample time between that day and the 22d of August for the discharge of any business incidental to it; that the personal indisposition of Colonel Callava neither disqualified him on the 17th of July from the transaction of business, nor on the 22d of August from being present at a festive entertainment, nor immediately afterwards from undertaking and performing a long and fatiguing journey from Pensacola to New York, and thence to embark on a voyage by sea; and that, with regard to the question concerning the

cannon, which was reserved for the decision of the two Governments, it furnished no sufficient motive for the continuance of Colonel Callava there—a particular receipt for them having been given by Governor Jackson, and the right of Spain to remove them, whatever its merits might be, being in no manner affected by the departure of the Spanish commissioner.

It appears, therefore, that, both by the limitation of time stipulated in the treaty for the surrender of the province, and by the nature of the functions assigned to Colonel Callava, his immunities of exemption from the ordinary process of the law had ceased before the 22d of August. The allegation that Governor Jackson had, nineteen days before that time, recognised his commissarial character as yet existing, will not affect the principles here advanced: 1st. Because the limited six months had not then expired; and 2dly. Because the only transaction of General Jackson on that day, recognising Colonel Callava as a commissioner, was, by writing him a letter complaining of a signal breach of faith by that officer, in evading, *on the plea of indisposition*, the performance of a stipulated promise, on the morning of the 17th of July, before the surrender, and afterwards refusing to perform it at all; which letter, after an expostulation against that proceeding, suited to the aggravation of its character, finished by a declaration of General Jackson that it closed the correspondence between him and Colonel Callava on the subject forever.

Far would it be from the intention of the American Government to draw within its rigorous limits the exemption from ordinary legal process of a foreign public officer. It would extend to them a liberal measure of time and a full portion of indulgence for the execution of the trust, and for departure after its completion. But it cannot perceive the justice of extending these privileges beyond their limits as sanctioned by custom, for purposes of injustice and wrong. And here we are led to the inquiry, what was the immediate occasion of the summons to Colonel Callava, his resistance against which prompted the subsequent rigorous measures, in reference to his person, house, and papers, complained of in the note of Mr. Salmon? He had withheld, and caused to be packed in boxes for transportation, public records, relating to the property of the province—judicial documents, indispensable for vindicating the titles to succession of infant and orphan children. Application was made to General Jackson, in behalf of those orphans, for the legal judicial process to obtain those papers. He had proof that they had been removed, after a summons from him to the person in whose possession they had been to produce them, to the house and possession of Colonel Callava, for the avowed purpose of subtracting them from the process issued by his authority. Had that officer's personal immunity been complete and unquestionable, what greater abuse of it could have been made than thus to wrest from the course of justice the vouchers on which depended the rights and the subsistence of orphans? General Jackson, considering that Colonel Callava was not entitled to such exemption from legal process, issued the ordinary summons which would have been applicable to any other individual; and, on his refusal to answer the interrogatories put to him, committed him, as others in like cases would have been committed, to prison. By the same order he issued a commission for securing the papers, which ought to have been delivered up before, with all suitable caution, to prevent the taking of any others, and, immediately after the satisfactory return of that commission, ordered the release of Colonel Callava. Such appears to have been the character of the transaction, upon the report of it made by General Jackson; and, although the President cannot but contemplate with unfeigned regret this occurrence, he thinks that blame should be imputed to the party deserving it, and whose misconduct produced it; and that it is a justice due to General Jackson to make him acquainted with the objections in the note of Mr. Salmon to his conduct, and to receive his full explanation of the motives and considerations which governed him.

In concluding this letter, I cannot forbear reminding you, sir, that not only this, but all the other transactions of a painful nature, which have arisen in the execution of that treaty, which, it was hoped, would have terminated all the differences, and have led to the most harmonious intercourse between the United States and Spain, have proceeded from the unjustifiable delays and evasions of His Catholic Majesty's officers, in direct contravention, as is understood, to his orders and intentions, in withholding the documents, archives, and vouchers, of which the delivery had been expressly stipulated—vouchers indispensable to the United States, both for the dispensation of private justice and for the establishment of public right, but utterly useless to Spain; and the detention of which, by the Captain General and Governor of Cuba, and by the Spanish Governors of both East and West Florida, however intended, and by whatever motive induced, can subserve no purposes but those of fraud, injustice, and oppression. After a succession of delays, for a period of six weeks at the Havana, in a climate noted for its unhealthiness to strangers, of the commissioner of the United States authorized to receive those documents, and of the vessel which had conveyed him, he was compelled to depart without them, nor have they yet been delivered. The attempts to carry away, both from Pensacola and from St. Augustine, many of those papers, can be viewed in no other light than as flagrant violations of the treaty. The President relies that they will be so considered by His Catholic Majesty, and that he has, ere this, given the most positive and effectual orders for the faithful execution, in this respect, of that instrument.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Don JOAQUIN DE ANDUAGA, *Envoy Extraordinary, &c.*

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

SIR: PHILADELPHIA, *November* 14, 1821.

I have received your note of the 2d of this month, (which I have transmitted to my Government,) in answer to a letter of the 6th ultimo, which Don Hilario de Rivas y Salmon had the honor to address to you, relative to the proceedings of General Jackson with Colonel Callava.

I can do no less than applaud the President's resolution, so worthy of his prudence, of not pronouncing definitively upon this business until he had the whole documents concerning it before him; and I flatter myself that, when that takes place, he will do ample justice to the representation of the above-named chargé d'affaires. In this persuasion I will not, at present, enter upon an answer to the paragraphs of your said note which seem to defend the conduct of General Jackson; and I shall defer doing this unless the President (which is not to be expected) should think it his duty to approve it.

I avail myself of this opportunity of offering you, sir, the sentiments of my distinguished consideration, and pray God that you may live many years.

Your obedient, humble servant,

JOAQUIN DE ANDUAGA.

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

SIR: PHILADELPHIA, *November* 18, 1821.

General Jackson, not satisfied with the outrages which he practised against Colonel Callava on the 22d of September last, has published, in Pensacola, a proclamation, in which, on the most frivolous pretexts, he has ordered that Don Marcos de Villiers, Don Bernardo Prieto, Don Luis Guayare, Don Civito Lasassier, Don Arnaldo Guillemard, Don Carlos de Villiers, Don Pedro de Vegas, and Don Mariano Latady, all in the service of His Catholic Majesty, should quit the above-named city on or before the 3d day of October following.

The reasons which he alleges for a proceeding so shocking are the following: 1st. That, by the seventh article of the treaty between Spain and the United States, of the 22d of February, 1819, it was stipulated that the officers and troops of His Catholic Majesty should evacuate the territories ceded to the United States six months after the exchange of the ratifications, or sooner if possible, and that they should give possession of them to the officers or commissaries of the United States duly authorized to receive them; 2d. That the said officers, acting as a separate body, endeavored to sow discontent among the inhabitants; and, 3d. That they were the authors of a paper in which they criticised the proceedings which took place in the interrogatory made by General Jackson of Colonel Callava, previous to his sending him to prison.

If General Jackson, as commissary for receiving the Floridas, believed it his duty to fulfil the letter of the seventh article of the treaty, how deficient was he in that duty in permitting those officers to remain in the province more than a month after the expiration of the six stipulated. His consent and silence, during this time, afford evident proof that his opinion was, that the treaty was in no way infringed by the remaining of eight individuals after that time had elapsed; and, in truth, it being the spirit of the said seventh article to secure to the United States the peaceable possession of those territories, it is very difficult to imagine how so small a number of subjects could endanger it. Besides, if the proclamation had for its object the fulfilment of the article, why was it confined to the eight officers by name, and not extended to all those who were likewise in both Floridas?

I confess that I am embarrassed how to answer the second paragraph, because I do not know what General Jackson means by *the officers acting as a distinct body.* Can it be that, being subjects, and belonging to the service of a Power friendly to the United States, they were seen as companions, and were not deemed citizens of this republic, but foreigners, who for a short time remained in its territory, under the protection of the law of nations and of treaties? In this case, the same criminality might be attached to such Americans as travel through Europe, and especially to the officers of the American squadron in the Mediterranean, who, instead of outrages, meet with a reception in the ports of Spain to which their circumstances, and the friendship which unites both nations, entitle them.

The second extreme of the second paragraph and of the third are really serious accusations, and, if it be certain that the officers, either by their actions or by their writings, would have attempted to excite discontent in the inhabitants, there is no doubt of their being criminal. With regard to their actions, it is very strange that General Jackson has not thought fit, in taking a step so precipitate, to give what still was not proof—at least, the relation of what had obliged him to declare them culpable of such a crime; and as, in the mean time, neither appears evident to me, I think myself authorized to declare the accusation to be false. With regard to the writing which he cites, the officers were free to believe themselves at liberty to publish it, since they could not but have been persuaded that they were in a country where, till lately, the Spanish laws, and now those of the United States, prevailed, and where the liberty of the press was their justification in doing it. And what did they say in the paragraph copied by General Jackson? That the interrogations were not faithfully translated to Callava—a fact which the same person who acted as interpreter in that act has since confessed in a piece published in the newspapers; yet for this publication they have been expelled from the Floridas. I as little comprehend from whence arises the criminality of the passage which General Jackson copies in his proclamation, that, "if, on the one hand, they shuddered at the violent proceedings exercised against their superior, they knew also what was due to a Government which is on the most friendly footing with their own." What does he wish them to say, but that, notwithstanding the sentiments inspired by the precipitate acts against Colonel Callava, they knew that it was their duty to submit to the decisions of a Government friendly to their own? In vain will it be pretended that the object of this writing is to rouse the minds of the inhabitants; it only relates to what took place before them all, and what has since been publicly confessed by one of the agents of General Jackson himself. There is no doubt, in fact, that the hearts of the Floridians were overwhelmed with sorrow and pain to see those outrages committed against one who had so long been their superior, and had known how to gain their affection; no doubt but that, seeing the violences committed against him, and against those who a few days before were their fellow-countrymen, they were so much the more alarmed, because they believed they were passing under the pleasant yoke of a Power, the asylum of liberty and of justice, yet had been witnesses of proceedings seldom practised in the most despotic countries. But who ought to bear the reproach of effects so natural—he who caused them, or they who deplored them?

I believe I have answered the accusations contained in the proclamation; but, in order to make the irregularity of General Jackson's proceedings more evident, I will grant for a moment that they are certain and proved; I will admit that the officers have been deserving of the chastisement and dishonor which they have suffered; but yet nobody will deny me that, before it was inflicted upon them, they ought to have been cited before the proper tribunal, have heard the charges, and have had liberty and time for their defence. These are fundamental principles of the laws of Spain, and of the United States, and of every civilized country. Yet what has been the conduct of General Jackson? Without giving them the least intimation, he publishes, in a language *foreign to them*, a proclamation expelling them from the province, giving them scarcely time to arrange their affairs, and authorizing all officers, civil and military, to apprehend them, and bring them before him!

I forbear making reflections upon a fact of such a nature, and it would be doing an injury, sir, to your sense of justice if I should dwell upon its odiousness.

In fine, either General Jackson has expelled the above-mentioned officers because he believed them criminal, (and in this case he ought to have had them judged according to the laws,) or he thought proper to do it as a political measure, in which case he ought to have executed it as the relations between the countries demand, either by giving them notice in writing, or verbally, with that urbanity which a person of his grade ought never to forget. In place of this, he was wanting either to the laws, or to the respect which was due to the officers and subjects of a Power friendly to his Government; and, consequently, I feel it my duty to request that you will have the goodness to lay this note before the President, not doubting, from his well-known justice, that he will give to His Catholic Majesty the satisfaction which the above-mentioned conduct of General Jackson towards the before-named Spanish officers demands. Whereupon, I renew to you, sir, the sentiments of my distinguished consideration.

Your most obedient, humble servant,

JOAQUIN DE ANDUAGA.

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

SIR: PHILADELPHIA, *November* 22, 1821.

By your note of the 13th of August last to my predecessor, Don Francisco Dionisio Vives, you were pleased to acquaint him that copies of the correspondence which had taken place between Don José Coppinger, governor and commissary nominated by His Catholic Majesty for the delivery of East Florida, and Colonel Butler, commissary appointed by the United States to take possession of it, had been received. Upon reading it, you cannot but applaud the zeal with which Colonel Coppinger labored to obviate and remove all the difficulties which could delay this important transaction, and the activity with which he made the aforesaid delivery, without concluding a multitude of subjects which yet remain pending, and without waiting for the term fixed by the treaty. The harmony and good understanding which prevailed between both commissaries is very praiseworthy, inasmuch as they evidently showed that, guided solely by the desire of executing their respective duties, far from throwing obstacles in the way of its accomplishment, with discussions liable to inflame the mind, they thought that urbanity and decorum were the most proper means of serving their respective Governments in the important commission with which they had been intrusted. By the aforementioned correspondence, it appears that doubts had arisen whether the artillery and certain archives ought or ought not to be delivered over to the United States, and in that you will have seen that it was clearly and definitively stipulated between Messrs. Coppinger and Butler that both should remain in St. Augustine; the former in deposite in possession of the Anglo-American commissary, and the latter in the state in which they were, and without the possibility of their being carried away to the Havana until the determination of both Governments, in a certain time, should arrive. At the departure of Colonel Butler from the said city, after the delivery had been effected, he wrote officially to Colonel Coppinger that he would have to transact his business with Captain Bell, who succeeded him; and, without doubt, from the copies of his correspondence with Colonel Coppinger, you will have observed that, on various subjects which occurred, he considered him, and interchanged letters with him, recognising him still in the quality of Spanish commissary. On the arrival of Mr. Worthington, who came to St. Augustine to supply the place of Captain Bell, the aspect of affairs was changed; and in the correspondence which took place between him and Colonel Coppinger upon an incident relative to a Spanish agent, he not only affected not to understand that Coppinger continued in the quality of Spanish commissary with the consent of his predecessors, but he was pleased to make use of expressions highly injurious to Spain, and foreign to the language which a person whom the American Government had thought worthy of its confidence ought to have used. Colonel Coppinger waited for the answer to the protest which he had made to Mr. Worthington upon the incident above mentioned; when, without any previous notice, or any other cause, the offence was committed which is related in the subjoined protests of Colonel Coppinger and of the secretary.

That the American Government had no right to demand any paper from Colonel Coppinger, is evident from the receipt of the delivery given to him by Colonel Butler on the 10th of July last, which is given for the delivery of what the treaty stipulated, and which declares expressly that the doubt relative to the artillery and certain documents was left to the determination of both Governments.

That the commissaries, Coppinger and Butler, had agreed, in virtue of their respective powers, that the archives in question should remain in the state in which they were, appears from the correspondence of both. What reason, then, what pretext, what excuse, can General Jackson and his officers give for a crime so unheard of?

From all that I have explained, and from the accompanying documents, it results—

1st. That His Catholic Majesty has been insulted, in the person of his commissary, in the most scandalous manner.

2d. That General Jackson has broken, without giving any reason for it, an agreement signed by his own officers.

3d. That, in the spoliation, or rather plunder, committed in the house of Colonel Coppinger, the law of nations, and all the known laws of civilized countries, have been trampled upon, inasmuch as he was the commissary of a foreign Power, and inasmuch as, without summons or notice, without accusation, trial, or sentence, the doors of his house have been broken, and he has not only been robbed of his family and private papers, always sacred, but of those which, being the correspondence of office, and reserved with his Government, belong to His Catholic Majesty.

The sentiments which animate a free people, and the principles which direct those who have the high honor of governing them, are well known to you. Capable of making every sacrifice where their interest alone is concerned, they never yield when their insulted honor demands just satisfaction. That His Catholic Majesty is under the necessity of demanding it for the repeated insults offered by General Jackson, his commissaries, officers, and servants, is fully proved by my remonstrances, and those of Don Hilario de Rivas; and, to be brief, I at present demand in his royal name—

1st. That the Government of the United States show, in an authentic manner, its disapprobation of the insults offered to the Spanish commissary, Don José Coppinger.

2dly. That the authors of them be punished as they deserve.

3dly. That all the papers, without *any distinction*, which were taken from the house of Colonel Coppinger, and of the secretary, on the 2d of October, be restored to Colonel Don José Coppinger, who will return to St. Augustine for that purpose, that he may keep those which belong to the Spanish Government, and preserve in his possession those which have been the object of doubts, until, according to the solemn stipulation by him and Colonel Butler, both Governments come to a determination respecting them.

4thly. That the Government of the United States satisfy Spain and Don José Coppinger for the damages and injuries which they have sustained by the injustice of the American authorities in the Floridas.

No doubt but the President will acknowledge the justice of this remonstrance, and I flatter myself that he will be pleased to give, without delay, to a monarch who has given such proofs of his friendship for the United States, a satisfaction which his honor and that of the Spanish nation demand.

I repeat the sentiments of my most distinguished consideration.

JOAQUIN DE ANDUAGA.

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

SIR: PHILADELPHIA, *December* 27, 1821.

The immense sacrifices made by Spain to satisfy the claims of the United States have given her a just right to flatter herself that the American Government would, in its turn, pay attention to those which His Catholic

Majesty might see necessary to make, with that readiness which is due to a friendship that he had, at such great cost, endeavored to maintain between the two cabinets. Under this impression, I believed that the President, guided by his characteristic principles of justice, and with a full conviction of the solid reasons with which, in my notes of the 18th and 22d of last month, I demanded satisfaction for the injuries of General Jackson towards the Spanish commissaries and officers in the Floridas, would have been pleased to order it to be given to me without delay. But I see with pain that, so far from my hopes being realized, the receipt of my notes, after so long a time, has not even been acknowledged. What may have been the cause of this silence, I am not able to divine, unless it be the difficulty of deciding to what satisfaction His Catholic Majesty is entitled.

If my claims were founded on matters of interest, I could have waited for the answer to them without being troublesome to you, sir; but as they originate in atrocious injuries committed against the honor of my King and my nation, I should be wanting to my most sacred duties if I did not persist in demanding the satisfaction which they require.

The more General Jackson's conduct is considered, the more evident it is that his sole aim by it has been to insult Spain. In fact, no advantage could result from it to the United States, no glory to the general himself, in trampling upon the defenceless commissaries and officers of Spain. And if none of these purposes (the only ones that could excuse him in the eyes of a cabinet less just than this) impelled him, what doubt can remain but that his sole motive was his inveterate hatred against the Spaniards? It is therefore certain that General Jackson ought not to meet protection from his Government, whose interest he did not consult, when he had the audacity to trample upon the law of nations, and the laws of every civilized people. But, admitting that his intention had been to promote the prosperity of his country, it would be doing a serious injustice to the President to suppose for a moment that he could approve of its being attained by measures so criminal. Satisfied of this truth, I have not the least doubt but that the satisfaction demanded will be given to me; and the sole purpose of this note is to request, sir, that you will be pleased to transmit it to me as soon as possible, as your own delicacy will convince you of the impatience with which His Catholic Majesty expects it, who, by how much more zealous he is to preserve the greatest harmony with the United States, by so much the more anxious will he be to see every cause tending to disturb it removed.

I embrace this opportunity to renew to you, sir, the sentiments of my distinguished consideration.

JOAQUIN DE ANDUAGA.

Mr. Adams to Mr. De Anduaga.

SIR: DEPARTMENT OF STATE, WASHINGTON, *December* 31, 1821.

I have had the honor of receiving your letters of the 14th, 18th, and 22d November, and 13th and 27th of the present month.

In my letter to you of [2d] November last, in answer to that of the 6th of October, which had been received from Mr. Salmon, I informed you that a definitive answer upon the complaints of Mr. Salmon and Colonel Callava would be given after General Jackson should have been made acquainted with them, and his explanations of the motives and considerations by which he had been governed should be received.

In your letter of 14th November, you manifested your entire satisfaction with this course of proceeding; and when, afterwards, your letters of the 18th and 22d of November were received, containing new complaints against other proceedings of General Jackson, subsequent to those to which the letter of Mr. Salmon had applied, it was presumed that you would expect that the same course should be adopted, with regard to these additional charges, as had already met your approbation in relation to the preceding subjects of complaint. This was the reason why an immediate acknowledgment of the receipt of those letters was not transmitted to you, and is the motive for postponing at present any further reply to your letter of the 27th instant.

I had the honor of informing your predecessor, General Vives, that the statement, stipulated in the fourteenth article of the late treaty to be given by the United States, of the prizes made, and of injuries suffered by the privateers, consuls, and tribunals of France, in the ports of Spain, and its amount, could be ascertained only by the result of the commission instituted by virtue of the eleventh article of the treaty. That commission has already made some progress in the investigation of the cases brought before them; and when they shall have decided upon those concerning which the statement mentioned in the fourteenth article of the treaty is to be made, it shall be transmitted to you without delay.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Don JOAQUIN DE ANDUAGA, *Envoy Extraordinary and Minister Plenipotentiary from Spain.*

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

SIR: PHILADELPHIA, *January* 6, 1822.

I have had the honor to receive your note of the 31st ultimo, in answer to mine of the 27th of the same month. When, in it, I deemed it my duty to repeat my demand of satisfaction for the conduct of General Jackson, I did so because I had no doubt that he, before leaving the Floridas, had informed his Government of his motives for maltreating the Spanish commissaries and officers. This persuasion was the stronger, inasmuch as I had before received letters from the Floridas considerably later than the events which gave rise to my complaints and the departure of General Jackson; but supposing his having given no account even of the reasons which impelled him to such extraordinary proceedings, (a very just impediment, for which the President may give time in order to determine on my demands,) some notice, it appears reasonable, ought to have arrived long since.

Yet, let the excuses of General Jackson be what they will, it is evident that he can give none for possessing himself of the papers belonging to His Catholic Majesty. I could have flattered myself, therefore, that the President would have been pleased to order the restoration of them, as he could not possibly have retained the least doubt in his mind about a provision so just.

In my note of the 22d of November I had the honor to communicate to you, sir, that I had ordered Colonel Coppinger to stay and return to St. Augustine to take charge of *all* the papers which had been taken from him.

His remaining increases the damages which have been sustained by His Catholic Majesty, and adds to the vexations of which Colonel Coppinger himself has been the victim; and I shall also take upon me to add, that the delay in the restoration of documents belonging to a monarch friendly to the United States is not conformable to what His Catholic Majesty had a right to expect from a Government to which so many proofs of his delicacy and esteem have been given.

Wherefore, sir, I request of you, anew, that the most peremptory orders may be given for the immediate delivery to Colonel Coppinger of *all* the papers of which he was dispossessed, and I am persuaded that the President will not refuse so reasonable a demand; in the mean time, that, in giving complete satisfaction to Spain for the injuries committed against her, he may have that of wiping off the stain which General Jackson, with his unjust and violent proceedings, has thrown upon the reputation of the American authorities.

I renew, sir, the sentiments of my most distinguished consideration, &c.

JOAQUIN DE ANDUAGA.

Hon. JOHN QUINCY ADAMS.

To the House of Representatives of the United States: WASHINGTON, *April* 18, 1822.

I communicate to the House of Representatives copies of sundry papers having relation to transactions in East and West Florida, which have been received at the Department of State since my message to the two Houses of Congress of 28th of January last, together with copies of two letters from the Secretary of State upon the same subject.

JAMES MONROE.

Extract of a letter from Mr. Worthington to the Secretary of State, dated

EXECUTIVE DEPARTMENT, EAST FLORIDA,

ST. AUGUSTINE, *January* 15, 1822.

The enclosed certificates (Nos. 12 and 13) will close all the papers which I have thought it necessary to send on respecting the archives.

If the Government will direct me what to do with the papers determined to be *returned* to the ex-governor and escribano, I will make the disposition accordingly.

No. 12.

Colonel Forbes to Mr. Worthington.

SIR: ST. AUGUSTINE, *January* 8, 1822.

After the archives and documents had been investigated under your excellency's commission of the 1st of October, and the papers separated, I communicated your orders to the escribano, Mr. Entralgo, to deliver him those taken from his office, which it was deemed the United States did not claim under the treaty; also, I made a similar offer to Mr. Arredondo, the general attorney of the ex-governor, Colonel Coppinger, he being absent, to deliver those taken from him, which it was thought proper not to retain. They both declined taking them; so they remain safe, but subject to future orders. I made the offer in writing, as one of the commissioners and as marshal of the United States for the Floridas, agreeably to your written directions.

I am, &c. JAMES G. FORBES.

His Excellency W. G. D. WORTHINGTON, *Secretary and Acting Governor of East Florida.*

No. 13.

Mr. Law to Mr. Worthington.

SIR: ST. AUGUSTINE, *January* 14, 1822.

Of the archives and documents taken into the American possession under your commission of the 1st of October, from the Spanish escribano, Mr. Entralgo, part of five boxes are retained as belonging to the United States under a fair construction of the treaty, and the remainder of the five boxes determined by the commissioners to be returned to Mr. Entralgo. From the Spanish ex-governor, Colonel Coppinger, part of six boxes are retained under the above construction, and the remainder of the six boxes determined, as above, to be returned to Colonel Coppinger. Both Colonel Coppinger and Mr. Entralgo, I learn, decline taking those offered to be returned; I would, therefore, advise some final disposition to be made of them, either by yourself or the General Government, as they may be subject to casualties while in our possession. To those papers retained, Americans, Spaniards, and all persons interested, have daily access. Those determined to be returned remain nailed up, and no one is suffered to handle or inspect them.

Yours, respectfully,

EDMUND LAW, *Alcalde.*

W. G. D. WORTHINGTON, *Secretary and Acting Governor of East Florida.*

Captain Bell to the Secretary of State.

SIR: WASHINGTON CITY, *January* 5, 1822.

I had the honor to command the detachment of the United States troops on the 10th of July, 1821, the day on which an exchange of flags took place at St. Augustine, the capital of East Florida, under the late treaty with Spain. On the day following, I was, by commission from General Jackson, Governor of the Floridas, vested with all the powers of the late Spanish Governor Coppinger, which commission I received through the hands of the American commissioner, Colonel Butler, with other documents and instructions from my Government in the dis-

charge of the duties of provisional secretary of the province, until the arrival of Mr. Worthington, who had been duly appointed by the President of the United States. Colonel Butler, the commissioner, shortly after set out for Pensacola. Among the documents left by him for my government and information, were extracts of the official correspondence between the two commissioners on the subject of the archives and documents relating to individual property, and the inhabitants of the province; by which it was agreed that they were not to be removed from St. Augustine, but to remain precisely as they were until the doubts arising on the part of the Spanish commissioner should, by reference to the Spanish authorities on his part, and to the American authorities at Washington on the part of the American commissioner, be settled. No inventory of the archives, documents, and papers, was ever made to my knowledge; none was delivered to me by Colonel Butler.

After his departure, a number of the inhabitants waited on me to know the situation in which the archives and documents relative to property and rights in the province had been left by the American commissioner, and if he had obtained possession of them. On being informed that they were said to be in the possession of the escribano, a Spanish notary and officer, until the doubts arising as to the delivery of them should be settled by the respective Spanish and American authorities, they appeared greatly dissatisfied, expressed themselves in a manner and in terms which led me to believe they had no confidence in the Spanish officers, and, finding no inventory had been made of the archives, declared, from their knowledge of the manner in which these documents were filed, that there was no security that the whole of the documents would ever be delivered; that important papers might be sent to the Havana, if not already sent; that others might be placed on the files; in fact, that the door was open to almost every species of fraud in the office, by which individual rights would be violated, and the public lands would be granted away without the possibility of detection. They strongly advised me, for the above reasons, to take possession of them. This, I informed them, I was not authorized to do, but things must remain as they were until I received further instructions. Boxes were already made in which these documents were to have been packed to be sent to the Havana, but they were in the public store, and under my charge. A Spanish armed schooner sailed, some time after the transports with the troops, for the Havana; as did also another vessel, which carried the treasurer of the province: it was said many boxes, supposed to contain documents, were taken by this officer. The whole of the archives or bureau of the city of Eugenia, which contained important documents relating to individual rights in the city, public squares, and vacant lands, were removed, or not found at the time of taking possession of the documents and papers found in the offices of the late Governor Coppinger and escribano. There was a vessel almost ready to sail for the Havana; boxes were ready in the governor's house, in which the documents found in his office were to have been placed: this, I believe, he admits in his protest. Although the papers have been seized, a sufficient examination has not been had to determine if all are there which were expected to be found. I frequently heard the persons appointed to examine them say that they did not find in the governor's office those papers which are usually kept in this office. Whether any were removed after the 23d June, which were embraced in the correspondence, I am not able to say. I have no reason to believe there were, although the inhabitants interested were constantly complaining of the situation in which they were left, and were paying great fees to the officer to obtain evidences of their papers being in the office. I must further state that the notary, Don Juan de Entralgo, had declined to take the oath of allegiance to our Government; that Governor Coppinger was respectfully applied to by me to deliver up the papers peaceably, before any resort was had to force; and when the papers were put into the hands of certain persons appointed to examine them, with directions to separate private papers from documents relating to the province, Governor Coppinger was given to understand that he, or any agent on his behalf, might attend the examination. As far as the examination has proceeded, many papers have been separated from the public documents, put into boxes, and reported to Mr. Worthington, for the purpose of being returned. By the citizens having property, and residing within the province, the conduct of the American officers in taking the papers was generally approved of.

Most respectfully, I am, sir, your obedient servant,

JOHN R. BELL.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

General Jackson to the Secretary of State.

SIR: NASHVILLE, *January* 22, 1822.

Your letter of the 1st instant reached me a few days since, in which you advise me of the receipt of mine of the 22d November, with its enclosures. I had also the honor to receive a copy of your communication, dated 2d November, to the minister of Spain, together with the translations of two letters from said minister, addressed to the Secretary of State, and transmitted to me by direction of the President of the United States. You inform me that the definitive answer to these letters will be deferred until you shall have the opportunity of obtaining my reply, with any remarks I may be disposed to make on the communications of the minister of Spain.

I sincerely regret that Don Joaquin de Anduaga's letter of the 22d November had not been transmitted at an earlier period, as it will be necessary, in my reply, to refer you to two communications of Captain Bell, of the 31st July and 4th August last, and to Mr. Worthington's letters on the subject of the archives at St. Augustine; the first of which is on file in the executive office at Pensacola, and the last I forwarded to you when I was informed by Dr. Bronaugh that my resignation was accepted on the 1st ultimo, not expecting to have any further use for them. Immediately on the receipt of your letter, however, I wrote Mr. Worthington, requesting him to forward you certified copies of his communications as promptly as practicable, and have adopted the same measure in relation to those of Captain Bell, although I had been advised that he had transmitted duplicates to you from St. Augustine. To these documents I must refer you, relying upon my answers thereto, and my own recollection, for their contents, and accompanying my reply with such vouchers as are within my reach; believing there will be ample testimony in your possession to enable you to rebut the statements of this minister of the Spanish Government.

Upon the subject of seizing the papers at St. Augustine, you observe that the Spanish minister dwells with much earnestness on the agreement which had been made between Colonel Butler and the late Governor Coppinger concerning these papers, and requests to be informed whether this agreement was known to me at the time the order was issued for demanding and receiving them; and, if so, to state the particular grounds on which I judged it necessary to resort to compulsory measures for obtaining possession of them.

In answer to this inquiry, I have the honor respectfully to state that Colonel Butler, the commissioner appointed to receive the transfer of East Florida from the Spanish Government, reached me on the 8th of August last, at Pensacola, and made his report. As soon as it was submitted to my examination, I was entirely satisfied that neither Coppinger on the one hand, nor Butler on the other, had any authority, either under the treaty or their instructions, to enter into such an agreement relative to the archives which were, by a positive stipulation between the two

Governments, to have been delivered over, with the country, to the constituted authorities of the United States. The treaty was imperative, and vested the parties with no discretion on the subject. Believing, however, that the course adopted by Colonel Butler was perhaps the only one that could have been pursued, without the employment of force, to preserve the documents, and notwithstanding I was perfectly satisfied that Coppinger had, on his part, violated both the treaty and the order of the Captain General of Cuba, yet I felt disposed to leave the archives precisely in the same situation in which Colonel Butler had placed them under his agreement with Coppinger. I was induced to take this course, from a wish to create no unnecessary difficulties, and from a hope that the Spanish officers would comply with their arrangement, and permit the papers to remain unmolested until the arrival of the President's instructions in regard to their final disposition.

This minister states that the commissioners, Butler and Coppinger, stipulated that the artillery and archives were to remain, the first in deposite, in possession of the Anglo-American commissary, and the last where they were, and without the possibility of their being taken away to the Havana. He does not say what was their situation, but it will be recollected that the alcalde was their keeper. Nor does he tell you that Don José Coppinger permitted them to be picked, and culled, and taken away, in violation of his solemn pledge and agreement, as you will see by a reference being had to Captain Bell's letters to me of the 31st July and 4th August, 1821, duplicates of which I am advised are in your possession.

When I received these letters from Captain Bell, who exercised provisionally the powers and authorities of Secretary of East Florida before the arrival of Mr. Worthington, I acknowledge that my indignation was very much aroused. I felt that it was my imperative duty to protect the people of Florida in the enjoyment of the right secured to them expressly under the treaty. I was bound to act on the occasion. The agreement respecting the archives, although void *ab initio*, for the want of power, had been outrageously violated by Coppinger, or with his connivance; and the evidences of individual rights secured to the citizens were about to be fraudulently conveyed away, after he had pledged himself to Colonel Butler that they should not be removed from that place, and should remain precisely as they were.

The verbal report of Colonel Butler, as communicated in my letter of the 4th August last, affords a clue to the motives of Colonel Coppinger in attempting to practise this base deception. For the last six months previous to the transfer of the country, it is believed he had been engaged in issuing surreptitious grants for large quantities of land in East Florida. It became necessary that they should be taken to the island of Cuba, for the purpose of consummating the titles. These were no doubt the documents which were picked and culled from the balance, to be transported to the Havana, as Coppinger was convinced that the fraud would be inevitably detected if they should be surrendered to the American authorities. This explains the reason why and wherefore they were not delivered over to our commissioner in the first instance, and forms the basis of the confidential communication made to Colonel Butler on the 3d of July last, advising him that a large portion of these archives, relating to private property, were packed up for removal to Cuba, and which gave rise to his letter to Colonel Coppinger of that date, as will appear by the enclosed extract, marked E.

Speaking of the correspondence between Colonels Butler and Coppinger, Don Joaquin de Anduaga remarks that, " by the before-mentioned correspondence, it appears that doubts had arisen whether the artillery and certain archives ought, or ought not, to be delivered over to the United States." With due deference, I would ask, could any doubts exist as to the archives, under the second article of the treaty? No. Could any doubts be entertained relative to the archives embraced in the instructions of His Catholic Majesty, or the instructions given by the Captain General of Cuba to Don José Coppinger, colonel, and commanding the Spanish forces at St. Augustine, and who was charged with the delivery of the country, and all documents relating to the property and sovereignty of the country ceded? It is presumed not. In his letter to Colonel Forbes of the 16th May, 1821, the Captain General of Cuba says: " Respecting East Florida, where there ought to be found all her archives, Governor Mahy would direct that governor, as intrusted by him with the important commission, to make a formal delivery to Mr. Forbes of that province, as well as of the documents belonging to it." " A similar despatch would be addressed to the commandant of West Florida." Here is a positive declaration that such instructions were or should be given to Governor Coppinger for the delivery of all the archives included in the stipulations of the treaty. Contrast this statement of the Captain General of Cuba with the answer of Governor Coppinger to Colonel Butler's letter to him, dated July 3, 1821: " Confining myself," he says, " to a compliance with the treaty and the orders of my Government," (which, he informed Colonel Butler verbally, prevented him from delivering the archives,) " their literal sense is the only guide to my endeavor in the execution; and when any doubts arise, I consult them with that frankness necessary to ascertain my course, and warrant my responsibility."

From this exposition, no one can fail to discover a striking contradiction between the captain general (Mahy) and Governor Coppinger; the former assuring Colonel Forbes that he would direct Governor Coppinger to deliver over the documents to the American authorities, and the latter asserting that, " as an individual, he believed they should be given over;" (*see* E e.) but that the orders of his Government prevented him from performing that duty. We can find no excuse either for the captain general, Governor Coppinger, or Colonel Callava, for not complying with the orders of their superiors, and with good faith carrying into effect the second article of the treaty, by delivering, and being prepared to deliver, over all the archives and documents appertaining to the property and sovereignty of the Floridas. Instead of this, the captain general does not deliver them at Cuba; Coppinger, contrary to his orders, was preparing to convey them away in a clandestine manner, in violation of his agreement and solemn pledges, until arrested in his faithless conduct by Colonel Butler; and Callava, whilst professing to surrender all the archives, &c., was wickedly and treacherously attempting to carry away the testamentary papers of the heirs of Vidal, and other documents, which were the evidences of claims to private property in the country ceded to the United States.

The unjustifiable delays and evasions of the officers of Spain in withholding the archives and documents, of which the delivery had been expressly stipulated by treaty—vouchers indispensable to the United States, for the dispensation of private justice and the establishment of private right, but entirely useless to Spain—could not but impress upon me the belief that they were intended to subserve the purposes of injustice, fraud, and oppression. The attempt to carry away a number of those documents from St. Augustine and Pensacola in a clandestine manner was considered as a flagrant violation of the treaty; and I began to entertain the opinion that a systematic combination had been formed amongst the officers of Spain to deprive the honest citizens of the country of all the evidences of their right to property secured to them by the provisions of the cession.

Under these impressions, and believing myself vested with legal authority to protect the rights of the citizens, I was urged, by the most imperative duty, to exercise it in their behalf. Upon the receipt of Captain Bell's letters, before referred to, advising me that the archives at St. Augustine were picked and culled, to be conveyed away, I forthwith wrote him, on the 1st of September, 1821, the letter herewith enclosed, marked C, of which the following is an extract:

"I have this moment received your several letters of the 31st July and 4th August, with their enclosures, and regret that the shortness of time will not permit me to answer in detail. On the subject of the archives, I will barely draw your attention to the second article of the treaty with Spain, according to which all archives or documents directly relating to the *property or sovereignty* of the country are to be delivered by her. You will therefore, forthwith, on the receipt of this, if not already in possession of them, take them into your possession, and place them in the hands of the alcalde for safe-keeping, and who ought to be, like every other, a sworn officer under the Government, and not a Spanish officer owing no allegiance to the United States. All papers and documents in the possession of the cabildo, and, of course, in the possession of American and not Spanish functionaries, are to be retained, and none of them permitted to be culled and taken away." "I am gratified with the friendly expressions of the cabildo of St. Augustine, but am sorry to find they have so entirely mistaken the sense of the proclamation. Nothing could be more absurd than that Spanish officers, as such, should administer the Government. The true meaning is, that, whenever the incumbent will take the oath to support the constitution of the United States, and abjure that of Spain, and take the oaths of office, he shall be continued therein. That part of the proclamation which enjoins fidelity to the Government of the United States would otherwise be nonsense; and the Government has, at all times, the power to remove or dismiss him, and supply his place; but this will not be done unless it be found that he is incompetent to his trust, or unfaithful; and, whenever either is the case, this power, for the benefit of the public, ought to be exercised."

Having previously addressed Captain Bell a letter on the 13th of August, 1821, a copy of which is enclosed, marked D, and forwarded it to him by Mr. Bird, attorney for the United States in East Florida, I was gratified to find, from his answer, that, before the receipt of either of my communications, himself and Mr. Worthington had taken the steps necessary to preserve the archives, and extend to the people of East Florida that protection which was secured and guarantied to them under the treaty.

When it is recollected that the archives and documents relating to the property and sovereignty of the Floridas were to be transferred with the country, agreeably to the stipulations of the treaty, and that Governor Coppinger had been ordered to deliver those in East Florida, what indignation must fill every honest and honorable breast when we learn from the letter of the keeper of these papers at St. Augustine that he claims them as private property, which he had acquired by purchase? From whom could this purchase have been made? From the King? No; because he had stipulated to surrender them, with the country, to the American authorities. If bought at all, it must have been effected with the executive magistrate of the province. In either event, it must have originated in the grossest corruption, and was rendered null and void by the treaty between Spain and the United States.

Although Don Joaquin de Anduaga has taken occasion to heap upon me the most illiberal and indecorous epithets, he is challenged to substantiate a single instance in which myself, or those acting under me, have not scrupulously executed every article of the treaty with Spain.

It appears that the minister of Spain considers his sovereign as having been insulted in the person of his commissary, Colonel Coppinger, at the time the seizure of the papers was effected; he insists that Colonel Coppinger was entitled to all the privileges and immunities of a public officer of Spain, in consequence of his being recognised as such in doing and transacting business with Captain Bell. The fact was, that Captain Bell was not vested with any diplomatic or commissarial powers, and any such recognition on his part was as ineffectual as it was without authority.

By turning to the act of cession executed by Colonel Butler and José Coppinger, it will be distinctly seen that neither of those persons retained any powers as commissioner after the date of that instrument. If this was the case, it must be equally evident that neither Captain Bell nor Mr. Worthington could have possessed such powers at the period to which the Spanish minister has alluded. Colonel José Coppinger being the commander-in-chief, and governor *ex officio* over East Florida, he was charged, under the treaty, with the delivery of the country and the withdrawal of the Spanish troops. The moment these duties were performed, both his and Colonel Butler's powers as commissioners ceased. This event took place on the 10th July, 1821, when the Spanish authorities ceased the exercise of their functions, as is demonstrated by the following extract from the act of cession:

"There has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province, to the commissioners, officers, and troops of the United States, and, in consequence thereof, having embarked for the Havana the military and civil officers and Spanish troops in the American transports provided for this purpose, *the Spanish authorities having this moment ceased the exercise of their functions*, and those appointed by the American Government having begun theirs," &c.

The surrender of the provinces had been completed, and the occasion which created commissioners ceased to exist. The authority and troops of Spain were withdrawn, and the United States put in entire and rightful possession of the country. The six months had also transpired within which the treaty provided the transfer of sovereignty should be made, as well as the evacuation of all the Spanish officers within the Floridas. Colonel Coppinger, remaining after the occurrence of these events, could no longer be considered as entitled to the privileges and immunities of a public agent: he could only be viewed as a stranger, permitted to reside in the Floridas, "amenable to the common judicial tribunals, but who, conformably to the Spanish laws existing before the cession of the province, would have been liable to removal from it, or to imprisonment, at the discretion of the governor, for the mere act of being there."

These disclosures, I hope, will exempt me from the criminal charge which Don Joaquin de Anduaga has preferred against me, of having trampled upon the law of nations and the law of every civilized country. If the detection of treachery and prevention of fraud, the security of the rights of the citizen, and a scrupulous adherence to the articles of the treaty which both Governments were sacredly bound to fulfil, are to be considered atrocities, I have to observe that I glory in the charge, and give this further assurance—that it is the course which I shall always pursue. I would inquire of this minister whether the law of nations protects the agents of Spain in the open violation of the treaty, the rights of individuals, and the orders of their Government? Does this law sanction the non-compliance with the most solemn engagements, by which the rights of individuals were to be sacrificed, by depriving them of those evidences of property stipulated to be delivered over with the country ceded? If so, then is every treaty a perfect mockery, and the law of nations becomes the authority for every species of fraud and corruption. Coppinger and Callava might not only have carried away all the archives of the country, but also the negroes, or moveable property, and their agency would have secured them from merited punishment.

To the remark of the Spanish minister, "that the more my conduct is considered, the more evident it is that my sole object has been to insult Spain," I have to observe, in reply, that it is unjust. I challenge Don Joaquin de Anduaga to establish the fact necessary to authorize such a conclusion. If I know myself, I can declare, with the utmost confidence, that I have never entertained any thing like national antipathies, and that my conduct on no occasion has ever been influenced by such base and unmanly considerations. All the measures of my administration, whilst Governor of the Floridas, were founded upon the principles of justice, the object of which was to secure to the United States, and the people who were citizens of the ceded provinces, those rights which were guarantied

to them under the cession, and which the officers of Spain had wantonly violated, in contravention of the treaty, the positive orders of their superiors, and their own solemn pledges and engagements. The virtuous and honorable Spaniard claims the same share of my respect and confidence as the citizens belonging to any other nation. I rejoice in the regeneration of Old Spain, and in the independence of the American colonies, and hope that both may free themselves from that misrule and oppression with which they have been cursed for centuries past under former Governments.

The language used throughout the letters of the minister of Spain, and the charges therein contained in relation to myself, cannot but be viewed as an insult to my Government, to the American people, and to the officer whom he has endeavored to cover with odium and disgrace. It is derogatory to that comity and decorum which should always characterize diplomatic communications, and which are essential to the harmony and friendly intercourse of nations. In reply, I confidently trust that the President of the United States will take such a stand as shall secure the respect due from foreign ministers to his exalted station, to the officers of the Government, and to the nation over which he presides.

It is a subject of remark, that I have been the object of Spanish calumny and virulent animadversion ever since the transactions of the Seminole war. This spirit of hostility is to be discovered in the observation of Governor Mahy to Colonel Forbes; in the letter of the latter to the Secretary of State of the 20th May, 1821; in the protests of Colonels Coppinger and Callava; and has pervaded all the diplomatic communications of Spanish ministers subsequent to the period to which I have alluded. Although such a course is insulting to myself, to the Executive, and to the American people, I have never deemed it of sufficient importance to induce me to complain.

Feeling a confidence in having always discharged my duty whilst in the service of my country, I disregarded the abuse and vituperation of Spanish agents, from a belief that my Government would vindicate its honor and dignity: this, I flatter myself, will yet be accomplished in due time. A considerable portion of my life has been devoted to the happiness, honor, and glory of my country; and when my conduct has met the approbation of the Government, I have a right to expect that it will resist any attempt to slander my reputation. Notwithstanding I solicit the most free and unrestrained investigation into all the measures of my public life by those to whom I am responsible, it is conceived that the same latitude should not be granted to the ministers of foreign Powers: such an interference is rude and indecorous, and should be resented on all proper occasions. This, it is believed, is not due to me alone, but to the President and the nation.

I am, sir, with sentiments of great respect, your most obedient and humble servant,

ANDREW JACKSON.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

C.

General Jackson to Captain Bell.

SIR: PENSACOLA, *September* 1, 1821.

I have this moment received your several letters of the 31st July and 4th August, with their enclosures, and regret that the shortness of time will not permit me to answer in detail. On the subject of the archives, I will barely draw your attention to the second article of the treaty with Spain, according to which all archives and documents directly relating to the *property* or *sovereignty* of the country are to be delivered by her. You will, therefore, forthwith, on the receipt of this, if not already in possession of them, take them into your possession, and place them in the hands of the alcalde for safe-keeping, and who ought to be, like every other, a sworn officer under the Government, and not a Spanish officer owing no allegiance to the United States. All papers and documents in the possession of the cabildo, and, of course, in the possession of American and not Spanish functionaries, are to be retained, and none of them permitted to be culled and taken away.

I am gratified with the friendly expressions of the cabildo of St. Augustine, but am sorry to find they have so entirely mistaken the sense of the proclamation. Nothing could be more absurd than that Spanish officers, as such, should administer the Government. The true meaning is, that, whenever the incumbent will take the oath to support the constitution of the United States, and abjure that of Spain, and take the oaths of office, he shall continue therein. That part of the proclamation which enjoins fidelity to the Government of the United States would otherwise be nonsense; and the governor has, at all times, the power to remove or dismiss him, and supply his place; but this will not be done unless it be found that he is incompetent to his trust, or unfaithful; and, whenever either is the case, this power, for the benefit of the public, ought to be exercised.

I have read Mr. Fitche's report to you, and have discovered that he has viewed the constitution of Spain as in full force in the Floridas. This is not the fact. On the 4th May, 1814, it was annulled, and every act and decree passed in pursuance of it declared illegal and void. It was never re-established until 1820, after the Floridas had been ceded to the United States. Of course, Spain could not legislate for a country not her own. The first act after the re-establishment of the Cortes was to recommend the ratification of the treaty of cession; and no decrees of the Cortes were ever promulgated in the Floridas until after the ratification of the treaty. It would be strange, indeed, if Spain could legislate for a country whose sovereignty and property had passed out of her hands. The act of Congress for the occupation of the Floridas, and my proclamation, will, I think, clearly show that the Spanish constitution was not taken into view. They are precisely similar to those which preceded the occupation of Louisiana. Besides, the constitution merely provides for a form of government, of which the judiciary is a part, and a part which cannot be separated without being imperfect; and even this judiciary was never established in the Floridas by decree of the Cortes, not to speak of its entire incompatibility with the nature of our constitution and Government. The mere circumstance of uniting in the same person the different offices of captain general, intendant, and provincial governor, and leaving it to the President to prescribe the manner in which the powers of the existing officers shall be exercised, shows that there was no intention to pursue the Spanish plan of government.

The ordinances heretofore sent you are intended to distribute and organize a Government, approximating as nearly as practicable to that of Spain, and formed out of the powers with which the Spanish officers were clothed. It must be borne in mind that although Spanish laws and usages are in force, excepting so far as they may be expressly altered, yet the Spanish Government has ceased.

Mr. Fitche's ideas as to the powers of the judge appointed by the President, so far as relates to the carrying into effect the acts extended over the Floridas, are correct; but the judge can exercise no other powers, unless specially given him by the instructions of the President. Such instructions have not been given, and I doubt very much whether the President could legally give them. There is no doubt that the person exercising the powers of the Governor of East Florida can exercise all the powers exercised under the King of Spain at the time the country was ceded. The governors of the Floridas exercised judicial powers as late as the 10th July, 1820. This was

up to the re-establishment of the Cortes, and the ratification of the treaty; and, to the very delivery of the country, admiralty jurisdiction.

On the subject of the archives, I have again to repeat that you will take them into your charge. Governor Coppinger's powers having ceased with the delivery of the country, he cannot be considered, as respects the United States, any more than any other individual. He is not recognised in any official capacity; he has, therefore, no right to demand any papers in the possession of the United States officers, or to hold any official correspondence on any subject arising since the delivery, by which act his official character, as to us, ceased; and even the subjects of difference which arose before the delivery were referred to the respective Governments.

Captain Willis is now here, on his way to St. Augustine; but, fearful of not being able to reach that place before the second Monday in this present month, he has therefore halted, to hear from you whether the clerk's office for the county of St. John is kept open for him. If it is, he will repair there as soon as advised of it at this place; and you will please to address him to the care of Cary Nicholas, postmaster, Pensacola.

On the subject of Indian agent, I have this day addressed a letter to the Secretary of War on that subject, enclosing Mr. Pennier's letter to him, and Mr. Dexter's.

Should you know where Mr. Pennier's is, please to inform him that I have been waiting for him to report to me in person, and that I have a letter from the Treasury Department for him.

I am, with sentiments of respect, your most obedient servant,

ANDREW JACKSON, *Governor of the Floridas, &c.*

Captain JOHN R. BELL,
Or to such officer as may be exercising the Government of East Florida.

D.

Governor Jackson to Wm. G. Worthington, or Captain J. R. Bell, exercising the powers of the Governor of East Florida.

SIR: PENSACOLA, *August* 13, 1821.

On the 28th ultimo I despatched an express, Captain Hanham, to you, with sundry ordinances that I found it necessary to adopt for the better organization of the Floridas; the ordinances are only a declaration of what the Spanish law really is, and what its operations under the Cortes would have been; the constitution of Spain providing for the trial by jury in criminal cases, although never extended to the colonies, because the treaty ceding the Floridas was concluded before the constitution was adopted and carried into execution in Spain.

When I took possession here, I found nothing but an alcalde, which was filled by a Spanish military officer, who could not, therefore, hold it under our Government. I appointed an alcalde, Judge Brackenridge, in whose custody all archives received were placed. Finding that a cabildo had once existed here, I ordained the re-establishment of it in that of a mayor and aldermen of the city, adding a board of health to it; and there being no judge, I created a county court, with the powers that this court would have held under the constitution of Spain, and that of the United States.

Colonel Butler reached me on the 8th instant, and reports that he found at St. Augustine an alcalde, a cabildo, and a judge, all in operation. This will afford you great relief in carrying into effect the ordinances sent you by Captain Hanham. In every instance where the incumbents in office will take the necessary oaths of office, and are, in your opinion, of good moral character, and fit for the office, you will continue them. I have found but few here of the Spanish inhabitants that would accept an office under our Government, not having determined of themselves whether they will become citizens of the United States; and believing that taking an oath of office would be considered their election to become citizens, they have, in most instances, refused.

It is necessary, on the change of government, that all officers who are to execute it under the United States should take the necessary oaths of office, and, when this is refused, you will fill the vacancies thus occasioned by new appointments, even when the old incumbents will remain, and especially in the latter case; for, as Spanish officers, they cannot execute the government under the United States.

This will be handed you by Mr. Bird, who has the appointment, by the President of the United States, as attorney for East Florida.

I am, with great respect, your most obedient servant,

ANDREW JACKSON.

E.

Extract of a letter from Governor Coppinger to Colonel R. Butler, under date

JUNE 23, 1821.

I answer your esteemed note of yesterday, assuring your excellency, as I mentioned in my letter of the 19th, that, until I received the answer of my Government on the doubts arising on the delivery of the public archives relating to the individual property of the inhabitants of this province, and on which I have, on this date, written for information, they shall not be removed from this place, and shall remain precisely as they are.

I shall likewise remain here until this point is decided, as well as that on the artillery, on which I have made my report; and, in the mean time, have formed an exact inventory of the documents contained in these archives.

Extract from Colonel Butler's letter to José Coppinger, Governor, &c., dated

JUNE 26, 1821.

The subject of the archives relating to individual property I consider perfectly understood between us, and will, therefore, remain silent on that head until you receive the further instructions of your Government in relation thereto.

Extract from Colonel Butler's letter to Governor Coppinger, which was predicated upon information, received confidentially, that a large portion of the archives relating to private property were packed up for removal to Cuba, dated

JULY 3, 1821.

That a more perfect understanding should exist between us, in relation to the archives which are embraced by the treaty of cession, and relating to individual property, is the object of this communication.

I should, upon mature reflection, consider myself wanting in my duty to the inhabitants of this province, who are about to become citizens of my Government, if I withheld any statement in relation to the archives, which might lead to the removal of any document that would be of importance to their security, and which my Government considers as included in the treaty. The following records are deemed indispensable to this object, viz: the royal or other orders, authorizing the governor of this province to issue grants for lands, lots, or squares; the evidence of indemnity offered by Great Britain to her subjects, who might leave their property in this province and retire to her territory, after the cession to Spain; the proclamation of the Spanish authorities, calling on those individuals to come and dispose of their property, or peaceably occupy it within certain periods, or the same would be confiscated, and the order of confiscation thereafter; the original records of all grants made in the province, either by His Catholic Majesty, the Captain General of Cuba, or the governors of this province, respectively; the original records relating to all trials and decisions embracing individual property; and the original records relating to the execution of wills and administration of estates.

The foregoing explanation is given to show you what I am bound to consider as the archives relating to individual property, and which are not to be removed from this place until the decision is had on the subject by our respective Governments.

The answer by Governor Coppinger.

The note your excellency was pleased to send me yesterday, in order to point out which are the records comprehended in the treaty of cession, and appertaining to private property, I have duly examined, and have to answer that, confining myself to a compliance with the treaty and the orders of my Government, [which, he informed Colonel Butler verbally, prevented him from delivering the archives,] their literal sense is the only guide to my endeavor in the execution; and when any doubts arise, I consult them with that frankness necessary to ascertain my course, and warrant my responsibility.

Thus actuated, I early informed your excellency of the measures which I had taken with respect to the public archives, or escribano office, or records bearing on private property of the inhabitants of this province—measures to which your excellency was pleased to accede.

It now appears that your excellency advances pretensions to other documents that, I am sorry to say, are, according to my conception, excluded from the delivery. I do not comprehend the ground upon which you found your demand; therefore, and in order to report to my Government, by the earliest opportunity, that it may decide with yours on these points, and, at the same time, on those others in question, your excellency will excuse my not entering into particular observations on each of them.

Extract of Colonel Butler's answer, dated

JULY 5, 1821.

In answer to the note of yesterday, which your excellency has done me the honor to address to me, I beg leave to remark, that the only ground assumed on my part, in making the communication of the 3d instant, was that of the faithful performance of my duty to my Government, and the individuals who are about to become citizens thereof; and I did not expect you to enter into particular observations on the subject of that letter, but I wished to give you timely information of what documents I considered to be the archives in our arrangement, and would be esteemed under the treaty sufficient to guaranty the possession of the inhabitants in their property, and that they might not be removed until the decision was had on the subject, when I could adopt such further amicable measures as are warranted by my instructions.

If I comprehend your excellency aright, it is, that you will communicate a copy of that letter to the Captain General of Cuba.

Extract of Colonel Butler's letter to Captain J. R. Bell, dated

ST. AUGUSTINE, *July* 11, 1821.

The foregoing extracts are given you as the evidence of the actual situation of the archives relating to private property, and the decision of the Government of the United States must determine the necessary steps to be taken thereon.

The balance of the above letter relates to subjects unconnected with the archives.

ROBERT BUTLER.

E e.

Colonel Butler to General Jackson.

SIR: HERMITAGE, *January* 21, 1822.

On reading the correspondence between Colonel Forbes and the Captain General of Cuba, I find a promise, on the part of the latter, that the Governor of East Florida would be ordered to deliver over the archives to the American authorities; and this duty not having been performed, I consider it proper to advise you that, in the month of June last, Colonel Coppinger, late Governor of East Florida, stated to me, in a conference had on the subject of the delivery of the archives relating to individual property, that, as an individual, he believed they should be given over to the United States, but that his orders prevented him from turning them over. I mentioned to him that I had heard a report, as a reason for not turning them over, that it would be to the interest of the United States to destroy them; and remarked, that I regarded not the source from whence it came, as it could alone spring from the most wicked and unprincipled heart. As there appears an absence of good faith in the execution of the late treaty, I give you this information for the benefit of the Government.

I have the honor to be, very respectfully, your most obedient servant,

ROBERT BUTLER,

Late United States commander in East Florida.

Mr. Worthington to General Jackson.

SIR: ST. AUGUSTINE, *November* 9, 1821.

I have the honor to acknowledge the receipt of your highly esteemed favor of the 1st ultimo; its delay may be accounted for from this remark on the envelope: "Missent to and forwarded from Washington city, October 24, 1821."

Your approbation of my humble but honest exertions to anticipate and fulfil your intentions in the organization of this Government, I receive with sentiments of no ordinary sensibility. I assure you I had difficulties to contend with, which, had they assailed me from a legitimate quarter, I should not have valued them "a pin's point;" but, coming from a point of the horizon where I looked for only invigorating and cheering sunshine, it was peculiarly calculated to diminish and enervate my powers and official weight. I saw the whole ill policy with regret, but not dismay. I was determined the Spaniards should not see and triumph in the spectacle of the Americans quarrelling among themselves. Under the blessing of Heaven, I felt I could weather the storm, and I was conscious of your support. Your letter before me has shown I was not mistaken.

The affair of the Government-house is handsomely settled, as you will see by my correspondence, predicated on your opinion, with Colonel Eustis, marked Nos. 1, 2. To show you that I was uniform in my sentiments respecting the harmony which ought to exist between the civil and military authorities, (of your high encomium of which I am proud,) I enclose you two letters marked Nos. 3, 4. I would indeed give a mass of private evidences of this matter, but I take my leave of it, I hope forever, and sincerely pray your pardon for being so troublesome on such an affair.

I thank you for your advice on my probable intercourse with the Indians; I shall be governed by it literally. I intend, if practicable, to prepare a splendid talk for them; but they shall understand two things, at least, very distinctly: *the non-natives must return amongst the Creeks; and the natives, if they stay in Florida, must be concentrated.*

I sincerely hope, sir, that the visit of yourself and family to Tennessee will be as agreeable as it is no doubt judicious; and as for myself, I will endeavor to merit the additional proof of confidence which you have reposed in me during your temporary absence. Should you pay us a visit here, we will try to make the best fixture we can; but the yellow fever has sadly cut us up; even now it rages; God knows when it will stop; the first black frost, they say, is a certain bar to it; that may not come till January, if then. Yesterday, at my room, in the shade, the thermometer stood at 72; this is as cool as we have had it; at one P. M. I put it in the sun, and in ten minutes it rose to 105, so that I really do not know when we shall get rid of this plague.

I will now, sir, take leave to lay before you the remainder of the proceedings respecting our taking possession of the archives, &c.; they are marked No. 5. Any further course which you, or the Government at Washington, may direct concerning them, I will adopt; and in the interim, if any thing shall suggest itself to me as necessary to be done in the premises, I will progress in it.

The ex-governor, Coppinger, like his compeer Callava, I see, by a Charleston paper, publishes the proceedings as an "outrage." Nobody who knows the Spaniards, as the President, yourself, and many others of our countrymen, will pay much attention to these sorts of appeal. But, unfortunately for persons in public stations who get into disputes with them, too many of our fellow-citizens take sides with them because they know nothing about them. If it should be thought best, it is probable some of us who have been assailed may follow the example set at Pensacola, and publish a statement of the transaction.

As to myself, I intended to do what was right and proper, and hope my proceedings may meet your approbation. My fortune amongst the Spaniards, on both sides of the equator, has been to incur their dislike and hostility; yet, I trust, not of the good, liberal, and high-minded, on either side. Judge Duval and Mr. Hackley have not yet arrived.

With great respect, &c.

W. G. D. WORTHINGTON,
Secretary and Acting Governor of East Florida.

His Excellency ANDREW JACKSON,
Governor of East and West Florida.

Mr. Reynolds to General Jackson.

ST. AUGUSTINE, *November* 13, 1821.

The other documents referred to by Governor Worthington cannot be forwarded by this mail, as much of our time must be necessarily devoted to the sick, the dying, and the dead. His excellency residing in the island, about a mile and a half distant, prevents me from giving him this information previous to the departure of the mail. But being desirous that nothing which is in readiness should be delayed, I send you his letter to the commissioners, (No. 5,) upon their having closed the examination of archives and documents, &c., as far as was practicable under the circumstances.

Very respectfully, your obedient servant,

WM. REYNOLDS, *Private Secretary.*

His Excellency ANDREW JACKSON, *Governor of the Floridas.*

No. 5.

Governor Worthington to John R. Bell, James G. Forbes, and Edmund Law.

GENTLEMEN: ST. AUGUSTINE, *November* 7, 1821.

I had the honor to receive your additional report of the 5th instant on yesterday evening, on the subject of the records and archives.

I felicitate you on the conclusion of the difficult and laborious duties which it was deemed necessary to assign to you, which you so cheerfully undertook, and so faithfully have discharged. I have been an eye-witness to the

open and assiduous manner in which you conducted the investigation, and have no doubt, when the voluminous mass which you have transmitted shall be criticised, it will prove to be an honest and able examination.

Without detracting from the other commissioners, I must be permitted to pay a particular compliment to the president, who, during the whole tedious inquiry, while the epidemic raged in this city, with the most assiduous punctuality, presided at the board. I know the various duties of Colonel Forbes and the sickness of Mr. Law prevented them giving such full attendance as they otherwise would have done. I am perfectly satisfied with them and the whole board. You will be pleased to present my respects to the secretaries, Messrs. Betham, Guy, Lynch, and Reynolds, for the faithful discharge of their duties.

And now, gentlemen, I must be permitted to say, notwithstanding the clamor which has been raised on a similar proceeding respecting the archives at Pensacola, and even against the affair here, you have conducted and finished this commission in a manner to challenge the approbation of every disinterested and honest American in our country, and, I hope, even of every unprejudiced Spaniard, who possesses one spark of true Castilian honor and sincerity.

With great respect &c.

W. G. D. WORTHINGTON,
Secretary and Acting Governor of East Florida.

JOHN R. BELL, JAMES G. FORBES, and EDMUND LAW, Esqs.

Extract of a letter from General Andrew Jackson to the Secretary of State.

HERMITAGE, NEAR NASHVILLE, *January* 31, 1822.

Enclosed I send you an extract of a letter from Colonel George Walton, Secretary of West Florida, and charged with exercising the powers of governor of the same, in my absence, with its enclosure. Having received from the President of the United States his letter bearing date the 31st December last, post-marked at the city of Washington, the 9th instant, notifying me that my resignation was accepted, forecloses me from giving to Colonel Walton any instructions officially, and I have thought proper to refer him to the President for directions as to the proper course to be pursued with regard to those Spanish officers. Colonel Coulon is father-in-law to John Innerarity. Guillemard is a very base and treacherous man, being the same who piloted the British up Bayou Bienvenue in the year 1815, then an officer of Spain, when the attempt was made upon New Orleans by General Packenham.

I also enclose herewith, marked No. 2, for the information of the President of the United States, the certificate of Mr. Henry Wilson, a man of respectability, that goes to show the fraudulent practices committed by the officers of Spain, with regard to land titles in the Floridas, and forcibly adds to the propriety of adopting the rule I have heretofore recommended, of appointing none to the office of commissioners for the adjudication of land titles in Florida but those of honesty, integrity, and entirely disinterested. Should this rule not be adopted, great frauds will be imposed upon the United States.

Extract of a letter from Colonel George Walton, Secretary of West Florida, and exercising the duties of Governor of the same, to General Jackson, dated

JANUARY 7, 1822.

A few days ago, two of the Spanish officers, Colonel Marcos de Villiers, generally called Colonel Coulon, and Arnaldo Guillemard, arrived here in a vessel from Havana. It was first intimated to me that they had resigned their commissions in the Spanish service; but when arrested by my order, and brought before me, they declared they had come with the intention of asking permission to attend in person to the settlement of their private affairs, and the removal of their families. They solemnly declared that they had not returned in defiance of the proclamation, which they had promptly obeyed, and that they are ready to submit themselves to any order which should be taken in their case. For the present, I ordered them into confinement; but the calabouse being in no condition to receive them, (for, excepting the officers' room, it has no fire-place,) and as Coulon is a very old man, and his wife at this time extremely ill, I thought it best to confine them in their own houses. The situation of old Coulon was such that it would have been cruel to confine him in the dungeon with the common malefactors; and I could not, with propriety, make a distinction with respect to Guillemard. They then presented the enclosed memorial, in which they throw themselves on the mercy of the Government.

After these concessions, and the humble manner in which they sue to be permitted to remain, I was well convinced that you would have granted them the indulgence they prayed for. But, under my instructions, although a state of things was presented, by the returning sense of propriety on the part of these people, different from what is contemplated in these instructions, yet I did not consider myself authorized to go any farther than to continue them in the same confinement until further orders. I was well convinced that while, on the one hand, you were determined to cause the Government provisionally established over these provinces to be respected by every one living under it—and, as far as you were concerned, to cause the stipulations of the treaty to be enforced—yet, I also knew, from the magnanimity of your disposition, that you would instantly relent on the first manifestation of respect to the Government, and submission to its determinations. This course, however, was not adopted by me until after consultation with Colonels Fenwick and Clinch, Major Denkins, and Judge Brackenridge, who all concurred in the opinion that this was, under all circumstances, the most proper.

The sixty days in the case of Innerarity having expired, application was made for execution, as nothing had been offered by him in the mean time on any claims put in by creditors. He had got the papers on his receipt, as had been customary, and, when called upon, I found he was disposed to try his old tricks; on which I had a notice served upon him to show cause at eleven o'clock this day why an attachment should not issue. I had determined to commit him instantly if the papers were not then produced, and to keep him in prison until they should be forthcoming. He took the hint, and left them with Mr. Cannon last night. A long memorial by Mr. Acre was presented, praying a review of the whole proceedings; but I shall pay no attention to it, and will now proceed forthwith to compel the payment of the money.

I learn from St. Augustine that the splendid talk, alluded to in my last, has entirely failed, from the unaccountable and singular circumstance of there being no Indians to listen to it, as none attended on the occasion, although a considerable concourse of whites, who had assembled on the beautiful plains of Atlathna, waited impatiently several days for their arrival.

Colonel Walton to Colonel Clinch.

SIR: PENSACOLA, *January* 21, 1822.

I have to request that you will direct that such portion of the troops under your command as may be necessary shall be furnished, to carry into effect the proclamation issued by General Jackson in September last, requiring the departure of certain Spanish officers from the Floridas—two of the officers named in that proclamation having returned to this city without permission.

I have the honor to be your obedient servant,

GEORGE WALTON,
Secretary of West Florida, and Acting Governor of same.

Colonel D. L. CLINCH, *Commanding the post of Pensacola.*

To Captain WILSON, *the Officer of the Day:*

You are hereby commanded, forthwith, to apprehend and bring before me, at the Executive chambers, Marcos de Villiers and Arnaldo Guillemard, that they may be dealt with according to law, for the contempt and disobedience of a certain proclamation issued by his excellency General Andrew Jackson on the 29th day of September, 1821, requiring the said Marcos de Villiers and Arnaldo Guillemard to withdraw themselves from the Floridas.

Given under my hand and private seal, (there being no seal of office,) this 2d day of January, 1822, at Pensacola, in the province of West Florida.

GEORGE WALTON,
Secretary of West Florida, and Acting Governor of same.

By the Acting Governor: SAMUEL FRY, *Private Secretary.*

EXECUTIVE CHAMBERS, PENSACOLA, *January* 2, 1822.

Marcos de Villiers and Arnaldo Guillemard having this day been brought before George Walton, Esquire, Secretary of West Florida, and acting governor of the same, by virtue of his warrant, that they might be dealt with according to law for the contempt and disobedience of a certain proclamation issued by his excellency Major General Andrew Jackson on the 29th day of September, 1821, requiring the said Marcos de Villiers and Arnaldo Guillemard to withdraw themselves from the Floridas, and having been required to show cause why they should not be committed to prison for the said contempt, were heard by counsel; and his excellency the acting governor, not being fully advised as to the matter offered by them in excuse of their return to this province, granted further time to the said Marcos de Villiers and Arnaldo Guillemard, until to-morrow at 10 o'clock in the forenoon, to show further cause, &c.; and, in the mean time, they were ordered to consider themselves under arrest, and confined to their own houses by parole of honor.

To His Excellency George Walton, Governor of the Floridas, &c. &c. The memorial of Marcos de Villiers and Arnaldo Guillemard respectfully represents:

That your memorialists, with other Spanish officers, were, by the proclamation of his excellency Andrew Jackson, Governor of the Floridas, issued on the 29th of September last, ordered to quit the Floridas within three days thereafter, for reasons therein assigned. That your memorialists, in obedience to the said proclamation, withdrew from the said provinces, and repaired to the island of Cuba; and that, after being there some time, they found themselves compelled, from the situation of their private affairs, and the illness of a part of their families, to return to this country. That, in so doing, nothing was further from their intention than any disrespect to the constituted authorities of this province, whose determinations they declare themselves ready to observe and obey so long as they remain in the same. But they beg leave respectfully to represent that, at the same time, they are Spanish officers; they and their families have also been inhabitants of this country for many years; and that they are owners of real and personal property here to a considerable amount. That, by the fifth article of the treaty, the inhabitants of the ceded provinces, who may desire to remove to the Spanish dominions, shall be permitted to sell or export their effects at any time whatever, without being subject, in either case, to duties. That your memorialists are desirous to remove with their families to the Spanish dominions; and that, unless permitted to remain here and superintend in person these necessary arrangements, they will be exposed to serious loss and injury.

Your memorialists therefore pray that, taking the circumstances into consideration, and especially their solemn declaration that they return not as Spanish officers, but as private individuals, on private business, and with every disposition to obey and respect the existing authorities, they may be permitted to remain for the purpose of settling their affairs, and making the necessary arrangements for the removal of their families.

MARCOS DE VILLIERS,
ARNALDO GUILLEMARD.

JANUARY 3, 1822.

EXECUTIVE CHAMBERS, PENSACOLA, *January* 5, 1822.

I have maturely considered the memorial of Marcos de Villiers and Arnaldo Guillemard. Although well satisfied, from the known magnanimity of General Jackson, that, if he were present, the petition would be granted, yet, from the circumstance in which I am placed, I consider myself compelled to continue the present arrest and confinement till further orders.

GEORGE WALTON,
Secretary of West Florida, and Acting Governor of the same.

A true copy from the records:

SAMUEL FRY, *Private Secretary.*

No. 2.

H. Wilson's certificate.

PENSACOLA, *January* 6, 1822.

I do hereby certify that, some time last spring, I made a purchase of Henry Michelet of this place, of a tract of eight hundred arpents of land on the Escambia, according to the plat of survey accompanying the grant; and on

a view of which plat, the grant was confirmed by the Intendant General of Havana. About two months ago, having taken an American surveyor to examine the lines, it was found that the Spanish survey was a mere fiction, it being absolutely impossible, from the nature of the ground, and the course of the river, to obtain a tract of eight hundred arpents in any way agreeing with the description in the plat. When this was made known to Mr. Michelet, and he was convinced of the fraud, he proposed to me to make a survey of any vacant lands I should choose; that he could have the plat of this land withdrawn from the title-papers, and send the new survey to Havana, and have it certified by the surveyor general, and inserted in the place of the first. This proposal I rejected with indignation, as dishonorable to me as an individual, and a fraud upon my Government.

HENRY WILSON.

The Secretary of State to Mr. Walton.

SIR: DEPARTMENT OF STATE, WASHINGTON, *February* 22, 1822.

The President of the United States having received and accepted the resignation of General Jackson as Governor of the Floridas, I am instructed to inform you of his direction that you should continue to exercise all the authorities vested in you by General Jackson during his absence from the province, until further provision for the government of the same shall be made by Congress, or until you shall receive further orders from the President.

I have received from General Jackson a letter, enclosing an extract of yours to him of the 7th of January last, relating to the case of the two Spanish officers, Marcos de Villiers and Arnaldo Guillemard, under arrest at their houses for returning to Pensacola in disobedience to the proclamation of General Jackson.

As it appears by their memorial that they returned for the settlement of their private affairs and the care of their families, and that they pledge themselves to pay due respect to the laws and to the constituted authorities of the Territory, the President directs me to instruct you to discharge them from arrest, and permit them to remain there.

I have the honor to be, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

GEORGE WALTON, Esq., *Secretary and Acting Governor of West Florida.*

The Secretary of State to Don Joaquin de Anduaga.

SIR: DEPARTMENT OF STATE, WASHINGTON, *April* 15, 1822.

In the letters which I had the honor of writing you on the 2d of November and 31st of December last, you were informed that a definitive answer to the complaints against certain proceedings of General Andrew Jackson, while Governor of Florida, which were contained in a letter to this Department from Don Hilario de Rives y Salmon, before your arrival in this country, and in your letters of the 18th and 22d of November, would be given after the substance of those complaints should have been made known to General Jackson, and his explanations of the motives and considerations by which he had been governed, in adopting the measures complained of, should have been received.

In performing this promise, I am commanded by the President of the United States to repeat the assurance of his deep regret that the transactions which formed the subject of these complaints should ever have occurred, and his full conviction, upon a review of all the circumstances which have attended them, that they are attributable entirely to the conduct of the Governor and Captain General of Cuba, and of the subordinate officers of Spain, in evading and refusing the fulfilment of the most express and positive stipulations of the treaty, both of evacuating the province within six months from the exchange of the ratifications of the treaty, and of delivering the archives and documents relating directly to the property and sovereignty of the provinces.

At the time of the exchange of the ratifications of the treaty, your predecessor, General Vives, delivered an order from His Catholic Majesty to the Captain General and Governor of the island of Cuba *and of the Floridas*, informing him of the cession to the United States of that part of the provinces of which he was the governor, that was situated on this continent, and instructing him as follows:

"I command you, and ordain, that, after the information which shall be seasonably given you by my minister plenipotentiary and envoy extraordinary at Washington of the ratifications having been exchanged, you proceed, on your part, to make the proper dispositions, in order that, at the end of six months, counting from the date of the exchange of the ratifications, *or sooner if possible*, the Spanish officers and troops may evacuate the territories of both Floridas, and that possession of them be given to the officers or commissioners of the United States *duly authorized to receive them.* You shall arrange in proper time the delivery of the islands adjacent and dependant upon the two Floridas, and the public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property; as also the archives and documents which relate directly to the property and sovereignty of the same two provinces, by placing them at the disposal of the commissaries or officers of the United States *duly authorized to receive them.*"

This order, thus clear and explicit, was depatched, together with letters from General Vives, to the Governor of Cuba and the Floridas, notifying him of the exchange of the ratifications of the treaty, by Colonel James G. Forbes, who was commissioned "as agent and commissary of the United States, to deliver to him the royal order, to arrange and concert with him, conformably to instructions committed therewith, the execution of the above stipulations, and to receive from the said governor, and from any and every person possessed of the said archives and documents, all and every one of the same, and to dispose thereof in the manner prescribed by his instructions." Colonel Forbes's authority, thus, was to *receive* the documents and archives, and to *concert and arrange* with the Governor of the Floridas the *delivery* of those provinces, which General Jackson was commissioned to receive, take possession of, and occupy, and of which he was further commissioned to be the governor when surrendered to the United States.

The royal order was delivered by Colonel Forbes to the Governor of the Floridas, at the Havana, on the 23d of April, 1821. There has been shown by that governor no cause or reason which could justly have required him to delay the delivery of the documents and archives, and the arrangements for the delivery of the provinces, beyond the term of a single week. There were twenty boxes of those archives and documents—the whole, or with very few exceptions—the whole of which ought, by the positive stipulation of the treaty, and by the express order of the King of Spain, to have been immediately delivered to Colonel Forbes. Not one of them was delivered to him, nor has one of them been delivered to this day.

The orders for the surrender of the provinces were delayed from day to day, notwithstanding the urgent and continual solicitations of Colonel Forbes, for the term of six weeks; at the end of which, to avoid further indefinite

procrastination, he was compelled to depart without receiving the archives and documents, but with repeated promises of the governor that they should be transmitted to this Government—promises which have remained to this day unperformed.

The orders for the delivery of the provinces themselves were not only thus unreasonably withheld, but, when made out, though not furnished to Colonel Forbes till the last week in May, were made to bear date on the 5th of that month. Nor were they prepared conformably to the stipulation of the treaty, or to the royal order of His Catholic Majesty; for, instead of directing the surrender to be made to the commissioners or officers of the United States *duly authorized to receive them*, the instruction to the commanders in East and West Florida was to deliver those respective provinces to Colonel Forbes himself, who had from the United States no authority to receive them. And although expressly advised of this fact by Colonel Forbes, with the request that the orders of delivery might be amended, and made conformable to the treaty and to the royal command, Governor Mahy did not so amend it, but reduced Colonel Forbes to the alternative of submitting to further delays, or of departing with an imperfect and ambiguous order of delivery of West Florida, authorizing its surrender to the legally constituted authorities of the United States (that is, as Governor Mahy well knew, to General Andrew Jackson) only in case of any accident happening to Colonel Forbes, whom he still affected to consider, notwithstanding his own express declaration to the contrary, as the commissioned agent of the United States to that effect.

The twenty boxes of documents and archives which were at the Havana, as has been mentioned, had been transmitted thither from Pensacola, and contained all the most important records of property in West Florida. The possession of them was in the highest degree important to the United States, not only as the vouchers of individual property, but as protecting guards against the imposture of fraudulent grants.

The same persevering system of withholding documents which it was their duty to deliver has marked, I am deeply concerned to say, the conduct of both the commanders of East and West Florida, who were charged, respectively, to deliver those provinces to the United States. It is to this cause, and to this alone, as appears from a review of all the transactions of which you have complained, that must be traced the origin of all those severe measures which General Jackson himself was the first, while deeming them indispensable to the discharge of his own official duties, to lament. Charged as he was with the trust of receiving the provinces in behalf of the United States, of maintaining their rights of property within them, of guarding them to the utmost of his power from those frauds to which there was too much reason to apprehend they would be liable, and to which the retention of the documents gave so great and dangerous scope—intrusted, from the necessity of the case, during the interval of time while the general laws of the United States remained unextended to the provinces, with the various powers which had until that time been exercised by the Spanish governors, and which included the administration of justice between individuals—it was impossible that he should not feel the necessity of exercising, under circumstances thus exasperating and untoward, every authority committed to him by the supreme authority of his country, to preserve inviolate, so far as on him depended, the interests of that country, and the sacred obligations of individual right.

In the proceedings connected with the delivery of the province, he had as little reason to be satisfied with the conduct of Colonel Callava as with that of the captain general. On a plea of indisposition, that officer had, on the day of the surrender, evaded the performance of a solemn promise, which General Jackson had considered an indispensable preliminary to the act; and afterwards the colonel positively declined its fulfilment. He had, however, completed the surrender of the province with which he had been charged. He had declined producing to General Jackson any credential as a commissioner for performing that act, but had informed him that he should make the surrender as the commanding officer of the province, by virtue of orders from his superior. This service had been consummated; and Colonel Callava, whom General Jackson had formerly notified that he had closed with him his official correspondence forever, was bound, by the special stipulation of the treaty, to have evacuated, as one of the Spanish officers, the province before the 22d of August. If General Jackson had, in courtesy to Colonel Callava, considered him, notwithstanding his own disclaimer of the character, as a *commissioner* for the delivery of the province, there can be no pretence that he was entitled to special privileges under it, after he had avowedly performed all its duties; after he had been informed by General Jackson that their official correspondence was finally closed; and after the date when, by the positive engagements of the treaty which he was to execute, he was bound to have departed from the province. From the time when his functions for the surrender of the province were discharged, he could remain in Pensacola no otherwise than as a private unprivileged individual, amenable to the duly constituted American authorities of the place, and subject to the same control of General Jackson as a private citizen of the United States would have been to that of the Governor of the Floridas before the surrender had taken place.

That this was the opinion of Colonel Callava himself, and of his friends who applied to Judge Fromentin for the writ of *habeas corpus* to rescue him from the arrest under which he was placed by the order of General Jackson, is apparent from their conduct on that occasion. It is stated by Judge Fromentin that, before granting the supposed writ of *habeas corpus*, he required that Colonel Callava should enter into a recognizance for twenty thousand dollars, with two securities, each for the amount of ten thousand dollars: the condition of which recognizance was, that Colonel Callava should personally be and appear before the judge of the United States for West Florida, &c. whenever required so to do; that he should not depart from the city of Pensacola without the leave of the said court, nor send away, remove, or otherwise dispose of, unknown to the said court, any of the papers in question. It was only upon the promise of his friends that this recognizance should be executed, that Judge Fromentin consented to issue the writ of *habeas corpus;* and this recognizance renounces, in fact, every pretension of exemption from the judicial authority of the country, and, consequently, of the diplomatic privileges of a commissioner.

It has been seen that the most important documents relating to the property of West Florida had been transmitted to the Havana; there remained, however, a portion of them, particularly of judicial records, relating to the titles of individual property. Some of these Colonel Callava did deliver up with the province; others, of the same description and character, indispensable for the administration of justice in the province, and useless at the Havana, whither it was his intention to have transported them, were retained—not in his possession, but in that of Don Domingo Sousa, a Spanish officer, who, by the stipulation of the treaty, ought also to have departed from the province before the 22d of August.

The day immediately preceding that date, the alcalde of Pensacola, at the suit of a woman in an humble walk indeed of life, but whose rights were, in the eye of General Jackson, equally entitled to his protection with those of the highest rank or the most commanding opulence, had represented to him that a number of documents belonging to the alcalde's office, and relating to estates at that place, and to suits there instituted, were in the possession of Domingo Sousa; that the necessity for obtaining possession of those documents was urgent, and, therefore, he requested the governor to authorize some one to make a regular demand for them, and to ascertain what they were. Governor Jackson, accordingly, forthwith commissioned the Secretary of the Territory, the alcalde of Pensacola himself, and the clerk of the county court of Escambia, to proceed to the dwelling of Sousa to make demand of all such papers or documents belonging to the alcalde's office as might be in his possession; and, in case of Sousa's

refusal to exhibit or deliver the same, immediately to report the fact to him (the governor) in writing. These commissioners the next day reported to the governor that they had examined the papers in the possession of Sousa; that they had found among them four sets of papers of the kind which belonged to the office of the alcalde, and among them those in which the woman from whom the first application had proceeded was interested; that they had, both verbally and in writing, demanded of him the delivery of those documents, which no private individual had a right to keep, as they related to the rights of persons holding or claiming property in the province, but that Sousa had refused to deliver them, alleging that he was but the servant of Colonel Callava, and could not deliver them without his order. In the transactions of Sousa, on this occasion, is manifested the same consciousness that the claim of diplomatic privilege, set up by Colonel Callava to screen him from the operation of the authority of Governor Jackson, was without foundation; for, although he refused to deliver up the papers conformably to the governor's command, he submitted to the examination of them by the commissioners, in obedience to the same authority; and, though he declined receiving from them the letter demanding the delivery of the papers, he told them that, to relieve himself from the responsibility of keeping them, he should deliver them to Governor Callava himself. They were accordingly sent to the house of Colonel Callava, and put into the possession of his steward, Fullarat. It is clear, however, that, if the papers while in Sousa's possession were privileged from being delivered up at the command of Governor Jackson, they were equally privileged from examination by the same authority; and, if they were not lawfully screened from his process in the custody of Sousa, they could not be made so by removing them to the house of Colonel Callava. The truth is, that the removal of the documents at that time, and in such a manner, was a high and aggravated contempt of the lawful authority of the governor. It not only claimed for Colonel Callava diplomatic immunities, but assumed that he was still the governor of the province, and that Sousa was amenable for his conduct only to him. Colonel Callava might, on the same pretence, have retained the whole body of the Spanish officers and troops under his command at Pensacola, and insisted upon exercising over them all his extinguished authority as governor and commander-in-chief after the 21st of August, as he could to exercise any official authority within the province over Domingo Sousa, or to extricate him from the lawful jurisdiction of Governor Jackson.

It is under these circumstances that the subsequent measures of Governor Jackson are to be considered. He immediately issued an authority to Colonel Robert Butler and Colonel John Miller to seize the body of Sousa, together with the papers, and to bring them before him, that Sousa might answer such interrogatories as might be put to him, *and comply* with such order and decree touching the said documents and records *as the rights of the individuals, secured to them by the treaty, might require, and the justice of the case might demand.* By virtue of this order, Sousa was brought before Governor Jackson, and again recognised the authority under which he was taken, by answering the interrogatories put to him. But he had already put the papers and documents out of his possession; and thus, as far as was in his power, baffled the ends of justice, and set at defiance the lawful authority of the governor.

In this transaction, Colonel Callava was avowedly the principal agent; and, altogether unjustifiable as it was, whatever consequences of inconvenience to himself resulted from it, must be imputed to him. In was an undisguised effort to prostrate the authority of the United States in the province; nor had Governor Jackson any other alternative to choose than tamely to see the sovereign power of his country, intrusted to him, trampled under foot, and exposed to derision by a foreigner, remaining there only upon his sufferance; or, by the vigorous exercise of his authority, to vindicate at once the rights of the United States, and the just claims of individuals to their protection.

Governor Jackson could consider Colonel Callava in no other light than that of a private individual, entitled, indeed, as the officer of a foreign Power, to courtesy, but not to exemption from the process of the law. Notwithstanding his improper conduct, Governor Jackson, in the first instance, authorized Colonel Butler and Dr. Bronaugh, accompanied by Mr. Brackenridge, the alcalde, to wait upon him and his steward, and demand from them the specified papers, which Sousa had declared, in his answer to the interrogatories, to have been delivered to the steward at Governor Callava's house. It was only in case of the refusal to give up the papers that the order extended to the seizure of the person of Colonel Callava, that he might be made to appear before Governor Jackson, to answer interrogatories, and to abide by and perform such order and decree as the justice of the case might demand. This demand was accordingly made; and although at the first moment peremptorily refused, yet, upon Colonel Callava's being informed that his refusal would be considered as setting at defiance the authority of the Governor of the Floridas, and of the consequences to himself which must ensue upon his persisting therein, he desired to be furnished with a memorandum, setting forth the documents required; which was accordingly done. But when the delivery of the papers was again demanded of him, he repeated the refusal to deliver them, and attempted both to avoid the personal approach of Colonel Butler and Dr. Bronaugh, and to exhibit a resistance by force of arms to the execution of the governor's order. And it is not a little remarkable that, among the persons who appeared thus arrayed against the authority of the United States, to accomplish the denial and removal of the papers, was a man against whom the most important of those papers were judicial decisions of Governor Callava himself, in behalf of the orphan children, for the establishment of whose rights they were indispensably necessary, and at whose application they had been required.

Standing thus, in open defiance to the operation of the law, Colonel Callava was taken before the governor; and there refusing to answer the interrogatories put to him, and asserting the groundless pretension of answering only as a commissioner, and by a protest against the acts of the governor, he was, by his order, committed to prison until the documents should be delivered to the alcalde. On the next day, a search warrant for the papers was issued by the governor, upon which they were actually obtained, and directed to be delivered to the alcalde; whereupon, Colonel Callava was immediately released.

In all these proceedings you will perceive, sir, that not one act of rigor, or even of discourtesy towards Colonel Callava, was authorized by Governor Jackson, which was not indispensably necessitated for the maintenance of his authority, and the discharge of his official duty, by the unjustifiable and obstinate resistance of Colonel Callava himself.

On a review of the whole transactions, I am instructed by the President of the United States to say that he considers the documents in question as among those which, by the stipulation of the treaty, ought to have been delivered up, with the province, to the authorities of the United States; that they were, on the 22d of August, when in the possession of Domingo Sousa, within the jurisdiction of the United States, and subject to the control of their governor, acting in his judicial capacity, and liable to be compulsively produced by his order; that the removal of them from the possession of Sousa, after the governor's order to him to deliver them had been served upon him, could not withdraw them from the jurisdiction of Governor Jackson, and was a high and aggravated outrage upon his lawful authority; that the imprisonment of Colonel Callava was a necessary (though by the President deeply regretted) consequence of his obstinate perseverance in refusing to deliver the papers, and of his unfounded claim of diplomatic immunities, and irregular exercise even of the authorities of a governor of Florida, after the authority of Spain in the province had been publicly and solemnly surrendered to the United States.

That the documents were of the description of those which the treaty had stipulated should be delivered up with the province, is obvious from the consideration of their character. They related to the property of lands in the province. They were judicial records, directly affecting the rights of persons remaining in the province—rights which could not be secured without them—rights over which the appellate tribunal of the Governor of Cuba, to which Colonel Callava proposed to remove the papers, thenceforth could have no authority or control, they having become definitively subject to the jurisdiction of the United States. The only reason assigned by Colonel Callava for the pretension to retain them is, that they related to the estate of a deceased Spanish officer, and had thereby been of the resort of the military tribunal. But it was for the rights of the living, and not for the privileges of the dead, that the documents were to operate. The tribunal of the Captain General of Cuba could neither need the production of the papers, nor exercise any authority over the subject-matter to which they related. To have transferred to the island of Cuba a question of litigated property, concerning land in Florida, between persons all of whom were living, and to remain in Florida, would have been worse than a mockery of justice. Indeed, Mr. Salmon, in his note, appears to have been aware of the weakness of this allegation; declines the discussion of the question; and, in justification of the refusal of Colonel Callava to deliver up the documents, merely rests its defence upon the plea that the papers had not been demanded of him *officially*. It has been seen that Colonel Callava had no official character which could then exempt him from the compulsive process of the governor. But Mr. Salmon alleges that the Spanish constitution, as well as that of the United States, separates the judicial from the executive power exercised by the governor or captain general of a province.

Neither the constitution, nor the laws of the United States, excepting those relating to the revenue and its collection, and to the slave trade, had at that time been extended to Florida; and as little had the Spanish constitution been introduced there, in point of fact, however it might have been proclaimed. But, be this as it may, the cause, in relation to which the documents required in the case of Vidal had been drawn up, and were needed, was one of those which, under the Spanish constitution itself, remained within the jurisdiction of the governor. This is declared by Colonel Callava himself in the third observation of the appendix to his protest, transmitted with the letter of Mr. Salmon. It is the reason assigned by him for having withheld those documents from the alcalde. And one of them was a judgment rendered by Colonel Callava himself, after the time when the proclamation of the Spanish constitution in the province is alleged to have been made. The cause, therefore, was, on every hypothesis, within the jurisdiction of the governor; the papers were indispensable for the administration of justice in the cause; and when once applied for by a person entitled to the benefit of them, it was the duty, the inexorable duty, of Governor Jackson to put forth all the authority vested in him necessary to obtain them.

Nor less imperative was his obligation to punish, without respect of persons, that contempt of his jurisdiction which was manifested in the double attempt of Colonel Callava to defy his power and to evade the operation of its process.

With regard to the proclamation of General Jackson of the 29th of September, commanding several Spanish officers, who, in violation of the stipulation in the treaty, had remained at Pensacola after the expiration of the six months from the day of the ratification of the treaty, to withdraw within four days from the Floridas, which forms the subject of complaint in your letter of the 18th of November, it might be sufficient to say that it did no more than enjoin upon those officers to do that which they ought before, and without any injunction, to have done. The engagement of the treaty was, that they should all have evacuated the province before the 22d of August.

If they remained there after that time, it could only be as private individuals, amenable in every particular to the laws. Even this was merely an indulgence which it was within the competency of General Jackson at any time to have withdrawn. From the extract of a letter from him, of which I have the honor of enclosing a copy, it will be seen that he was far from being disposed to withdraw it, had they not, by their abuse of it, and by open outrages upon his authority, forfeited all claims to its continuance.

This extract furnishes a satisfactory answer to your question, why, if the fulfilment of the article was the object of the proclamation, it was confined to the eight officers by name, and not extended to all other Spanish officers in the Floridas. It was because the deportment of the others was as became them—decent, respectful, and friendly towards the Government under the protection of which they were permitted to abide. In the newspaper publication which gave rise to the proclamation of General Jackson, the Spanish officers avowedly acted, not as private individuals, but as a distinct body of men, speaking of Colonel Callava as *their chief*, *their superior*, and arrogating to themselves, as a sort of merit, the condescension of knowing what was due to a Government (meaning the American Government) which was on the most friendly footing with their own. This is language which would scarcely be proper for the ambassador of one nation upon the territory of another, to which he would owe not even a temporary allegiance. From persons situated as those Spanish officers were, it was language of insubordination and contempt.

In alluding to the fact that officers of the American squadron in the Mediterranean are sometimes received with friendly treatment on the territories of Spain, to make a case parallel with the present, it would be necessary to show that some superior officer of the said squadron should, while enjoying the hospitality of the Spanish nation upon their shores, first attempt to evade and to resist the operation of process from the constituted judicial tribunals of the country, and then pretend, as an American officer, to be wholly independent of them; and that some of his subalterns should not only countenance and support him in these attempts, but should affect to consider him, while on Spanish ground, as their only superior and chief, and, by unfounded and inflammatory publications in the daily journals, to rouse the people of Spain to revolt and insurrection against the judicial tribunal of their own country.

If the bare statement of such a case would be sufficient to raise the indignation of every honorable Spaniard, let it be observed that even this would be without some of the aggravations of the conduct of these Spanish officers at Pensacola; for such outrage would be far less dangerous committed against old established authorities, which might rely upon the support of the whole people surrounding them, than in the presence of a people whose allegiance had been but just transferred to a new Government, and when the revolt to which they were stimulated would seem little more than obedience to the authorities to which they had always been accustomed to submit.

The very power which the Spanish governor and officers had exercised before the surrender of the province ought to have been a most urgent warning to them to avoid every semblance of authority in themselves, or of resistance to that of the United States, after the transfer of the province had been completed.

In forbearing particularly to reply to that part of your note in which you think yourself authorized to pronounce the charge of General Jackson against these Spanish officers, of having attempted to excite discontent in the inhabitants, *false*, I shall barely express the hope that the term was admitted into your communication inadvertently. The conduct of the officers at the time of Colonel Callava's conflict with the authority of the governor, as well as in their insulting newspaper publication, was of a character and tendency too strongly marked to leave a doubt of the truth with which it is described in General Jackson's proclamation; and in passing unnoticed this and other mere invectives against an officer whose services to this nation have entitled him to their highest regard, and whose whole career has been signalized by the purest intentions and the most elevated purposes, I wish to be understood

as abstaining from observations which, however justified by the occasion, could but add to the unpleasantness of a discussion already sufficiently painful.

That this conduct on the part of the Spanish officers was highly reprehensible, cannot reasonably be denied; and had General Jackson been disposed to animadvert upon it with severity, his course would undoubtedly have been that which you have pointed out as appropriate to the offence. They would have been cited before the proper tribunal, heard upon specific charges, allowed time and liberty to make their defence, and punished by commitment to prison. General Jackson preferred a milder and more indulgent measure; and, without prosecuting them as criminals, only withdrew from them the privilege of a protracted infraction of the treaty, by requiring them forthwith to depart from the province. To justify him in this requisition, neither arrest nor judicial trial was necessary or proper. The facts were of public notoriety, and could not be denied. The proclamation only required of them the execution of the treaty by the removal of their persons. Had their conduct even been unexceptionable, this measure would have been within the undoubted authority of General Jackson. As their deportment had been, it was the most lenient exercise of his power practicable to vindicate the insulted honor and justice of his country.

I pass to the consideration of the complaints contained in your letter of the 22d of November. In order to take a correct view of this subject, it is again necessary to advert to the royal order of His Catholic Majesty to the Captain General and Governor of the island of Cuba and of the Floridas, commanding him to cause to be placed at the disposal of the commissaries or officers of the United States duly authorized to receive them the archives and documents relating directly to the property and sovereignty of the two provinces.

On the 16th of May, the captain general and governor wrote to Colonel Forbes that, "respecting East Florida, where there ought to be found all her archives, he (Governor Mahy) would direct Governor Coppinger to make a formal delivery of that province, *as well as of the documents belonging to it.*"

On the 24th of May, Colonel Forbes wrote to the captain general, reminding him of the repeated promises made by his excellency to despatch him with the archives which were to be delivered, and then were at the Havana, and with the orders for the delivery of the provinces and of the archives deliverable there; of the continual disappointments to which he had been subjected by the failure of performance of those promises, and of the necessities which urged his immediate departure. He therefore proposed "that, if any further researches should be necessary for the discovery of the said archives, they might be delivered, when more convenient, to the Spanish Government; that he (Colonel Forbes) should be allowed to proceed immediately to West Florida with the commissary appointed to carry the final order to the sub-governor there; and, lastly, that a duplicate order be given at once, *as agreed upon*, to the Governor of East Florida, for the delivery of that province to the constituted authorities of the United States, *together with the archives which were declared to be on the spot.*"

On the 29th of May, the captain general answered this letter, and enclosed to him the orders to the several governors of East and West Florida for the delivery of the provinces, (antedated, as I have already mentioned,) with a declaration that the archives then at the Havana, and which ought to have been delivered to Colonel Forbes, *should be transmitted to the Government of the United States* as soon as they were selected—a promise, as I have before observed, yet unfulfilled.

These orders of the captain general to the commanders of East and West Florida are further remarkable by the omission of any direction in them for the delivery of the archives and documents. It had been expressly agreed by him with Colonel Forbes that the order for the delivery of East Florida should include that of the archives; but it was not sufficient for Governor Mahy to avoid the performance of this promise.

By the letter from Colonel Butler to General Jackson, of the 21st of January last, a copy of which I have the honor to enclose, it appears that, with regard to the greatest and most important part of those documents, he had expressly instructed Colonel Coppinger *not* to deliver them; and hence, when, on the 18th of June, Colonel Butler, the officer of the United States authorized to receive the province, notified Colonel Coppinger that he had designated Major Cross to receive the archives relating to the sovereignty and individual property of the province, he was answered by Colonel Coppinger: "As respects the delivery of the public archives containing the records of individual property of this province, *that will be delayed* until various doubts that occur are cleared up; but they will not be removed until then; nor will I leave this place until all matters are regulated and concluded between us that demand my personal assistance."

Thus, upon the pretence of doubts, the nature of which was not explained, Colonel Coppinger declined, positively, to deliver up documents conformably to the express stipulation of the treaty. Colonel Butler immediately proposed to him a conference on the subject, which was held on the 21st of June. At that conference Colonel Coppinger told Colonel Butler that, "as an individual, he believed these archives should be given over to the United States, but that *his orders prevented him from turning them over.*" Colonel Butler therefore assented (as, indeed, no other alternative seemed to be left him) that Colonel Coppinger should have time to write to the Captain General of Cuba for the decision of his doubts; and mentioned to him the opportunity of a vessel then about to sail for the Havana, whence she was to return to St. Augustine, and might bring the answer of the captain general. Colonel Coppinger, on the 23d of June, informed Colonel Butler that he had that day written to the captain general for the solution of his doubts, and, until he received his answer, the archives should not be removed from St. Augustine, and should remain precisely as they were. Colonel Butler, by his letter of 26th June, agreed to remain silent on the head of the archives until the answer should be received from the captain general; but within one week from that time Colonel Butler received information that a large portion of these documents were packed for transportation. He wrote, therefore, on the 3d of July, to Colonel Coppinger, enumerating specifically several kinds of records relating directly to the property of the province, and declaring that he considered them among those which were not to be removed: the reply to which, by Colonel Coppinger, is especially to be remarked, as expressing his opinion that several of those documents were *excluded from delivery.* There can be no reasonable doubt that all the papers specified by Colonel Butler's letter were of those which the treaty had stipulated should be delivered up. When, therefore, General Jackson considered and compared together the express and positive order of the King of Spain to the Captain General and Governor of Cuba that he should faithfully see to the delivery of the documents; the pretences on which he evaded the delivery to Colonel Forbes of those which were at the Havana, within his own control; the *promise* that he would direct the delivery by Colonel Coppinger of those that were at St. Augustine; the peremptory postponement of Colonel Coppinger to deliver up any documents or records relating to individual property; his engagement that none of them should be removed until he should receive further instructions from the captain general, and, within one week after, his attempt to pack up for transportation to Cuba a large portion of them; and, finally, his pretensions that many papers, manifestly having direct relation to the property of the province, were excluded from delivery, and his recurrence to the *literal* sense of his orders from the captain general, with the verbal avowal to Colonel Butler of his own opinion that the documents ought to be delivered, though he was forbidden by his instructions to deliver them—it was impossible for General Jackson to close his eyes against proceedings so unjustifiable and improper. He therefore gave instructions to the officer commanding at St. Augustine to take possession of the papers which the treaty had stipulated should be delivered.

The necessity for taking possession of them had, indeed, arisen before the instructions of General Jackson were received. Most of the records relating to individual property had been left in possession of Don Juan de Entralgo, who, on the pretence that he had purchased at public sales, under the Spanish Government, not only those documents, but the office of register of them, openly advanced the claim of retaining the records as his private property, and of continuing the exercise of the office, and receiving fees for granting copies of the same.

These pretensions were raised on the 5th of September, nearly three months after the doubts of Colonel Coppinger had, with the consent of Colonel Butler, been referred to the Captain General and Governor of Cuba. Long before that time the answer of that officer ought to have been received, peremptorily commanding the delivery of the papers.

It was impossible that the United States should acquiesce in the claims of Mr. Entralgo. They were unquestionably entitled to the documents; and whatever injury he might sustain by the delivery of them, it might give him a fair demand of indemnity from his own Government, but certainly not from the United States.

Yet the secretary and acting governor, Mr. Worthington, allowed a further delay of nearly a month before taking the decisive measures necessary to obtain the documents. He then, on the 3d of October, authorized three persons of respectable character to obtain them, with the use of force if necessary, but with all suitable delicacy and respect towards the persons who had been the officers of Spain in the province. I have the honor of enclosing, herewith, copies of the orders from the secretary (Worthington) to the commissioners appointed by him to receive, and afterwards to examine and assort the papers, and of their reports to him, exhibiting the manner in which both those services were performed. They will prove that every regard was shown towards Colonel Coppinger and Mr. Entralgo compatible with the execution of the duty; and, after the assortment of the papers, all those which were not of the description stipulated to be delivered over by the treaty have ever been, and yet are, ready to be returned to Colonel Coppinger, or to any person duly authorized to receive them.

Such is the view which I am instructed to say has definitively been taken by the President of the United States in relation to the transactions which formed the subjects of your letters of the 18th and 22d of November last, and of that of Mr. Salmon of the 6th of October. He is satisfied that, by the proceedings of the Governor of Florida towards Colonel Callava on the 23d of August last, and towards certain individuals presuming to act as a body of Spanish officers in Florida, in contempt of the authority of the United States, on the 29th of September, and by those of the Secretary of East Florida, acting as governor, on the 2d and 3d of October, towards Colonel Coppinger and Don Juan de Entralgo, no intention of injury or insult to His Catholic Majesty or his Government was entertained, and that no just cause of complaint by them was given. That those measures were all rendered necessary by the total disregard of the Captain General and Governor of Cuba and the Floridas, and of his subordinate officers in the Floridas, not only of the solemn stipulation in the treaty for the delivery of the archives and documents directly relating to the property of those provinces, but of the royal order of their sovereign commanding the said captain general to see to the faithful execution of that engagement—an engagement, in the fulfilment of which the rights not only of the United States, but of every individual inhabitant of the provinces and proprietor in them, were deeply and vitally interested.

The mere enumeration of the documents, as specified in the demands of them made by the officers of the United States, before resort was had to any measure of rigor for extorting them, proves that they were indispensable for the establishment of public right, or for the security of private property. To Spain, not one of those documents could, after the transfer of the provinces, be of the slightest interest or utility. To the United States they were all-important. If the governor and secretary had so little understood their duty to the public rights of their country committed to their charge as to have suffered the removal of records essential to guard the interests of the nation against the insatiate greediness and fraudulent devices of land speculators, they had yet a sacred duty to perform to the people of the country, by retaining the common vouchers of their estates. What individual would have been secure in the tenure of his land, in the evidences of his debts, or in the very shelter over his head, if Colonel Callava could have carried to Cuba his own judgments in favor of the Vidals, because their father, when alive, had been an Auditor of War? and if Don Juan de Entralgo could have transported to the same island all the title-deeds of East Florida, because he had bought his office of recorder at public auction?

The delays of the Captain General of Cuba, with regard to the fulfilment of the royal order transmitted to him by Colonel Forbes, were so extraordinary, and, upon any just principle, so unaccountable, that the minister of the United States in Spain was, by letters from this Department of the 13th and 16th June last, instructed, upon his return to Madrid, to represent the same to your Government, and to request new and peremptory orders to that officer for the delivery of the archives in his possession, conformably to the stipulation of the treaty. The renewal of the order was declined, upon the ground of entire confidence on the part of your Government that the captain general would, before it could be received, have completed the delivery of the archives and documents, as he had been commanded by the King.

I regret to be obliged to state that this just expectation of His Catholic Majesty has not yet been fulfilled.

Captain James Biddle, commander of the United States frigate Macedonian, has therefore been commissioned to repair to the Havana, there to receive the documents and archives which Colonel Forbes was obliged to leave, and which it is hoped the Captain General and Governor of Cuba will cause to be delivered without further delay.

I pray you, sir, to receive the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Don JOAQUIN DE ANDUAGA, *Envoy Extraordinary, &c.*

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

SIR: PHILADELPHIA, *April* 24, 1822.

As soon as the news was received in Madrid of the recent occurrences in New Spain, after the arrival at Vera Cruz of the captain general and supreme political chief appointed for those provinces, Don Juan O'Donojú, and some papers were seen relative to those same transactions, it was feared that, for forming the treaty concluded in Cordova, on the 24th of August last, between the said general and the traitor Colonel Don Augustin Iturbide, it had been falsely supposed that the former had power from His Catholic Majesty for that act; and in a little time the correctness of those suspicions was found, as, among other things, the said O'Donojú, when, on the 26th of the same August, he sent this treaty to the Governor of Vera Cruz, notifying him of its prompt and punctual observance, told him that, at his sailing from the peninsula, preparation for the independence of Mexico was already thought of, and that its bases were approved of by the Government, and by a commission of the Cortes. His Ma-

jesty, on sight of this, and of the fatal impression which so great an imposture had produced in some ultra-marine provinces, and what must, without difficulty, be the consequence among the rest, thought proper to order that, by means of a circular to all the chiefs and corporations beyond seas, this atrocious falsehood should be disbelieved; and now he has deigned to command me to make known to the Government of the United States that it is false, as far as General O'Donojú published beyond his instructions, by pointing out to it that he never could have been furnished with other instructions than those conformable to constitutional principles.

In compliance with this order of His Majesty, I can do no less than observe to you, sir, how unfounded one of the reasons is in your note of the 6th instant for the recognition by this Government of those of the insurgent provinces of Spanish America—that it was founded on the treaty made by O'Donojú with Iturbide; since, not having had that power or instruction to conclude it, it is clearly null and of no value.

I repeat to you, sir, the sentiments of my distinguished consideration, and pray God that you may live many years.

JOAQUIN DE ANDUAGA.

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

SIR: PHILADELPHIA, *April* 26, 1822.

I have received your note of the 15th instant, in which you are pleased to communicate to me the reasons which induce the President not only to refuse to His Catholic Majesty the satisfaction which I demanded, in his royal name, for the insults offered by General Jackson to the Spanish commissaries and officers, but to approve fully of the said chief's conduct.

Before answering the contents of the said note, I thought it my duty to request instructions from my Government; and, therefore, without delay, I have laid it before them. Until they arrive, therefore, I have confined myself to two observations: 1st. If, in my note of the 18th of November last, I said that, as General Jackson had not specified the actions which had induced him to declare the Spanish officers expelled from the Floridas criminal, or given proof of them, I thought myself authorized to declare the accusation false, I did not this through inadvertency, but upon the evident principle that every person accused has a right to declare an accusation destitute of proof false, and much more an accusation not pretended to be proved. This assertion of mine does not presume that I am not persuaded of the merit of the said general, and of the claim which he has upon the gratitude of his country; but, although it is believed the duty of his country to eulogize and reward his eminent services, yet it will be lawful for the representative of a Power outraged by him to complain of his conduct. I cannot persuade myself that, to aggravate my said expression, you could have thought that I had been wanting in due respect; it not being possible for that opinion to have entered your mind, when, by his orders, Mr. Forsyth had sent to the Spanish minister, on the 1st of September last, a note, in which, complaining of the Captain General of the island of Cuba, he accuses him of *dishonorable pecuniary motives* in not having delivered the archives, without giving any proof of so injurious an assertion; and I must remark that the rank of General Mahy in Spain is at least as elevated as that of General Jackson in the United States, and that the services performed by him to his country have rendered him as worthy as he of its consideration and respect.

2d. Although you are pleased to tell me that part of the papers taken from Colonel Coppinger are ready to be delivered, which the American commissioners, *after having examined them*, have adjudged to be returned to Spain, I do not think myself authorized to admit their return in this manner, but in the mode which I demanded in my note of the 22d of November last.

As I have seen by the public papers that the President has communicated to Congress the note which you were pleased to address to me, dated the 15th instant, and that it has been ordered to be printed, I take the liberty of requesting that you will have the goodness to use your influence that this my answer may be treated in the same manner, that Congress and the public may be informed that, if I have not answered the first part of it, as respects the general business, it is only to wait for the instructions of my Government; but that I have answered what was personal.

I renew to you, sir, the sentiments of my distinguished consideration.

JOAQUIN DE ANDUAGA.

JOHN QUINCY ADAMS, *Secretary of State.*

17th CONGRESS.] No. 325. [1st SESSION.

GREAT BRITAIN: TREATY OF PEACE.

TRANSMITTED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 21, 1822.

To the House of Representatives of the United States: WASHINGTON, *February* 21, 1822.

I transmit to the House of Representatives a report from the Secretary of State, with the documents accompanying it, in pursuance of a resolution of the House of the 17th January last.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *February* 21, 1822.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 17th January, requesting the President of the United States to cause to be laid before the House all the correspondence which led to the treaty of Ghent, together with the protocol, which has not been made public, and which, in his opinion, it may not be improper to disclose, has the honor to submit to the President the papers embraced by that resolution.

JOHN QUINCY ADAMS.

The PRESIDENT OF THE UNITED STATES.

[The documents communicated with the preceding message are inserted in FOREIGN RELATIONS, vol. iii, No. 271, with the exception of the following:]

The American Plenipotentiaries to the Secretary of State.

SIR: GHENT, *December* 25, 1814.

We have the honor of transmitting, herewith, one of the three copies of the treaty of peace between Great Britain and the United States, signed last evening by the plenipotentiaries of His Britannic Majesty and by us.

The papers, of which copies are likewise now forwarded, will exhibit to you so fully the progress of the negotiation since the departure of the Chauncey, that few additional remarks from us will be necessary. It may be proper for us, however, to state that, in the interval between the time when our first projet of a treaty was sent to the British plenipotentiaries, and that when they communicated to us the answer to it, the despatches which we had sent by Mr. Dallas, and the instructions to us, which had been published in the United States, were republished in England.

In declining to insist on the articles respecting impressment and indemnities, we made a formal declaration that the rights of both parties, on the subject of seamen and the claims to indemnities for losses and damages sustained prior to the commencement of the war, should not be affected or impaired by the omission in the treaty of a specific provision on these two subjects.

From the time when the projet of the treaty presented by us was returned with the proposed alterations, it was apparent that, unless new pretensions on the part of Great Britain should be advanced, the only important differences remaining to be discussed were those relating to the mutual restoration of territory taken during the war, to the navigation of the Mississippi by British subjects, and to the right of the people of the United States to the fisheries within the British jurisdiction. Instead of a general restitution of captured territory, which we had proposed, the British Government, at first, wished to confine it to the territory taken by either party belonging to the other. On our objecting that this would make each party the judge whether territory taken did or did not belong to the other, and thereby occasion new disputes, they acknowledged it to be their object that each party should, until a decision had taken place with respect to the title, retain possession of all the territory claimed by both parties, which might have been taken by such party during the war. They proposed, however, to limit the exception from mutual restitution to the islands in the bay of Passamaquoddy. As it had been on both sides admitted that the title to these islands was disputed, and as the method of settling amicably those disputes was provided for in the treaty, we had not expected that the British Government would adhere to the demand of retaining the temporary possession of those islands. We insisted, therefore, on their being included in the general restoration, until we had reason to believe that our further perseverance would have hazarded the conclusion of the peace itself; we finally consented, as an alternative preferable to the continuance of the war, to this exception, upon condition that it should not be understood as impairing, in any manner, the right of the United States to these islands. We also urged for a stipulation, requiring an ultimate decision upon the title within a limited time; but to this we also found opposed an insuperable objection, and we were finally induced to accept in its stead a declaration of the British plenipotentiaries that no unnecessary delay of the decision should be interposed on the part of Great Britain.

At the first conference on the 8th of August, the British plenipotentiaries had notified to us that the British Government did not intend, henceforth, to allow to the people of the United States, without an equivalent, the liberty to fish, and to dry and cure fish, within the exclusive British jurisdiction, stipulated in their favor by the latter part of the third article of the treaty of peace of 1783. And, in their note of the 19th of August, the British plenipotentiaries had demanded a new stipulation to secure to British subjects the right of navigating the Mississippi—a demand which, unless warranted by another article of that same treaty of 1783, we could not perceive that Great Britain had any colorable pretence for making. Our instructions had forbidden us to suffer our right to the fisheries to be brought into discussion, and had not authorized us to make any distinction in the several provisions of the third article of the treaty of 1783, or between that article and any other of the same treaty. We had no equivalent to offer for a new recognition of our right to any part of the fisheries, and we had no power to grant any equivalent which might be asked for it by the British Government. We contended that the whole treaty of 1783 must be considered as one entire and permanent compact, not liable, like ordinary treaties, to be abrogated by a subsequent war between the parties to it; as an instrument recognising the rights and liberties enjoyed by the people of the United States as an independent nation, and containing the terms and conditions on which the two parts of one empire had mutually agreed thenceforth to constitute two distinct and separate nations. In consenting, by that treaty, that a part of the North American continent should remain subject to the British jurisdiction, the people of the United States had reserved to themselves the liberty, which they had ever before enjoyed, of fishing upon that part of the coasts, and of drying and curing fish upon the shores; and this reservation had been agreed to by the other contracting party. We saw not why this liberty, then no new grant, but a mere recognition of a prior right, always enjoyed, should be forfeited by a war, any more than any other of the rights of our national independence; or why we should need a new stipulation for its enjoyment, more than we needed a new article to declare that the King of Great Britain treated with us as free, sovereign, and independent States. We stated this principle in general terms to the British plenipotentiaries, in the note which we sent to them with our projet of the treaty; and we alleged it as the ground upon which no new stipulation was deemed by our Government necessary to secure to the people of the United States all the rights and liberties stipulated in their favor by the treaty of 1783. No reply to that part of our note was given by the British plenipotentiaries; but, in returning our projet of a treaty, they added a clause to one of the articles, stipulating a right for British subjects to navigate the Mississippi. Without adverting to the ground of prior and immemorial usage, if the principle were just that the treaty of 1783, from its peculiar character, remained in force in all its parts, notwithstanding the war, no new stipulation was necessary to secure to the subjects of Great Britain the right of navigating the Mississippi, as far as that right was secured by the treaty of 1783; as, on the other hand, no stipulation was necessary to secure to the people of the United States the liberty to fish, and to dry and cure fish, within the exclusive jurisdiction of Great Britain. If they asked the navigation of the Mississippi as a new claim, they could not expect we should grant it without an equivalent: if they asked it because it had been granted in 1783, they must recognise the claim of the people of the United States to the liberty to fish, and to dry and cure fish, in question. To place both points beyond all future controversy, a majority of us determined to offer to admit an article confirming both rights; or, we offered at the same time to be silent in the treaty upon both, and to leave out altogether the article defining the boundary from the Lake of the Woods, westward. They finally agreed to this last proposal, but not until they had proposed an article stipulating for a future negotiation for an equivalent to be given by Great Britain for the navigation of the Mississippi, and by the United States for the liberty as to the fisheries within British jurisdiction. This article was unnecessary, with respect to its professed object, since both Governments had it in their power, without it, to negotiate upon these subjects if they pleased. We rejected it, although its adoption would have secured the boundary

of the forty-ninth degree of latitude west of the Lake of the Woods, because it would have been a formal abandonment, on our part, of our claim to the liberty as to the fisheries, recognised by the treaty of 1783.

You will perceive by the correspondence that the ninth article was offered us as a *sine qua non* and an *ultimatum*. We accepted it, not without much hesitation, as the only alternative to a rupture of the negotiation, and with a perfect understanding that our Government was free to reject it, as we were not authorized to subscribe to it.

To guard against any accident which might happen in the transmission of a single copy of the treaty to the United States, the British plenipotentiaries have consented to execute it in triplicate; and as the treaty with the British ratification may be exposed to the same danger, the times for the cessation of hostilities, the restoration of captures at sea, and the release of prisoners, have been fixed, not from the exchange of ratifications, but from the ratification on both sides, without alteration by either of the contracting parties. We consented to the introduction of this latter provision, at the desire of the British plenipotentiaries, who were willing to take a full, but were unwilling to incur the risk of a partial ratification, as the period from which the peace should be considered as concluded.

We are informed by them that Mr. Baker, their secretary, is to go out to America with the British ratification.

We have the honor to be, very respectfully, sir, your most humble and obedient servants,

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

Extract of a letter from Jonathan Russell, Esq. to the Secretary of State, dated

GHENT, *December* 25, 1814.

My necessary occupation, at this moment, in aiding my colleagues to prepare our joint despatches, puts it out of my power to furnish you with any details or observations exclusively my own.

As, however, you will perceive, by our despatch to you of this date, that a majority only of the mission was in favor of offering to the British plenipotentiaries an article confirming the British right to the navigation of the Mississippi, and ours to the liberty as to the fisheries, it becomes me, in candor, to acknowledge that I was in the minority on that question. I must reserve to myself the power of communicating to you, hereafter, the reasons which influenced me to differ from a majority of my colleagues on that occasion; and if they be insufficient to support my opinion, I persuade myself they will, at least, vindicate my motives.

Mr. Gallatin to the Secretary of State.

SIR: GHENT, *December* 25, 1814.

The treaty which we signed yesterday with the British ministers is, in my opinion, as favorable as could be expected, under existing circumstances, so far as they were known to us. The attitude taken by the State of Massachusetts, and the appearances in some of the neighboring States, had a most unfavorable effect. Of the probable result of the congress at Vienna we had no correct information. The views of all the European Powers were precisely known, from day to day, to the British ministry. From neither of them did we, in any shape, receive any intimation of their intentions, of the general prospect of Europe, or of the interest they took in our contest with Great Britain. I have some reason to believe that all of them were desirous that it might continue. They did not intend to assist us; they appeared indifferent about our difficulties; but they rejoiced at any thing which might occupy, and eventually weaken, our enemy. The manner in which the campaign has terminated; the evidence afforded, by its events, of our ability to resist, alone, the now very formidable military power of England; and our having been able, without any foreign assistance, and after she had made such an effort, to obtain peace on equal terms, will raise our character and consequence in Europe. This, joined with the naval victories, and the belief that we alone can fight the English on their element, will make us to be courted as much as we have been neglected by foreign Governments. As to the *people* of Europe, public opinion was already most decidedly in our favor. I anticipate a settlement with Spain on our own terms, and the immediate chastisement of the Algerines. Permit me to suggest the propriety of despatching a squadron for that purpose, without losing a single moment.

I have little to add to our public despatch on the subject of the terms of the treaty. I really think that there is nothing but nominal in the Indian article, as adopted. With respect to precedent, you will find two, though neither is altogether in point, viz. the —— article of the treaty of Utrecht, and the latter part of the —— article of our treaty with Spain. You know that there was no alternative between breaking off the negotiations and accepting the article; and that we accepted it only as provisional, and subject to your approbation or rejection.

The exception of Moose island from the general restoration of territory is the only point on which it is possible that we might have obtained an alteration, if we had adhered to our opposition to it. The British Government had long fluctuated on the question of peace: a favorable account from Vienna, the report of some success in the Gulf of Mexico, or any other incident, might produce a change in their disposition; they had already, after the question had been referred to them, declared that they could not consent to a relinquishment of that point. We thought it too hazardous to risk the peace on the question of the temporary possession of that small island, since the question of title was fully reserved; and it was, therefore, no cession of territory.

On the subject of the fisheries within the jurisdiction of Great Britain, we have certainly done all that could be done. If, according to the construction of the treaty of 1783, which we assumed, the right was not abrogated by the war, it remains entire, since we most explicitly refused to renounce it, either directly or indirectly. In that case, it is only an unsettled subject of difference between the two countries. If the right must be considered as abrogated by the war, we cannot regain it without an equivalent. We had none to give but the recognition of their right to navigate the Mississippi, and we offered it. On this last supposition, this right is also lost to them; and, in a general point of view, we have certainly lost nothing. But we have done all that was practicable in support of the right to those fisheries; first, by the ground we assumed, respecting the construction of the treaty of 1783; secondly, by the offer to recognise the British right to the navigation of the Mississippi; thirdly, by refusing to accept from Great Britain both her implied renunciation of the right of that navigation and the convenient boundary of 49°, for the whole extent of our and her territories west of the Lake of the Woods, rather than to make an implied renunciation, on our part, to the right of America to those particular fisheries.

I believe that Great Britain is very desirous of obtaining the northern part of Maine, say from about 47° north latitude to the northern extremity of that district, as claimed by us. They hope that the river which empties into the Bay des Chaleurs, in the Gulf of St. Lawrence, has its source so far west as to intervene between the head waters of the river St. John and those of the streams emptying into the river St. Lawrence: so that the line north from the source of the river St. Croix will first strike the heights of land which divide the waters emptying into the Atlantic ocean (river St. John) from those emptying into the Gulf of St. Lawrence, (river des Chaleurs,) and afterwards the heights of land which divide the waters emptying into the Gulf of St. Lawrence (river des Chaleurs) from those emptying into the river St. Lawrence; but that the said line never can, in the words of the treaty, strike any spot of land actually dividing the waters emptying into the Atlantic ocean from those which fall into the river St. Lawrence. Such will be the foundation of their disputing our claim to the northern part of that territory; but, feeling that it is not very solid, I am apt to think that they will be disposed to offer the whole of Passamaquoddy bay and the disputed fisheries as an equivalent for the portion of northern territory which they want, in order to connect New Brunswick and Quebec. This may account for their tenacity with respect to the temporary possession of Moose island, and for their refusing to accept the recognition of their right to the navigation of the Mississippi, provided they recognise ours to the fisheries.

That northern territory is of no importance to us, and belongs to the United States, and not to Massachusetts, which has not the shadow of a claim to any land north of 45° to the eastward of the Penobscot river, as you may easily convince yourself of, by recurring to her charters.

I have the honor to be, with respect, &c.

ALBERT GALLATIN.

The Hon. the SECRETARY OF STATE *of the United States, Washington.*

17th CONGRESS.] No. 326. [1st SESSION.

SPAIN: OUTRAGES UPON AMERICAN VESSELS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 31, 1822, AND FEBRUARY 5, 1823.

To the House of Representatives of the United States: WASHINGTON, *January* 30, 1822.

In pursuance of a resolution of the House of Representatives of the 16th instant, requesting information with regard to outrages and abuses committed upon the persons of the officers or crews of American vessels at the Havana and other Spanish ports in America, and whether the Spanish authorities have taken any measures to punish, restrain, or countenance such outrages, I herewith transmit to that House a report from the Secretary of State containing the information called for.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *January* 30, 1822.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 16th instant, requesting of the President of the United States the communication of information respecting any outrages and abuses committed upon the persons of the officers or crews of American vessels at the Havana or other Spanish ports in America, and whether any measures have been adopted, under Spanish authority, tending to punish, restrain, or countenance either such personal outrages or piratical depredations upon the property of our merchants, has the honor of submitting to the President the statement of Captain B. J. Shain, with accompanying documents, containing all the information possessed by this Department embraced by that resolution.

JOHN QUINCY ADAMS.

The following is a statement of the outrage committed upon the American schooner Ajax, of Philadelphia, commanded by myself, while lying in the port of Havana:

On Sunday, 25th November ultimo, I left the counting-house of Messrs. Blair, Aizpurua, & Co. about 1 o'clock P. M. I had with me my accounts, which I had just received, together with the schooner's papers, and intended to sail next morning, wind and weather permitting. Soon after I got on board the schooner, I began to examine my accounts, that, in case there should be an error, it might be corrected before I sailed. I had been thus engaged but a little time, when I heard Mr. Joynes, the chief mate, say, in Spanish, "Go on shore," which he repeated several times. I then went on deck, and asked him what was the matter. He said there had two soldiers come on board, who asked to light their segars, and he himself gave them fire. After they had lighted their segars, they addressed themselves to one of the people, who was lying on the main hatch in a state of intoxication, (but quiet and without molestation,) and when they found he could speak some Spanish, they told him he was a Spaniard, and they would have him put on board the guard-ship. He told them he was no Spaniard. They insisted he was. Mr. Joynes said he then told them the man was no Spaniard; that he was an American, and one of the people belonging to the schooner. They then drew their swords. Mr. Joynes said he then picked up my cane, which was near him, and made them go on shore, telling them to go on shore, as before mentioned. I then went down below, to my accounts again, but had been there but a few minutes when Mr. Joynes came to the companion-door, and asked me what should be done; that there were a number of soldiers who seemed determined to come on board. I told him not to let them, that I would not suffer them to come, saying they have no business here. I then gathered up my papers, put them away, and went on deck with a cutlass in my hand, being of opinion they wished to commit some violation. I walked forward to the bows of the schooner, to which place the soldiers had nearly advanced. I forbade them to come on board, telling them not to trouble me; but they, regardless of my entreaties, were determined to come. I, seeing their intention, went aft and got one of my pistols; Mr. Joynes did the same. We both went forward to the bows of the schooner, and desired them again and again not to come on board; but they advanced

to the railing, and were about to jump on deck, when I cocked my pistol and presented it, telling them at the same time not to board me; if they did, I would blow them through. They, finding me resolute, retreated to the foot of the stage again, where they were joined by some other soldiers, who stood there and urged them on, and called them cowards to let the Americans drive them, and tried to force them back again; they then, however, sent for a reinforcement of soldiers, who, when they came to the foot of the stage, attempted to force their way also, but Mr. Joynes and myself stood firm at the top (or head) of the stage, determined, if possible, to defend the decks, so that they dared not approach us. They then sent for a guard of soldiers, who being come, the captain of them commanded me to come on shore; which command I refused to obey, saying, at the same time, I had no business on shore; that my place was on board my vessel. He, however, commanded me several times very peremptorily to come on shore, which command I continued to disobey, telling him, at the same time, if he had any thing to say to me to come on board, that I would respect him and treat him politely; he then sent a young man on board, who could speak a little English, who told me the captain of the guard said if I did not come on shore he would send his guard on board, and take me to prison. I told the young man to tell the officer I had done nothing for which I should be put to prison; that I was on board my vessel, and had not been on shore, nor would I go unless I should be taken there. The young man went and spoke to the officer, who, together with his guard, went away. I then sent to the house of my consignees, informing them of my situation, and requested they would come to the vessel immediately, which they did. By this time there were a great number of people, soldiers, and common rabble of the streets, besides a number of boatmen, collected on the wharf before the schooner. I related the circumstance to my consignees, all that had transpired, as I have now done. They asked me if that was all I had done. I said it was. They advised me to haul the schooner astern from the wharf, seeing the people appeared to have a design against her; I immediately gave orders to do so, having previously taken on board the stage. As soon as the mob saw I was about to leave the wharf, and supposing their designs (I believe) might be frustrated, they called out not to let the vessel move, making use of the most threatening and shameful language, and laying hold at the same [time] of the forward rigging, crying out, "On board, on board; we will not let the American rascals go." We, however, succeeded in hauling her astern, although there were at that time but three men besides myself and the little boy on board; but the wind blowing very fresh, canted her head to port, and the jib-boom getting foul of the topping lift of a small Spanish schooner which lay on our larboard side, the Spaniards ran from the wharf on board her, and while we were endeavoring to clear the Ajax and haul her astern, they boarded us from the Spanish vessel; we not being able to clear-haul her astern, and prevent them from boarding all at the same time, there being then but four on board in all, and only Mr. Joynes and myself who made any resistance. In the course of one minute my decks were full of Spaniards, led on by a number of soldiers, two of whom were in front, who had long knives or daggers. The one on my left hand made a pass at me with his knife or dagger. I repelled him with my cutlass in my left hand. Perceiving he was preparing to make a second attempt, I fired my pistol, but missed my object, although I shot a soldier behind him. Mr. Joynes, seeing the imminent danger we were in, fired his pistol, and, I believe, killed the soldier I fired at. At this moment we were completely surrounded by a great number of soldiers and others, and being aft, by the companion-way, and under the awning, where we had no possible means of defending ourselves. In this situation we were attacked with swords, knives, spars, sticks of wood, and stones, which they had previously thrown on board from the wharf. Mr. Watson, my second mate, had his head cut with the cook's axe. They stabbed the steward of the ship Lucius, of Charleston, who died in about two days. They cut off one man's arm, all but the sinews, belonging to the brig Cyno, of Philadelphia, and split his mouth open. They beat Mr. Joynes with sticks and spars, and threw him overboard, where he was pursued by boatmen, who struck at him in the water with their oars, and had, at the same time, their knives in their mouths to kill him with as soon as they should hit him with their oars and prevent his swimming. He, however, being a good swimmer, dove under water, and thereby escaped their blows. They were at one time so near him that he was obliged to dive under their boat, and staid so long under water that they thought he was drowned; but at length he came up near the guard boat, the officer of which took him in and saved his life.

While I remained on board in the hands of these barbarous savages, who most cruelly beat my head and shoulders with stones and sticks, they cut the third finger of my right hand almost off, also my right wrist and my right arm; they stabbed me on the top of my breast bone, in my right shoulder, and in my back and stomach, and laid my head open with a cutlass or sword in two places, about five inches long each, to the bone, and fractured my skull; they also cut my cheek through into my mouth nearly to my ear, and nearly cut my right eye out. As soon as they thought they had killed me, (for I fell apparently dead at their feet,) they began to plunder the vessel, cut away and carried off all her running rigging; stole the long boat, six pistols, and two cutlasses; broke open the harness tubs, and stole all the beef and pork in them; took away all our fowls, stole every article of cabin furniture, such as dishes, spoons, cups, saucers, knives, forks, &c., with all the cabin stores, besides many other things too numerous to mention; they stole from me all my clothes, not leaving me a single shirt; they stole Mr. Joynes's clothes also, and even went into the forecastle, and robbed the people of theirs. While I was thus weltering in my blood, suffering, if possible, a thousand deaths, in my agony I lifted my head, and, raising partly up, supported myself in a sitting posture on the deck, by my hands, one on each side of me; I was accosted by a soldier, and asked if I was the captain. The deck seemed to be more quiet, and the mob appeared in some measure to have retired; though at that time I could not see, I presumed him to be my friend, come to relieve me: I answered yes. He instantly took his sword, which had a metal scabbard, as I heard it rattle, and, driving it at me, struck me with the end of it on the collar bone, and knocked me flat on the deck again. He then robbed me of the little change I had, and took from my fob my watch, but finding some difficulty in getting it from the fob, took his knife and cut it off. Who this soldier was I know not, but am of opinion, from the voice, that he was the captain of the guard who first commanded me on shore. After they had finished their plunder, and the mob had gone, the Government sent Mr. Joynes, one of my people, and a little boy, to prison; my second mate, the steward of the ship Lucius, and the man belonging to the brig Cyno, to the hospital: during all this time I was left lying on the deck. There was, however, afterwards, a guard sent for me, who made me get up from the deck and climb over the side of the vessel, and get into a boat which was alongside to receive me; but, not being able to support myself, I fell from the side of the schooner, partly into the boat, and partly into the water, but finally got into her. Then they took me to a small droger which lay at the wharf, and made me go on board and walk to the gang-board which led on shore; knowing it was impossible to walk the board to the wharf, I sat down on it, and tried to haul myself along, when one of the gang behind me pushed me along like a log. When I landed on the wharf, I was made to get up and walk about a hundred and fifty yards to a volante. I was told to get into it, and they drove me off to the hospital, where my second mate and the steward of the ship Lucius had already arrived—a wretched place, enough to make a well man sick. The doctor of the hospital, considering me mortally wounded, threw a bundle of rags about my head, with as little ceremony as a butcher in our market would wrap up a shin of beef to send to a customer; and, when he came to the wound in my stomach, he thrust his fore-finger into it up to his hand, and then folded up a piece of rag, as if he were going to stop the mouth of a bottle, and screwed it into the wound. In this situation I was laid on a bedstead which had

boards for its bottom, with something like a pillow to support my bruised and cut head. I had lost much blood, and had lain before the door of the hospital until I was almost chilled to the heart, so that my teeth and jaws rattled. I begged for something to cover me, but could get nothing until a friend came to the door, and, finding me freezing for want of something to cover me, ran home and got me something; but, when he came with it to the hospital door, it was with difficulty he prevailed on them to let me have it. In this place I remained until about eleven o'clock the next day, when Don Francisco de P. Hornillos obtained permission, on his own responsibility, to remove me to a sick-house, attended by a number of gentlemen, some of whom went for a surgeon to dress my wounds, and brought Dr. Benjamin Huger, surgeon of the marine hospital in Charleston, S. C., residing at this time in Havana for his health. When he saw me, he said he was astonished, from the appearance of my wounds, that I had not died. Mr. Joynes and the man that was in prison were not released until the following Saturday afternoon, being nearly eight days in prison, about two days of which time he said he was without any thing to eat, and, I believe, any thing to drink. We, however, got information to Don F. de P. Hornillos of his situation, who advanced him a doubloon, with which he was enabled to buy something to support nature, although he was compelled to pay at the rate of a dollar for only about an ounce of beef, and for other things he wanted in proportion. After he heard I was not dead, he was desirous to write to me, and had to pay, he said, one dollar for the sheet of paper. Mr. Joynes told me he was informed by the officer of the guard at the prison that the officer who commanded me to come on shore intended, if I had complied with the order, to have given me up to the mob to do with me as they pleased. Mr. Joynes, my chief mate, Mr. Watson, my second mate, and the man belonging to the brig Cyno, were released on the Saturday following, December 1. The two latter were brought to the sick-house where I was. Dr. Huger was called to attend Mr. Watson as well as myself; and when he saw him, he said he believed he could not live; he, however, survived until Friday the 6th, when he died. Such was their inhumanity, that Mr. Watson did not have his wound dressed all the time he was in the hospital or prison.

B. J. SHAIN.

WASHINGTON CITY, *January* 9, 1822.

WASHINGTON COUNTY, *District of Columbia.* } January 9, 1822.

Personally appeared before me, the subscriber, one of the justices of the peace in and for the county and district aforesaid, Captain Benjamin Jones Shain, and made oath on the Holy Evangelists of Almighty God that the foregoing statement of facts is true, to the best of his knowledge and belief.

Given under my hand and seal, this 9th day of January, in the year of our Lord 1822.

CHARLES W. WHARTON.

P. S. In relating the above narrative, I forgot to mention that, after I had got the vessel refitted and ready for sea, I was informed by Don F. de P. Hornillos, one of the gentlemen to whom I was consigned, that the schooner could not depart from the port with any one of the officers and crew on board who belonged to her previous to the outrage. I was, therefore, notwithstanding the many petitions I sent to the governor, under the necessity of shipping other officers and crew.

It was also decreed that neither Mr. Joynes nor myself should leave the place under a heavy penalty. Mr. Joynes and myself were both compelled to leave the port clandestinely, or not at all; and, before the merchants would settle with me, or suffer me to depart, I was compelled to give a receipt, acknowledging myself accountable for the penalty or other charge that might arise in consequence of my departure, if exacted by the Spanish court.

B. J. SHAIN.

Subscribed and sworn to, this 10th of January, 1822, before me,

R. S. BRISCOE, *Justice of the Peace.*

Deposition of Don Francisco de Paula Hornillos.

HAVANA, *December* 11, 1821.

This witness declares and deposes that, on Sunday, the 25th November last, being at home immediately after dinner, and just as he was preparing himself to go out riding, which was about the hour of five, he received information from his counting-house that some accident had occurred to the American schooner that was going to Philadelphia, and that his presence was necessary. That he immediately repaired to the wharf, to the place where the said schooner was, and there found a great concourse of people of all descriptions, close to the vessel, and the captain walking on deck, all in the greatest tranquillity and silence. That he walked on board and asked Captain B. J. Shain what had been the matter: to which he was answered that some soldiers having gone on board of his vessel and asked for fire to light a segar, the mate did politely hand it to them; and that they entered into conversation with a man on board that could talk Spanish. That the soldiers told the mate that that man was a Spaniard, who should not be in a foreign vessel, and that they were going to carry him off. That the mate objected to their doing so, as the man was not a Spaniard; and the soldiers insisting on carrying him off, he, the said Captain Shain, came out of the cabin, and observed the determination of the soldiers to carry that man away. That he would not consent to it; and as they threatened to execute their intention, and to make use of their swords, he ran to the cabin, and, taking his pistols, made them run away out of the vessel. That, soon after, the same soldiers, with some others, wanted to come on board again, which he would not consent to; and as they were walking up the stage, he approached the fore part of the vessel, and ordered them to go off, when they were already on the gunwale, or he would fire into them with his pistols if they attempted to violate or assault the inviolability of his house, which was his vessel; upon which they retired. That those soldiers then went and complained or informed against him to the officer of the guard at the treasury gate, who came before the vessel at the time that he, the said Captain Shain, was still walking on deck, which officer ordered him to come on shore. That to this command he, Captain Shain, replied that he was on board his own vessel, and would not go on shore; but if he, the officer, had any thing to say to him, he might safely step on board, about which they disputed a short while; and, finally, the officer went off, and Captain Shain remained walking on deck. This witness declares that, upon receiving this information from Captain Shain, and seeing the crowd upon the wharf rather increasing, he advised him to loose his fasts, and carry his vessel out in the stream, apprehensive that the soldiers might return to molest him again, and, chiefly to prevent some new accident occurring. That Captain Shain immediately ordered the vessel away from the wharf; and when they were hauling her astern, a Spaniard, in the dress of a sailor, held her by the rigging of the bowsprit, and cried out that the vessel should not quit the wharf; and that it was necessary to punish those rascals of Americans. That he spoke to this man, requesting him to permit the vessel to go off, as he had so directed it, with no other view

than to avoid any misfortune that might occur; telling him, also, that he had nothing to do with the vessel, to retire, and not be the means of disturbing the peace. That he (the witness) could not persuade this man, nor prevail upon him to quit his hold of the rigging, while he continued crying out against the Americans, and inviting the crowd to join and help him. That another man, likewise in sailor's clothes, joined the former one, taking hold of the bowsprit rigging, and the witness also endeavored to persuade him by good means to abandon his task, but could obtain nothing else but repeated insults from both; and that, fearing some misfortune, he ran to the officer of the guard, at the treasury gate, and requested him to interpose his authority to get the vessel away from the wharf, which he (the witness) had to beg the officer repeatedly to do; remonstrating that, otherwise, some misfortune would be inevitable.

That the officer then, with some soldiers of his guard, went towards the vessel; but was of no service, as he either could not, or knew not how to make himself respected, as those two sailors, and some others that had already joined them, completely played with him, while a great part of the crowd were already crying out in the most abusive language, and exciting the multitude, saying, "*On board, on board to those dogs—kill them!*" That the witness, still being among the crowd, underwent repeated insults from those sailors and several others, because he was still endeavoring to quiet them; at which time he found himself taken by the arm by some person, who requested him to go away, as he had observed the witness to be in great danger. That, seeing the crowd and mob increasing, he ran up to the captain general's, and requested him immediately to take some measures towards restoring the peace on the wharf; and hardly had he explained to his excellency the object of his request, when information arrived of the vessel having been boarded, and of the misfortunes that were the result of it; and as the bearer of that information gave also notice that the captain had been wounded and nearly killed, the witness requested his excellency to order that the captain be delivered him, in order to give immediate attention to his dangerous situation on account of his wounds. That his excellency sent one of his adjutants with the witness to the wharf, for the purpose of delivering him the captain's person; and on arriving at the place where the vessel had been, he found her to have gone away astern of the other vessels, and that there remained only about six or eight persons on the wharf, one of whom was *el zelador de mar, Don Francisco Baro*, who had formerly also made great exertions towards keeping the peace, and had much endeavored to pacify the first man that had objected to the vessel's leaving the wharf; and who, having found there that same man, did arrest him, and sent him to jail. That at this time the witness having been informed that Captain Shain had been carried to the hospital, he applied there to get him out; but as they were actually dressing his wounds, and as it was dangerous at the moment to move him, he was left there that night, and the next morning the witness took him out upon his receipt.

FRANCO. P. HORNILLOS.

UNITED STATES COMMERCIAL AGENCY.

Be it known that, on this eleventh day of December, in the year one thousand eight hundred and twenty-one, before me, John Warner, commercial agent of the United States of America at the city of Havana, personally came and appeared Don Franco. de Paula Hornillos, subscriber to the foregoing deposition, who, being duly sworn upon the Holy Evangelists of Almighty God, did depose to the truth of what is therein set forth.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of my office, at the city of
[L. S.] Havana aforesaid, the day and year first above written.

JOHN WARNER.

HAVANA, *December* 13, 1821.

This is to certify, I, Benjamin Huger, of Charleston, South Carolina, surgeon to the marine hospital in that city, at present residing in the Havana for my health, did, at the request of a friend, visit Captain B. J. Shain, who had been wounded in a contest with several Spaniards. Upon examination, I found several wounds, three of which I considered highly dangerous. After much suffering on the part of Captain S., he has recovered.

This certificate is given at his request. The mate of his vessel died in consequence of wounds received at this time.

B. HUGER, *S. M. H.*

Copy of a letter from B. J. Shain to the Secretary of State.

SIR: PHILADELPHIA, *January* 28, 1822.

When I was at Washington a few days ago, you advised me to forward my memorial, addressed to the President, accompanied with the extent of the damage sustained from the Spaniards at Havana, in the late outrage committed against the schooner Ajax, her officers and crew; which I would have done before now, but owing to my indisposition I was not able to accomplish it. I, however, expect to have every thing ready to forward in the course of four or five days from this time. The amount of the damage will, I presume, be but little short of $2,000, if not more, independent of our personal sufferings, which are more than can be expressed.

I am, sir, with due respect, your most obedient, humble servant,

B. J. SHAIN.

HON. JOHN QUINCY ADAMS.

DEPARTMENT OF STATE, WASHINGTON, *February* 5, 1823.

The SECRETARY OF STATE, to whom, by a resolution of the Senate of the United States of the 3d ultimo, the memorial of Benjamin J. Shain was referred, to consider and report thereon to the Senate, has the honor, in compliance with that resolution, to submit the following report:

At the last session of Congress a resolution of the House of Representatives, adopted on the 16th of January, 1822, requested of the President information with regard to outrages and abuses committed upon the persons of the officers or crews of American vessels at the Havana and other Spanish ports in America, and whether the Spanish authorities had taken any measures to punish, restrain, or countenance such outrages.

In pursuance of that resolution, a message of the President of the United States communicated to the House, on the 30th of January, 1822, the statement by B. J. Shain of the outrage committed upon the American schooner Ajax, commanded by him, and upon his person, at the Havana, which forms the subject of his present memorial to Congress, together with the deposition of Don Francisco de Paula Hornillos, and the certificate of Doctor Benjamin Huger, relating thereto.

These documents were referred by the House of Representatives to their Committee of Foreign Relations, who, on the 12th of February, 1822, reported to the House their opinion that there had not been a case presented to them, in the statement and documents above mentioned, which required the interference of this Government; they therefore submitted a resolution, which was agreed to by the House, that the committee be discharged from the further consideration of the subject.

A short time after this decision of the House of Representatives, Captain Shain transmitted a memorial to the President of the United States, dated the 22d of February, 1822, of the same purport with that to Congress, now referred to the Secretary of State by the Senate. To which memorial to the President was annexed a similar statement of the charges and losses occasioned by the above-mentioned outrage to that which is annexed to his memorial to Congress. And there were further annexed to the memorial to the President the depositions of Littleton Joynes and of Joel Lane Reynolds, and a statement unsigned; copies of which papers, and of Captain Shain's remarks upon them, are herewith transmitted to the Senate.

On the 30th of November last, Captain Shain transmitted to the Secretary of State a second memorial to the President of the United States, of the same purport with that of the preceding 22d of February; but to which was annexed a petition of the same import, and signed mostly by the same persons, with that which is annexed to the memorial to Congress; and a similar re-statement of losses and injuries sustained by the above-mentioned outrages.

The Secretary of State, with a view to put the Senate in possession of all the representations and vouchers in this Department in support of the application of Captain Shain, has the honor of transmitting, herewith, the copies of the documents additional to those which had already been under consideration by the House of Representatives at their last session. Whether they vary in any manner the conclusion drawn by the committee of the House from the statement then submitted to them, and which is believed to be entirely correct, is respectfully submitted to the consideration of the Senate. The facts, and the principles applicable to them, appear to the Secretary of State to be the same.

JOHN QUINCY ADAMS.

Littleton Joynes, being duly sworn before me, doth depose and say: That, on the 25th day of November, 1821, while lying in the port of Havana, and acting as chief mate on board of the schooner Ajax, whereof Benjamin J. Shain was master, four soldiers came on board about one o'clock P. M., day and date as above, and asked deponent for fire to light their segars. Deponent gave them the fire which they requested; they then began conversing with one of the crew in Spanish, and after a short time said he was a Spaniard, and that they would have him impressed and put on board of a Spanish guard-ship. Deponent told them no, he was an American, and that he belonged on board of the vessel, and that they had no business with him, and to go on shore; they refused to go, and drew their swords; deponent picked up a small cane that was lying on deck, and forced them on shore. In about five minutes four more came and requested fire; deponent thought their intentions were not good, and refused them admittance, but they insisted on coming. Deponent went to the cabin-door, and told Captain Shain that there were a number of soldiers who seemed determined to come on board, and asked what should be done; Captain Shain told deponent not to suffer them—that they had no business on board. Captain Shain and deponent went forward where they were, armed with a cutlass apiece, and told them we had no fire for them, to go somewhere else and get fire; and if they persisted in coming on board, they must abide the consequence. They, finding Captain Shain and deponent resolute in not letting them come on board, went away; at this time there were a great number of soldiers, boatmen, and the common rabble of the streets, collected about the head of the schooner, making use of the most shameful language, and calling the soldiers cowards for letting the Americans drive them away; and in the course of a few minutes they brought a guard of soldiers, composed of an officer and six privates, who demanded of Captain Shain to come on shore; which command he refused to obey, telling them he had no business on shore, that he had done nothing, and if the officer would come on board he would treat him politely. The officer then sent a young man on board to tell Captain Shain if he did not come on shore that he would send his guard on board and take him to prison; but Captain Shain still refusing to come on shore, the officer and his guard went away again. About this time there were assembled on the wharf about two hundred ruffians, with knives, daggers, swords, sticks, and stones, and showed a great disposition to board the schooner; but seeing deponent and Captain Shain standing ready to receive them, with a sword in one hand and a pistol in the other, they were afraid to make the attempt. Captain Shain, seeing the danger we were in, sent word to the consignees to come immediately to the vessel; which they did. Captain Shain informed them of what had taken place, and said that he believed it was the intention of the mob to murder the officers and the crew, and plunder the schooner; they concurred with him in his opinion, and advised him to haul the schooner clear from the wharf. Deponent and Captain Shain were in the act of doing so, and had partly succeeded, but the wind blowing strong, and our hands being nearly all on shore, our jib-boom caught on the bow topping-lift of a Spanish schooner which lay alongside of us.

The mob, seeing that they were about missing their prey, cried out, "On board, on board, we will not let the American rascals go." They then began to board on the jib, bow, and in boats, until the decks were full of those ruffians; they then made several attempts to force their way aft, but Captain Shain and deponent, seeing that their intention was to murder them, stood firm to receive them, at the point of the sword; but two of them, more resolute than the rest, ventured aft with swords or daggers, but were told by Captain Shain and deponent that if they molested them they would fire, but they, regardless of what was said, pressed aft; the one made a pass at Captain Shain, but was repulsed, but made a second attempt, when Captain Shain fired his pistol, but missed his object, but shot the one deponent was contending with. Deponent, seeing the soldier about to make the second attempt on the life of Captain Shain, cocked his pistol and fired; Captain Shain fell, and likewise two soldiers. The mob, seeing there was no person to contend with but deponent, attempted to force their way aft, where deponent was, but deponent kept them off until the mob got long spars, and knocked deponent down, and threw him (deponent) overboard; when he was overboard, they tried to kill deponent in the water, by taking long spars and striking at deponent in the water, so that deponent was obliged to dive to escape their blows. When they could not kill deponent that way, the Spanish boats made off from the wharf with boat-hooks and oars to kill deponent, but deponent dove again under water and came up alongside of the guard-boat, which saved his life.

Deponent was then taken before the governor, who sent him to prison, where he was kept two days without any thing to eat, but deponent sent word to the consignees of his situation, who came to the prison and advanced deponent some money to enable deponent to purchase something to eat, but deponent was then obliged to pay at the rate of one dollar an ounce for beef, and other things in proportion. Deponent had to pay one dollar for a sheet of paper. Deponent was kept about eight days in prison, when he was released by giving bail.

Deponent deposeth and saith, that Samuel Watson, second mate, received a cut in the head with the cook's axe, which wound occasioned his death in a few days. That Captain Benjamin Shain received one wound in the breast

with a sword, two in the head, two in the arm, one of his fingers nearly cut off, a cut through his cheek, and one of his eyes nearly cut out. Likewise, a seaman belonging to brig Cyno, of Philadelphia, had one of his arms nearly cut off, and was beaten in a most shocking manner in the face. Likewise, the steward of the ship Lucius, of Charleston, received several stabs at the same time, which occasioned his death in two days.

The man belonging to brig Cyno, and the steward of the ship Lucius, were on board of the Ajax at the time of the outrage, to assist in getting the vessel out from the wharf.

Captain Shain appointed deponent master of the vessel, with instructions to proceed immediately to the United States, but he was stopped by the Spaniards, and informed that no persons who came out of the Havana in the schooner Ajax would be permitted to depart the port. Deponent went to the governor to know the reason why he should not go in the schooner, and received for answer that he and the rest of the officers and crew must remain in the Havana until such time as the whole affair was settled. The governor told deponent and Don Francisco de Paula Hornillos that deponent and Captain Shain would have done well if they had shot the whole of the mob.

Deponent deposeth and saith, that he believes the intentions of the mob were to murder the officers and crew of the Ajax, and then plunder her; and that, if the Spanish authorities had interfered, they might have prevented the outrage. Deponent deposeth and saith, that, after the mob got possession of the schooner, they commenced plundering the vessel of all her running rigging, cabin stores, and cabin furniture, besides the compasses, and all deponent's and Captain Shain's clothing, besides a number of other articles too numerous to mention.

LITTLETON JOYNES.

Be it known that, on the day of the date hereof, before me, Peter Lohra, of Philadelphia, notary public, by lawful authority duly commissioned and sworn, and by law authorized to administer oaths and affirmations, personally appeared Littleton Joynes, of Philadelphia, mariner, chief mate of the schooner Ajax, under the command of Benjamin J. Shain, who, being by me duly sworn according to law, did depose and say: That the several facts, matters, and things set forth and contained in the foregoing statement, written and subscribed by him, are, to the best of his recollection, knowledge, and belief, in every respect, just and true.

In testimony whereof, I have hereunto set my hand, and affixed my notarial seal, the eighteenth day of January, 1822.

PETER LOHRA, *Notary Public.*

Be it known that, on the day of the date hereof, before me, John Goodman, a notary public for the commonwealth of Pennsylvania, residing in the Northern Liberties, in the county of Philadelphia, by lawful authority duly commissioned and affirmed, and by law authorized to administer oaths and affirmations, came Joel Lane Reynolds, of the city of Philadelphia, and a native citizen of the United States, who, being by me duly affirmed according to law, did declare and say, that, on Sunday, the 25th day of November, 1821, at about half-past three o'clock P. M., being on the mole in Havana, he met Don Francisco P. Hornillos, merchant of said place, and consignee of the schooner Ajax, Captain Shain, who inquired of him if he knew the cause of the disturbance on board the Ajax. Deponent told him he did not. Mr. Hornillos then stated to deponent that Captain Shain had sent to the counting-house of Blair, Aizpurua, & Co., and requested that he would come over, as he was in difficulty. Mr. Hornillos wished deponent to accompany him on board the Ajax, which he did. On approaching the schooner, deponent noticed a great number of people, consisting principally of boatmen, with a number of soldiers, gathered together, abusing Captain Shain and his crew, threatening, at the same time, what they would do with him should they succeed in getting him on shore, which was nothing less than to take his life. Deponent succeeded in getting on board the schooner in company with Mr. Hornillos, who addressed Captain Shain to know the cause of the riot. He called Mr. Joynes, the mate, and desired him to relate to us the particulars. He stated that some soldiers had come on board and obtained permission to light their segars; after the first had lighted his segar, and whilst the remainder were so doing, he addressed himself to one of the seamen who was lying on the deck somewhat intoxicated, and, as the man answered them in Spanish, they immediately insisted upon his being a Spaniard; that he told them he was not—he was an American, and one of the crew of the Ajax; they still insisted upon it, and said they would take him out and put him on board the guard-ship, and drew their swords. They were then ordered on shore, and, upon refusing to go, he picked up a stick and drove them on shore; soon after they again came to the bow of the schooner, and insisted upon coming on board; he, as well as Captain Shain, told them not to attempt to come on board. After that, another party came with an officer at their head, and insisted upon Captain Shain's coming on shore, which he refused to do. After hearing this, and fearing what would be the result at night in case the schooner should remain at the mole, where she then was, we advised Captain Shain to haul her from it, and come to anchor in the stream. We were then obliged to leave the schooner, in consequence of the mob throwing stones on board, which made it dangerous to remain longer on the decks. Mr. Joynes and Mr. Watson, and also such of the crew as were on board the schooner, commenced casting off the bow-fasts, and, as the schooner was dropping astern, one of the leaders of the mob caught hold of the martingale-stay and cut it, which served them as a line to hold her by, to prevent her from dropping astern; she, however, got some distance from the mole, canted, and, her jib-boom getting foul of the aft-rigging of a Spanish schooner, she was prevented from getting out. The mob, at this time about two hundred and fifty, succeeded in boarding her from the decks of the Spanish schooner. Deponent, finding it dangerous to remain longer on the mole, retreated on board a Baltimore schooner with a number of Americans; before he got on board of her, he heard two pistols discharged on board the Ajax, soon after seeing Mr. Joynes, the mate, in the water, pursued by a number of boatmen, who made frequent attempts at his life; he was at last taken up by a guard-boat, and thrown into prison that night about eight o'clock. Deponent heard Captain Shain and Mr. Watson, second mate, were in the hospital much wounded; deponent went there and found Captain Shain cut in a most shocking manner, and it was thought he would not live till midnight. Mr. Watson, besides being much beaten, was cut in the head, through the skull. The next morning, on going on board the brig Cyno, of Philadelphia, which vessel deponent had there at that time, Captain Fear informed him that one of his men was much wounded in the affair of the Ajax; deponent recollected seeing him on the mole at the time he left it; deponent went immediately to the hospital, and found him in a shocking state—his right hand almost cut off, upper lip and chin laid open to the bone. Deponent made frequent attempts, through his friend Hornillos, for applications to the governor to get the man from the hospital; at last, about the 1st of December, we succeeded in getting a permit to remove him, as also Mr. Watson; we had them taken to the house of Mr. Skinner, at which place Captain Shain lay; at this time Mr. Watson was insensible, and the wound in his head quite offensive; he suffered in great agony, and died on the 6th of December.

Captain John Fear, of the brig Cyno, informs me that the unfortunate man who was so much hurt was put in the hospital at Charleston, South Carolina, and will lose his hand. As deponent is in that trade, and often in Havana, he can with truth declare that the Americans are not treated in a manner they have a right to expect, and that the

abuses towards them are increasing daily; they are not protected by the Government of the place as they ought to be, and are completely at the mercy of the soldiers, who are governed by their passions, and excited by the prospects of plunder.

JOEL LANE REYNOLDS.

In witness whereof, I have hereunto set my hand and affixed my notarial seal, at Philadelphia aforesaid, the 12th day of February, 1822.

JOHN GOODMAN, *Notary Public.*

I certify that Joel Lane Reynolds, who has taken and subscribed the foregoing deposition before me, is a credible witness.

JOHN GOODMAN, *Notary Public.*

It cannot be denied that there exists at this moment a ferment against the Americans, occasioned by their cruising against the pirates on the coast. The higher class feel mortified at seeing strangers exercising the police in their country; and the mob, being all concerned, either personally or through their friends, in these piratical excursions, see with rage the destruction of their nefarious plans; hence the animosity existing against the Americans.

Regla (a small town in Havana bay) sends out a great many of these marauders, and as yet the authorities have done nothing to repress this disorder; the plunder is brought into and sold in the Havana, and the vessels re-enter the harbor to fit out for a fresh expedition. In the case of the plunder of $10,000 from on board the American ship ———, the captors, having disputed about the booty, deposed one against the other; more than sixty from the town of Regla were concerned; the case was as public as one could wish; there were, however, but four or five arrests, and it is doubtful whether these have not been suffered to escape; one of the piratical schooners lay in the harbor; some articles from the plundered vessel were still on board, with the name of the former owner stamped on them; and yet how many steps were necessary to oblige the Government to do its duty? And when, finally, they seized the schooner, the people, who probably had previous notice, had already made their escape.

The captures made off Cape Antonio by the brig Enterprise led to many idle rumors, which were first circulated by the mob, and then credited by nearly all; such as that the Enterprise had, under insurgent colors, robbed several Spanish vessels, &c. &c. Such was the state of the public mind when the attack on the Ajax was resolved on. It is difficult to determine what motive could have led to such an atrocious act; it cannot, however, be called a fortuitous circumstance, for I have been told that, half an hour before it commenced, a man, with a large stone in his hand, had been seen parading on the key in front of the schooner, threatening that he would kill some Americans that day, and that the soldier that went on board to light his segar is the same who, on the preceding voyage, accused a sailor belonging to the Ajax of having drawn a knife against him on the deck of that vessel at twelve o'clock at night.

N. B. The name of the gentleman who wrote the above is N. N. Garesché, the brother of Mr. Garesché who has the powder factory formerly owned by Mr. Baudry, near Wilmington, and is his son-in-law; but they, residing in Havana, would not wish their names mentioned in public, as they would have to leave the place.

B. J. S.

There is a young man, an American, residing in Havana, by the name of Smith, (his first name I disremember,) who is frequently interpreter to the governor, and was at the time of the outrage in one of the guard-boats, with an officer belonging to the governor's staff, who were pulling towards the schooner. This officer and Mr. Smith were the gentlemen who picked up Mr. Joynes and saved his life. Mr. Smith also went on board the schooner (when this officer, who was sent by the governor to take the wounded to the hospital, would not venture) at the risk of his own life, and rescued me from the hands of a Spaniard who was standing over me with a knife in his hand waiting to ascertain if I was dead. Mr. Smith said he heard them saying, when he got on the deck, "We will kill every American, and set fire to the vessel," with many other shameful and outrageous expressions. This Mr. Smith being a person who is dependant on them for his living, and being so kind to me, I did not insist on his deposition, as he would have to leave the place if he gave it.

Captain Edward Shain, who is my brother, was master of the Ajax the preceding voyage, which they boarded in the night while he was asleep; he, hearing the noise, awoke and went on deck, and, the moment he got there, was attacked by a gang of soldiers, beaten by them unmercifully with their swords, shot at by them with a musket, and the ball barely missed his head by his right ear; he was driven to prison, put in the stocks with one leg up and the other down, without a stitch of clothes; to this place he was driven and kept until about 4 P. M. the next day, when he was brought before the judge, interrogated, compelled to return the judge many thanks for his favors, pay $34, and was told to go about his business.

B. J. SHAIN.

[The following report, on the same subject, was made to the House of Representatives, February 12, 1822.]

The Committee of Foreign Affairs, to whom was referred the message of the President of the United States of the 30th ultimo, transmitting a report of the Secretary of State, of the same date, containing, in pursuance of a resolution of this House of the 16th ultimo, "requesting information respecting any outrages and abuses committed upon the persons of the officers or crews of American vessels at the Havana, or other Spanish ports in America," &c., a statement of Captain B. J. Shain, with accompanying documents, being, according to that report, all the information to be found in the Department of State embraced by that resolution, having duly considered the said statement and documents, report:

That, on the 25th of November, while the schooner Ajax was lying at a wharf in the port of Havana, and ready for sea, a lawless assemblage of Spaniards wantonly and violently entered on board that vessel, and there assaulted Captain B. J. Shain, the master, and Mr. Joynes, his chief mate, who were armed, and resisted, and who are stated to have severally discharged a pistol, and *shot one Spanish soldier, and killed another.* The mob then prevailed, beating, cutting, and stabbing the captain, his chief mate, the steward of the ship Lucius, of Charleston, and a man belonging to the brig Cyno, of Philadelphia, and mortally wounding with the cook's axe the second mate of the Ajax. The mob then proceeded to plunder the vessel of her running rigging, the beef and pork in the harness tubs, fowls, cabin stores and furniture, and the clothes of officers and seamen. The captain was also robbed of his watch, while he lay wounded and helpless on deck.

Don Francisco de Paula Hornillos, one of the consignees of the Ajax, who had been early sent for by Captain Shain, and who, alarmed by the threats of the mob to board the Ajax, had run to the captain general, and re-

quested his interference to restore peace on the wharf, had scarcely time to state his request, when information was received that the mischief was already done. The governor then, at the request of Don Francisco, sent one of his adjutants to accompany him to the wharf, for the purpose of there delivering to him the wounded person of Captain Shain. On their arrival at the wharf, the mob had dispersed, and six or eight persons only remained there, one of whom was Don Francisco Baro, *zelador demar*, (an officer of the marine,) who had before made great exertions towards keeping the peace, and had much endeavored to pacify the first man that had objected to the vessel's leaving the wharf, and who, having found there that man, did arrest him and send him to jail.

Captain Shain had already been carried, by Spanish authority, to the hospital, where Don Francisco de Paula Hornillos applied for him; but, as the surgeon was dressing his wounds, and it was considered dangerous then to move him, Don Francisco left him there that night. He took him out the next morning, and sent him to a sick-house, where Doctor Benjamin Huger, surgeon of the marine hospital in Charleston, was permitted to attend him.

In the mean time, Mr. Joynes, the first mate, Mr. Watson, the second mate, of the Ajax, and the man belonging to the brig Cyno, had been sent to prison, where Mr. Watson, having been attended also by Doctor Huger, died of his wounds on the following Friday, and whence the other two were discharged on the following Saturday, being the 1st of December last.

It also appears, by the documents submitted to your committee, that none of the officers or crew who had belonged to the Ajax previous to the outrage were permitted to depart in her; and that, from this cause, it became necessary to ship others to navigate her home; and that Captain Shain and Mr. Joynes were forbidden, under a heavy penalty, to leave the place. In consequence of this prohibition, Captain Shain and Mr. Joynes believed themselves obliged to leave the place clandestinely, Captain Shain first becoming responsible to his merchants for any penalty or charge which might be exacted of them *by the Spanish court*, in consequence of such departure.

Such is the summary of the facts submitted to your committee, and resting alone on the testimony of Captain Shain and one of his consignees. The testimony of Doctor Huger relates only to the nature of the wounds of Captain Shain. Mr. Warner, the agent of the United States at the Havana, appears to have taken no other part in the transaction than to authenticate the deposition of the consignee. Neither Mr. Joynes, the chief mate of the Ajax, and who was so deeply concerned in the affair, nor any other American who was then at the Havana, excepting Captain Shain, has furnished any evidence on the subject. From the facts thus known to your committee, it appears that the persons who boarded the Ajax, and there committed the outrages above stated, had lawlessly and riotously assembled, and were, as Captain Shain has repeatedly denominated them, a mob; that their proceedings, whatever might originally have been the motive or the object, were not only unauthorized and unsanctioned by the constituted authorities of the place, but the officer, Don Francisco Baro, who happened to be present, made great exertions to keep the peace, and, as soon as he was able so to do, actually sent to prison one of the leading rioters; and that the captain general, who only heard of the riot when it was too late to suppress it, despatched one of his adjutants to the wharf, in order to deliver the wounded Captain Shain into the hands of a friend.

It is, in the opinion of your committee, a political as well as moral duty "to do as we would be done by," and to treat the constituted authorities of other nations with the same confidence and deference which we are disposed to exact of others towards our own. A citizen of the United States, who suffers wrong or violence within the exclusive jurisdiction of a foreign sovereign, ever ought, in the first instance, to appeal to the competent tribunals of that sovereign for redress; and it is only in case of an extraordinary delay or an unwarrantable denial of justice there that he can be well qualified to resort to his own Government for its interposition in his behalf.

Captain Shain, so far from making such an appeal, has avowedly evaded the prohibition *of a court* to leave the scene of his alleged sufferings, which was probably imposed with a view to judicial proceedings, and to secure his presence thereat, in order either to answer the charges which might be preferred against him, or to corroborate the charges which might be brought, in his behalf, against others.

Your committee are, therefore, of opinion that there has not been a case presented to them, in the statement and documents first mentioned, which requires the interference of this Government, and therefore respectfully submit the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

17th Congress.] No. 327. [1st Session.

POLITICAL CONDITION OF THE SPANISH PROVINCES OF SOUTH AMERICA.

COMMUNICATED TO CONGRESS, MARCH 8, AND APRIL 26, 1822.

To the House of Representatives of the United States: WASHINGTON, *March* 8, 1822.

In transmitting to the House of Representatives the documents called for by the resolution of that House of the 30th January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such co-operation between the two departments of the Government as their respective rights and duties may require.

The revolutionary movement in the Spanish provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, were extended to them. Each party was permitted to enter our ports with its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens, also, have

carried on commerce with both parties, and the Government has protected it with each in articles not contraband of war. Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character.

This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810, free from invasion by the parent country. The provinces composing the republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819. A strong Spanish force occupied at that time certain parts of the territory within their limits, and waged a destructive war; that force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded in two fortresses. The provinces on the Pacific have likewise been very successful. Chili declared independence in 1818, and has since enjoyed it undisturbed; and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico our information is less authentic, but it is, nevertheless, distinctly understood that the new Government has declared its independence, and that there is now no opposition to it there, nor a force to make any. For the last three years the Government of Spain has not sent a single corps of troops to any part of that country; nor is there any reason to believe it will send any in future. Thus, it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a contest is manifestly settled, the new Governments have a claim to recognition by other Powers, which ought not to be resisted. Civil wars too often excite feelings which the parties cannot control. The opinion entertained by other Powers as to the result may assuage those feelings, and promote an accommodation between them useful and honorable to both. The delay which has been observed in making a decision on this important subject will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other Powers, of the high respect entertained by the United States for her rights, and of their determination not to interfere with them. The provinces belonging to this hemisphere are our neighbors, and have, successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this Government has invariably disclaimed all pretension, being resolved to take no part in the controversy, or other measure in regard to it, which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt, and frankly acknowledged; but they, in themselves, could never become an adequate cause of action. It was incumbent on this Government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognised.

Of the views of the Spanish Government on this subject, no particular information has been recently received. It may be presumed that the successful progress of the revolution through such a long series of years, gaining strength, and extending annually in every direction, and embracing, by the late important events, with little exception, all the dominions of Spain south of the United States on this continent, placing thereby the complete sovereignty over the whole in the hands of the people, will reconcile the parent country to an accommodation with them on the basis of their unqualified independence. Nor has any authentic information been recently received of the disposition of other Powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were some time past duly apprized; but it was understood that they were not prepared for it. The immense space between those Powers, even those which border on the Atlantic and these provinces, makes the movement an affair of less interest and excitement to them than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe, in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition an assurance will be given to the Government of Spain, to whom, it is presumed, it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right as to the parties; and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *March* 7, 1822.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 30th of January last, requesting the President of the United States to lay before that House such communications as might be in the possession of the Executive from the agents of the United States with the Governments south of the United States which have declared their independence, and the communications from the agents of such Governments in the United States with the Secretary of State as tend to show the political condition of their Governments, and the state of the war between them and Spain, as it might be consistent with the public interest to communicate, has the honor of submitting to the President the papers required by that resolution.

The communications from the agents of the United States are only those most recently received, and exhibiting their views of the actual condition of the several South American revolutionary Governments. No communication has yet been received from Mr. Prevost since his arrival at Lima.

There has been hitherto no agent of the United States in Mexico; but among the papers herewith submitted is a letter recently received from a citizen of the United States, who has been some years residing there, containing the best information in possession of the Government concerning the late revolution in that country, and specially of the character embraced by the resolution of the House.

JOHN QUINCY ADAMS.

The PRESIDENT OF THE UNITED STATES.

The Secretary of State to Mr. John M. Forbes, at New York.

SIR: DEPARTMENT OF STATE, *July* 5, 1820.

The certificate from this Department, which has been made out and transmitted to you, constitutes you agent for commerce and seamen for either of the provinces of Buenos Ayres or of Chili, in whichsoever of them Mr. J. B. Prevost shall not be. He is at this time at Buenos Ayres; but having, at one period, intimated to the President a preference to return to Chili, where he some time resided, it is thought due to him to leave the selection of his residence, after your arrival at Buenos Ayres, to himself. Should he determine to continue there, you will proceed, either by land over the Andes, or in the frigate Constellation round Cape Horn, to Valparaiso, and take up your residence there, or at St. Jago de Chili, which is understood to be the seat of the revolutionary Government of that province. If he should prefer to return thither, you will remain at Buenos Ayres.

The commercial intercourse between the United States and those countries, though not very considerable, is deserving of particular attention. Whatever accurate information you can obtain relating to it, as well as to the commerce of those countries with other nations, and to their internal trade, will be particularly acceptable. The condition of our seamen there will also deserve your notice. The performance of these duties will involve also the political relations between those countries and the United States. In the progress of their revolution, Buenos Ayres and Chili have, to the extent of their powers, and, indeed, far beyond their natural means, combined maritime operations with those of their war by land. Having no ships or seamen of their own, they have countenanced and encouraged foreigners to enter their service, without always considering how far it might affect either the rights or the duties of the nations to which those foreigners belonged. The privateers which, with the commissions and under the flag of Buenos Ayres, have committed so many and such atrocious acts of piracy, were all either fitted out, manned, and officered by foreigners, at Buenos Ayres, or even in foreign countries, not excepting our own, to which blank commissions, both for the ships and officers, have been sent. In the instructions to the late Commodore Perry, (which his lamented decease prevented from being executed by him, and a copy of which is now furnished to you,) certain articles in the Buenos Ayrean privateering ordinance were pointed out, particularly liable to the production of these abuses, and which, being contrary to the established usages among civilized nations, it was hoped would have been revoked, or made to disappear from their otherwise unexceptionable code. These instructions were renewed to Commodore Morris; but the time of his stay at Buenos Ayres was so short, and he was there at a moment of so great a change in the ruling power of the state, that, although he communicated to the then existing Director the substance of the representations which Commodore Perry had been instructed to make, we know not that it was attended with any favorable result. You will consider the parts of Commodore Perry's instructions which may be still applicable on your arrival in South America as directed to yourself, and, should you proceed to Chili, will execute them there, no communication upon the subject having yet been made there. Among the inconveniences consequent upon this system of carrying on maritime warfare by means of foreigners, has been occasionally, and to a considerable extent, the enticement of seamen belonging to merchant vessels in the ports of Buenos Ayres and Chili from their engagements, to enlist them in privateers or public armed vessels of those countries. In attending to the numerous trials and convictions for piracy which have recently afflicted our country, and cast an unusual gloom over our annals, you will remark that a great proportion of the guilty persons have been seamen thus engaged, foreigners at Buenos Ayres, or enlisted in our own ports, in violation of our laws. Whether at Buenos Ayres or in Chili, you will use every exertion in your power, consistent with the respect and conciliatory deportment to be constantly observed towards the existing public authorities, to protect the seamen of the United States from all such enlistments, and the owners and masters of the merchant vessels from time to time arriving there from the loss of their men by such means.

The Commercial Digest of the Laws of Foreign Countries with which the United States are in relation, a copy of which has been furnished you, may suggest to you the nature of part of the information which is desirable from South America.

Political information will be equally acceptable. The more particular and correct the information of this nature which you can obtain, the more acceptable it will prove. Besides the struggle in South America for independence, against which Spain is the only opposite party, internal feuds and civil wars have peculiarly marked every step of the revolutions in progress upon that theatre. As an agent and citizen of the United States, the first advice I shall give you is, to observe and report, with all the vigilance and discernment, and penetration and fidelity to your own country, that you possess, the movements of all parties, but to make yourself a partisan to none. From the documents lately received here, it is apparent that a negotiation has been some time on foot between the late Government of Buenos Ayres and France. It is well known that a negotiation of much longer standing has existed between the same Government and Portugal; nor has Mr. Rivadavia been residing two or three years to no purpose in England. To ascertain the real movements of all these parties, a neutral position, a neutral heart, and an observing mind, are indispensable. In recommending it to your attention, I would add the caution, neither to take upon trust what any man shall tell you, without asking yourself what it is his interest or wish that you should believe, nor to give more weight to conjectures than the circumstances under which they are formed will warrant.

By the latest accounts that we have received, the Government, the Congress, and the constitution of the provinces of La Plata were overthrown; the province of Buenos Ayres stood alone, with Don Manuel de Sarratea as governor, at its head. They were in negotiation with General Artigas, of the Oriental Banda, and with General Ramirez, commander of the Monteneros. In what those negotiations will result, we are to learn hereafter; and what their effect will be upon the relations of all with the Portuguese at Montevideo is yet to be seen. Should you remain at Buenos Ayres, we shall expect full communications from you as frequently as opportunities for transmitting them may occur.

I am, &c.

JOHN QUINCY ADAMS.

JOHN M. FORBES, Esq.

Extract of a letter from John M. Forbes, Esq., Agent of the United States at Buenos Ayres, to the Secretary of State, dated

SEPTEMBER 2, 1821.

I shall confine myself to a general summary of leading events since my last. The first in order of date is the total defeat of the party of Ramirez by a wing of the united armies of Santa Fé and Cordova, under Don Francisco de Bedoya, Substitute Governor of Cordova. The action was fought at Francisco, on the Rio Seco, on the 10th of July, and the news was most joyfully received here on the 21st of the same month.

I have great pleasure in announcing to you a new organization of this Government, which promises great solidity and character, and from whose exertions the most important reforms are daily taking place. The Departments of

State and Treasury were, until the 18th of July last, united in one person, Don Juan Manuel de Luca; the junta then decreed that these departments should be separated, and the governor called to the first, (*Don Bernadino Rivadavia,*) with the title of Minister of the Government and of Foreign Relations. Mr. Luca remained charged with the Department of Treasury until the 1st August when he offered his resignation, which was accepted, and a complimentary decree of the 8th August, published with acceptance of the governor. Don Manuel José Garcia, many years diplomatic agent of the Director at Rio Janeiro, has since been appointed to that office. These two gentlemen (Rivadavia and Garcia) both possess a great share of public confidence; have both acquired experience in public affairs by long residences near foreign courts; and they both seem animated by a zealous desire to establish order in the various branches of the administration, and economy in the public expenditure. This spirit of reform, which was the great cause of the overthrow of *Sarratea*, by exciting the discontent and violent opposition of military men, now furnishes also a hope to the partisans of *Pueyrredon*, who are raising great clamor against the new ministers, and working diligently to regain their influence. In short, the present moment seems to be the crisis of a struggle between public virtue and corruption, between a new-born impulse of public opinion growing in the liberty of the press with that of parliamentary debate, and the rotten legacy of the viceroyalty, the deleterious influence of military patronage. It is a struggle, on the event of which hangs the future liberty and welfare of this province. May Heaven smile on the future efforts of virtue and patriotism!

Another very important event has occurred since my last report. The annexation of the Banda Oriental to the kingdom of Brazils, and the recognition of the independence of these provinces by His Most Faithful Majesty King John—these measures were simultaneous and correlative. On the 28th July, Don Juan Manuel de Figueiredo presented himself to this Government with the character of consul of Portugal and Brazils, and with a letter of credence from the Brazilian Secretary of State, acknowledging the independence of these provinces, and expressing a hope that these provinces would acknowledge any and all Governments *of fact* which should be admitted and obeyed by the people of any neighboring provinces. This Government received Mr. De Figueiredo with great courtesy, and passed over in silence the recognition with its implied condition. The whole business, on both sides, appears to me to be quite theatrical. Mr. Figueiredo, a conspicuous actor in the first scene, has retired suddenly from all political agencies, and from this life! On the morning of the 21st August, being apparently in perfect health, and whilst walking in his saloon, waiting for his breakfast, he fell down instantly dead! By order of Government, his body was opened by a surgeon, in presence of some distinguished law officers, and his stomach and bowels found to be in a healthful state; whence it results that he died of apoplexy. Soon after Mr. Rivadavia's coming into the ministry, to wit, on the 5th August, I was promised a long conference with him on all the objects of my agency; but as he came to me in company with Mr. Luca, I could only hold some desultory conversation touching cursorily on some topics. Mr. R. then promised me for the next Thursday a particular audience, but I am sorry to say that the fulfilment of this promise has been delayed from week to week to this hour.

I yesterday saw Mr. Rivadavia for a few minutes, and again received an apology for his delay of the long-promised conference. I took occasion to say that I was aware of his unceasing occupation in the arduous place he held, and must conform to his convenience, but that there was one subject on which I had been instructed to communicate the views of my Government, and which, by the information daily received, became most imperiously pressing, as interesting to the character of this Government, which I knew he had so much at heart. I then stated that, by late advices from the West Indies, the horrors of piracy, which had so justly excited universal indignation, were daily increasing, as well by the numbers of the vessels as by their strength of armament and the boldness of their nefarious enterprises; that, recently, a vessel fitted out here under the name of the Confederation had changed her name and her commander, and was captured under the commission of Artigas by a French frigate, and carried into Martinique, from whence the captain and a number of the crew, being seamen of the United States, had been sent to Philadelphia in a French armed brig for trial; that all these vessels were notoriously furnished with several different commissions, and, according to the privateering regulations of this province, they were to be deemed pirates; that one of them had recently fired on a Government brig of France, and killed the commander; that I was instructed by my Government to make the strongest remonstrances on this subject. To all these observations Mr. Rivadavia replied that this evil would no longer exist; that there would soon be given an order recalling all privateers; that he was fully convinced that the most important object with this Government is to acquire the good-will and friendship of all other Governments, and that he was determined to make every sacrifice to attain this great end. He said that Governments seated in perfect peace and security reasoned calmly on these subjects, but that his country had experienced so many difficulties in its struggle for independence that the Government had been compelled to adopt the strongest measures against the Spanish commerce; but, said he, "this is now all finished."

At the moment I am writing, a salvo of artillery, and the most extravagant demonstrations of joy through the streets, announce the capture of Lima by San Martin's besieging army. If this news be true, it puts the seal to the independence of South America. The Spanish royalty, driven from its last hope in these provinces, and enlightened by a representative Government, will, I think, within six months, acknowledge their independence.

Extract of a letter from John M. Forbes, Esq., Agent of the United States at Buenos Ayres, to the Secretary of State, dated

SEPTEMBER 11, 1821.

Enclosed I transmit an important state paper published here—a manifest of the governor and his secretary on the projet presented to the honorable junta in relation to the congress now assembled at Cordova, together with the projet submitted, which, as will be seen, is intended to lay the foundation for future federation. Messrs. Rivadavia and Garcia are pressing with great vigor their system of reform, and, by a strong blow at the root, have violently shaken the branches of the tree of corruption. Consternation has been spread through the ranks of smugglers, by the arrest and close imprisonment, the day before yesterday, of *Don Fernando Calderon*, first inspector of the custom-house. This man, although enjoying a very liberal salary, has notoriously patronized the unblushing atrocities of the giant smugglers who have totally dilapidated the revenues of the country for years past. The leading man, accustomed to ask and obtain every thing of the Government, yesterday solicited of the governor a mitigation of the imprisonment of Mr. Calderon, and perhaps his discharge on bail. The governor consulted Mr. Rivadavia on the expediency of listening to the call of mercy. The latter replied very respectfully to the governor, that he certainly had the power and the responsibility of any measures he might adopt, but that, if his excellency yielded to the solicitations in question, he (Mr. R.) must decline any further service as secretary. This firmness prevailed. The truth is, Mr. Rivadavia, being the father of the incipient system of order and virtue, from his growing influence, has become indispensable to the accomplishment of the views now cherished by the public opinion. If this system should prevail, the immediate effect of it will be the prevalence of civil over military influence.

Extract of a letter from John M. Forbes, agent of the United States at Buenos Ayres, to the Secretary of State.

SEPTEMBER 28, 1821.

I have a despatch from Judge Prevost, containing the gazettes from Lima, published since the revolution there, which I shall forward by the first direct opportunity. The night before the last, (26th instant,) the governor (Rodriguez) received an official despatch from General San Martin, confirming the previous news of the surrender of Lima to the liberating army, and accompanied by gazettes giving the details of that important event. Yesterday morning this great event was announced to this city by salvos of artillery from the fort and national vessels, which were repeated at noon and at sunset. At five o'clock in the afternoon, the governor, attended by his ministers and all the public functionaries, went to the cathedral to attend a *Te Deum*, and in the evening the city was brilliantly illuminated; other public festivities are said to be contemplated, among which a ball by the Chilian minister at the theatre, and another by the Government, are spoken of. In fact, this event is generally considered as a finishing blow in the contest for independence. Enclosed is a paper just published here, containing a familiar letter from San Martin, (addressed, I presume, to his father-in-law, Mr. Escalada,) signed Pepe, which is the familiar abbreviation of Joseph; also, various public documents relating to the taking possession of Lima; a correspondence between San Martin and the Archbishop of Lima; the declaration of the Cabildo, &c. By these public papers, it appears that San Martin has added to his fame by the moderation and respect for public opinion which he has manifested on this great occasion. Every thing here breathes joy and the brightest hope of the perfection of their political happiness. The congress at Cordova is now entirely lost in the contemplation of a grand congress, which it is said will be agreed on by the three great republics of Peru, Chili, and La Plata. Perhaps the sister Colombia may be invited to this family party.

Enclosed I send you copies of my letter to Mr. Rivadavia on the subject of privateering, or rather of piracy, dated 14th September, copy of that minister's reply, under 15th September, and of a minute of a conference I had with him on the 17th of same month. Enclosed is also minute of a previous conference with said minister on the 5th August last.

Among the important events which have occurred on this side of the mountains, I must not omit to notice the total destruction of the party of José Miguel Carrera, and the public execution of that active, intelligent, and extraordinary man. Enclosed I herewith transmit two bulletins published here concerning this event. By the first, it will appear that a colonel (Don Manuel Arias) had organized a revolution in Carrera's band, which he communicated to the Governor of Mendoza on the condition of saving his own life, and those of some of his adherents. By the second, entitled "Detail of the destruction of Carrera," it will be seen that Carrera's party was totally defeated by the Mendozinos on the 31st August, and that, on the 4th of this month, Carrera was shot on the public square at Mendoza; he died with the most heroic courage, asking for only favor of his conquerors that he might be buried in the same grave with his two brothers, who were shot in the same city on a former occasion. It would be well for humanity if the story of this event stopped here; but I again have to state another act of savage ferocity. The murdered body of this brave and distinguished man was shockingly mutilated; his head was cut off and exposed in the square of Mendoza; his right arm was sent to the Governor of Cordova, and his left to the Punta San Luis. When these particulars were known here, they excited a sentiment of horror; and it has even been said that if this victim of the ferocity of their half savage brethren at Mendoza had been sent to this place, even his life would have been probably spared.

Carrera, by his great personal resources, had proved the most dangerous enemy of the present state of things in these provinces; and had San Martin failed in Peru, and had Carrera survived that failure, he would have menaced the tranquillity of Chili; thus his death is a great event for the present rulers here, although the manner of it may be very revolting to their more civilized breasts.

OCTOBER 1, 1821.

Since writing the foregoing, there has been a further publication of papers connected with the occupation of Lima, containing certain proclamations of Generals San Martin and Arenales; this publication I herewith enclose. The new ministers have very judiciously availed themselves of the present moment to propose to the junta a general amnesty, and that all those who have been exiled for differences of political opinion should be recalled to the bosom of their country: this proposition, so worthy the high-minded cause of the present ministry, and so well calculated to conciliate all parties, is to be discussed this evening at the junta. I shall attend the debate, seats being assigned to the foreign agents. Among the events tending to consolidate the moral and physical force of these provinces, it is said that a revolution has taken place in the Entre Rios against the brother of the slain Ramirez. At the head of this revolution is a Mr. Mansilla, of whose rank and history I am ignorant. The flotilla of this province is co-operating, and further assistance has been asked of Lopez, the Governor of Santa Fé. The trade of the Baxada has been opened in consequence of this revolution. I just now met Mr. Rivadavia in the street, and took the occasion to remind him of the decree which he had promised to send me on the subject of privateering; he said it depended only on him to reduce it to writing, which he had not yet had time to do. He has given me reason to hope that he will call on me to-morrow; but the Herculean labor of cleansing the Augean stables so entirely occupies him, day and night, I sometimes fear he will be quite exhausted before he can accomplish it.

Copy of a letter from John M. Forbes, Esq., United States Agent at Buenos Ayres, to Mr. Rivadavia, Minister of Foreign Relations.

SIR: BUENOS AYRES, *September* 14, 1821.

Although I have been more than ten months in this city, I have never until now found a moment when, under all circumstances, I deemed it expedient to lay before this Government the sentiments and views of that of the United States in relation to many interesting subjects as contained in the instructions I received on my departure from Washington. On the recent organization of the Government, I intimated to you the desire to hold a full and frank conference, which you had the goodness to promise me at the commencement of the past month, but which has been unavoidably delayed by your more pressing occupations.

Appreciating as I do the great and efficient efforts now making by you in the cause of your country, I should most willingly continue to wait your convenience for the proposed conference, were I not impelled by recent information to press on the early attention of this Government one of the subjects on which I am instructed by that of the United States—I mean those indiscriminate violences which are daily committed on the ocean against the peaceful commerce of unoffending nations, under the various flags of the South American provinces.

It is now a long time since those violences have called forth the most pointed reprobation of many Governments in Europe, and of that of the United States. Several Governments have made active efforts to repress them by force. These efforts have been unavailing; these privileged plunderers

"Can add colors to the chameleon,
"Change shapes with Proteus for advantage."

There is nothing fixed but the blackness of their purpose and the boldness of their atrocities. They are furnished with various commissions, and navigated by crews of men without country, without morality, and without other ties than those of crime and plunder. By the privateering regulations of Buenos Ayres, a privateer owned here, or commissioned by this Government, who shall be furnished with a commission from any other prince or republic, even if allied with this, "*shall be adjudged a good prize, and her captain or commander punished as pirates.*" It is therefore under the sanction of its own laws that I presume to call the early and efficacious intervention of this Government to vindicate those violated laws. But, sir, it is, above all, from a full faith in those sentiments of honor, that love of order and justice which so eminently distinguish every step of the present administration, that I derive the strongest hope that this call will not be disregarded. The public gazettes recently received from the United States contain several well-authenticated statements of new outrages committed by these freebooters, whose numbers are multiplied, and the boldness of their wicked enterprises increased by their impunity. I will not swell this written communication by any extracts from the information received; but hope that, at an early day, it will be convenient for you to admit me to a personal conference, when I shall be happy to communicate with you in that spirit of frankness, which is the best pledge of friendship, as well the facts in my possession as the feelings of the Government of the United States on this highly interesting and important subject.

I avail myself with pleasure of this occasion to renew to you, Mr. Minister, the assurances of my most distinguished consideration and respect.

JOHN M. FORBES.

To the Hon. Mr. RIVADAVIA,
Minister of Foreign Relations, Buenos Ayres.

Mr. Rivadavia to Mr. Forbes.

BUENOS AYRES, *September* 15, 1821.

The Minister of Government and of Foreign Relations has had the honor of receiving the official note from the agent of the United States under yesterday's date, and he considers it as his particular duty to make an acknowledgment of the honorable distinction the said agent shows towards him. With respect to the principal affair therein contained, he can only repeat what he had the satisfaction to make him acquainted with in his last interview, which was, that the Government had adopted every measure in its power to suppress the evils committed by privateers of this country towards the commerce of neutral nations from the abuse of their commissions. Nevertheless, the Minister of Government and of Foreign Relations feeling desirous of contributing towards the completion of these measures as far as they are capable of being made perfect, he will be happy to receive any further explanation on this subject that the agent of the United States may think proper to give him: for which purpose, it will be taken as an honor if the agent would take the trouble to call on the minister at his house on Monday morning, the 17th instant, at eleven o'clock.

The Minister of Government and of Foreign Relations expresses his thanks to the agent for the distinction he confers upon him, and begs to return it by the assurances of his consideration and respect.

BERNARDO RIVADAVIA.

To JOHN M. FORBES, Esq., *Agent of the United States of N. A.*

Extract of a minute of a conference with Mr. Rivadavia, Minister of State.

BUENOS AYRES, MONDAY, *September* 17, 1821.

I received this morning at ten o'clock, by the hands of one of the clerks of the department, an answer from the Minister of State to my letter of the 14th instant, containing an invitation to a conference at eleven o'clock at his house. Although the notice was too short to admit of any preparation, I gladly accepted the invitation, taking with me my instructions, including those intended for the late Commodore Perry. I found the minister, Mr. Rivadavia, quite alone, and was, as always, well received. I commenced my conversation by very sincere assurances of the enthusiasm I felt in the present march of events, and compliments to the minister on his zealous efforts for the establishment of order in the administration, and the formation of a sound public opinion in the country. I then observed that, not having had time to prepare extracts, I had brought my instructions *in extenso*, and would ask permission, in frankness and friendship, to read certain parts of them in the original language in which they were written, which I was aware was well understood by him. I then read the assurances of the good-will of the United States towards these provinces, and the interest they had constantly felt in the success of their efforts for independence. I continued through the history of our diplomatic correspondence and measures in relation to the South American affairs, to all which the minister listened with much attention and apparent approbation. When I communicated to him the fact that the United States Government had proposed to those of France and England to acknowledge, in concert with them, the independence of Buenos Ayres, in reply to my question he confessed his previous ignorance of that fact. I then continued the forcible expositions in the instructions to Commodore Perry of the evils and horrors of the system of piracy as practised by vessels carrying various colors of the South American provinces, and stated to him that the United States would not acknowledge as legal any commission granted in blank; which he said was perfectly just, and continued by saying that he was fully sensible of all the injury which had been done to the cause and character of these provinces, and deprecated as much as any one the atrocities which had been committed on neutral commerce; that the Government had determined on an entire change of system, and that, probably, this day a decree would be drawn up revoking all privateer commissions, and ordering them all to return within a given period. But this decree would be communicated to me, when it would be seen if any thing more efficacious remained to be done within the scope of the Government's authority. I observed that the decision of the Government was in perfect unison with the whole system now going into operation, eminently wise and politic, and would have a most important influence on the opinion of other nations in regard to this country; that, as nothing had so much operated to damp the enthusiasm of my countrymen in favor of South American liberty as the enormities committed under the patriot flags, so nothing would so effectually tend to reanimate their good wishes as the suppression of those crying abuses. I stated to the minister the measures adopted by Congress to repress the predatory system, and particularly the act of 20th of April, 1815, of which he requested and I prom-

ised a copy. I next read from the instruction of 12th July, 1820, the remarks on the subject of commercial preferences, and the magnanimous feeling with which the Government of the United States disclaimed any wish to barter an acknowledgment of the independence of these provinces for any exclusive advantages in their commerce; at the same time, their firm reliance that no such exclusive privileges would be granted to other nations to the prejudice of the United States. On this, Mr. Rivadavia assured me that it was the firm determination of this Government to grant no exclusive privileges of commerce to any nation whatever, and that I might communicate this decision to my Government, with an assurance that the most complete reliance might be placed on it. The minister proceeded, that his most decided opinion was, that no measure whatever ought to be taken to solicit an acknowledgment of the independence of these provinces by any Government. He expressed himself in flattering terms of his good-will towards me personally, and added, that it would be an abuse of the confidence I had evinced towards him if he were to engage me to make any representations to my Government tending to that end, and that he was much less disposed to take any such measure towards any Government of Europe; that such proceeding must operate, if unsuccessful, to the humiliation of the provinces, and, if successful, to mislead the people, by persuading them that such recognition was all-sufficient to their political existence and happiness; that, in his opinion, the most efficacious system would be to establish order and wise institutions of government throughout the provinces, and to show themselves worthy of the fraternity of other nations, when it would be voluntarily offered; that such voluntary recognition, in every point of view, would be much more beneficial than that protection which should result from a compromise of honor or interest; that he had told his countrymen, *de haute voix*, his sentiments on the important topic of self-government; that much was to be done, but that he hoped to see the successful progress of a sound system of domestic and foreign policy. Our conference lasted, with a short interruption, nearly two hours, and we separated with assurances of mutual satisfaction.

An exact minute taken immediately after the conference.

J. M. FORBES.

SIR: BUENOS AYRES, *September* 22, 1821.

Enclosed I have the honor to transmit a correct copy of the act of Congress passed on the 20th of April, 1818, for the punishment of certain crimes against the United States, to which act reference was had in the conference to which you did me the honor to admit me on Monday, the 17th instant.

I pray you, Mr. Minister, to accept the renewed assurances of my highest consideration and respect.

J. M. FORBES.

To the Hon. B. RIVADAVIA, *Minister, &c.*

Mr. Rivadavia to Mr. Forbes.

BUENOS AYRES, *October* 6, 1821.

The Minister of Government and of Foreign Relations, in consequence of the offer made, has the honor to transmit to the agent of the United States a copy of the decree which has just been issued by the Department of War and Marine concerning privateering.

The minister salutes the agent with his most distinguished consideration.

BERNARDO RIVADAVIA.

DECREE.

DEPARTMENT OF WAR, BUENOS AYRES, *October* 6, 1821.

Among the resources which the unfortunate rights of war have rendered lawful, and its object necessary, is privateering. The wars of the independence of the provinces of Holland and of the United States of North America have proved that this kind of warfare is the most advantageous for a country which prepares to defend its independence against a more ancient and remote country that has governed it. It is impossible to prevent or repress all the abuses which may result from privateering. The Government which finds itself under the painful necessity of authorizing, and even of encouraging it, has only two ways of lessening its illegal consequences, and in so far has only two obligations in this respect: the first is, to dictate such rules and take such precautions and guaranties as may correct abuses, not suffering them to pass unpunished. In this respect the Government of these provinces has fulfilled its duty, and the regulation of privateers proves it. The other obligation is, to put an end to this kind of warfare, either when it shall be no longer necessary to the object which induced it, or when the effect which it produces no longer equals the risks and inconvenience which result from it. The Government considers these two cases as having taken place, and, in virtue thereof, it has agreed upon, and now decrees, the following articles:

1. In future, no commission of privateering whatever shall be granted without a previous solemn publication, expressing the cause which obliges the Government to have recourse to this measure.
2. Every individual who possesses any commission, and shall be now in the territory of this province, shall be obliged to present it to the Minister of Marine within fifteen days from the date of this decree.
3. Those individuals who hold privateer commissions, and are in countries situated on the other side of the equinoctial line, or on the coast of the Pacific, shall be held to present the said commissions at the Ministry of Marine within the term of eight months.
4. The sureties given shall answer for the fulfilment of the foregoing articles.
5. Every commander of a vessel armed as a privateer in virtue of a commission of any one of the Governments which have commanded in this capital, on sight of this decree, shall cease to cruise, and shall put into port to disarm and return his commission.
6. Every one who shall contravene the preceding article will incur the pains of piracy.
7. Every vessel which, after the term of eight months from the date of this decree, shall continue to cruise under the authority of a commission of the Government of this country, shall be treated as a pirate.
8. The Minister of War and Marine is charged with the execution of this decree.

MARTIN RODRIGUEZ, *Minister of War and Marine.*
FRANCISCO DE LA CRUZ.

Copy of a letter from John M. Forbes, Esq., Agent of the United States at Buenos Ayres, to the Secretary of State, dated

SIR: OCTOBER 8, 1821.

The detention of the vessel by which I had prepared to send the foregoing despatch furnishes an opportunity to communicate a translation of the promised decree for suppressing privateering. It has not yet been pub-

lished here, but will undoubtedly appear in the first official register, which will perhaps be printed to-morrow or next day. I hope that the terms of it will prove satisfactory to the Government of the United States. Although the right is reserved of resorting again to this kind of warfare, yet I hope that the restrictions under which it will be renewed will be more efficient to guard against those abuses which have heretofore been so justly and extensively complained of.

By the schooner Essex, to sail to-morrow for Providence, I shall have the honor to transmit duplicates, together with Judge Prevost's despatch, mentioned in the foregoing.

I am, &c.

JOHN M. FORBES.

October 11, 1821.

P. S. By this vessel, (the Essex, via Providence,) I send Judge Prevost's despatch, and a large file of newspapers. The decree against privateering was published yesterday in the "*Registro Oficial.*"

Hon. John Quincy Adams, *Secretary of State, Washington, D. C.*

Extracts of a letter from J. M. Forbes, Esq. to the Secretary of State, dated

Buenos Ayres, *October* 26, 1821.

I have previously reported the total destruction of the parties of Ramirez and Carrera, together with the death of those chiefs, the barbarous mutilation of their bodies, &c. By these events, the influence of this province over the others is much increased, and, by the wise course of the present administration, the moral force of a sound and exemplary political deportment will be added to the success of their arms; and I hope that the day is not far distant when all the jarring jealousies which have hitherto so perniciously counteracted the progress of civil liberty will be put to silence, and the wise men of every section of this country will be brought to a cordial co-operation to attain the high objects of their political destiny. But much, very much, remains to be done before the general union of the great sections of this almost boundless country in any one system of government can be effected.

In the mean time, Rivadavia and Garcia, firm as they are enlightened and patriotic, are pursuing "the even tenor of their way." They have added public credit to the other sinews of war which this province before possessed, by repaying with great punctuality, in gold, several loans, (a thing without example in the history of this revolution;) they enjoy now to so great a degree the confidence of the community, that I believe they could borrow to any reasonable amount for an immediate exigency. It is said, also, that an entirely new system of finance is agreed on, and will appear in a few days. But this tariff, as it has been represented to me, the duties, with a very few exceptions, will be ad valorem, and will vary from five to fifteen per cent. Every possible measure is taken to prevent smuggling, and public opinion and morality are cherished by the Government. If, therefore, Buenos Ayres, in all the darkness of her most gloomy period, public sentiment paralyzed by deadly dissensions, and public resources completely dilapidated, has been able to struggle successfully against the machinations of the other provinces, it is not too rash to expect that when she fights with a twofold armament of reason and force, seconded by a vigorous public credit, the victory must eventually be hers. The most deplorable result, however, of these continued agitations, is the necessity of continuing an onerous military establishment.

The most alarming state of agitation prevails in the neighboring kingdom of Brazil. It was some days since confidently reported, on the authority of Captain McLean, of the British Government brig Beaver, in six days from Rio to Montevideo, that Prince Don Pedro was to have been crowned King of Brazil on the 13th of the present month. Subsequent accounts contradict this fact, and it is now no longer believed. It is, however, well known that the public mind there is in a most feverish state, and, should civil war burst forth, it would be the signal of the emancipation of a numberless horde of slaves, and the most horrid scenes of blood and devastation would overwhelm that kingdom, and eventually threaten these provinces, where it would find easy victims in the scanty white population here. The progress of this all-destroying flame could only be arrested by the Indians, and, in such a conflict, this delightful country would be totally lost to civilization.

Mr. Forbes to the Secretary of State.—Extract.

Buenos Ayres, *November* 8, 1821.

Since my last respects, we have received news from Lima and Chili, by which it appears that the royalist army, which had evacuated Lima on the 6th July under La Serna, had returned on the 22d August under the command of Canterac, La Serna remaining sick at Xauxa. The strength of the returning army was between three and four thousand men; the official accounts say that they avoided an engagement with San Martin, but I have seen several private letters, and one from a citizen of the United States, who was two days in San Martin's camp, in view of the royalist troops, and who states that San Martin's force was much superior, and extremely anxious to give battle; but that San Martin retired, and permitted the unmolested march of the royalists into Callao. The motive of such a proceeding is generally deemed strange and incomprehensible; but it occurs to me that San Martin, being sure of eventually forcing the garrison of Callao, augmented as it is, to a capitulation, prefers to continue his influence by protracting the military conflict until the civil organization of this new-born republic shall be completed, rather than to put down the remnant of the royal troops, and leave the country to the agonies of conflicting factions; or, in a few words, to make himself, at his own choice, King, Dictator, or Director. He has at present taken the head of the civil and military power, with the title of Protector. All accounts agree in the enthusiasm for independence prevailing in Lima. On the late return of the royalist troops, it became necessary to imprison twelve hundred old Spaniards, as it is said, to preserve them from the popular fury. I have conversed on these events with several gentlemen well acquainted with Peru and Lima, and particularly with a sensible friar, native of, and, until recently, resident at Lima, who agrees in the general opinion that the return of the troops to Callao is a most fortunate event, inasmuch as it places the termination of the war in the hands of San Martin; whereas, had La Serna kept the country, and increased his forces, he might have continued the war for a very long time. I send enclosed a bulletin issued on the subject, by which you will be able to see and appreciate events in their detail.

Of this province I have only to say that there are still active but occult efforts making to overturn the present administration, and bring the Pueyrredon party into power.

Extracts of a letter from John M. Forbes, Esq., Agent of the United States at Buenos Ayres, to the Secretary of State, dated

NOVEMBER 13, 1821.

Since my last, we have the important news of the surrender of Callao. I send enclosed the bulletin published here, by which you will see the particulars of the capitulation. Private letters state that *Canterac's* army was much harassed on its retreat, and was still pursued. It is said that eight hundred of his army had joined that of San Martin. It was thought that there would not remain five hundred men to join *La Serna*. I have seen a private letter which states that when the report reached Lima of Canterac's approach, funds to the amount of five or six hundred thousand dollars were embarked on board the ships at Ancon. Lord Cochrane had been for some time making every exertion to procure money to pay off the crews of his ships, but without effect.

On hearing that this amount was on board the different transports, he repaired to Ancon with the O'Higgins and Esmeralda, and forcibly took possession of the whole sum, in defiance of the strong representations of the general, and immediately paid the arrearage due to his men. Report says that he has not dared to put his foot on shore since he took this violent measure.

NOVEMBER 16, 1821.

The "Registro Oficial," No. 13, published yesterday, contains the resolution of the honorable junta on the subject of general amnesty, and oblivion of political acts and opinions, together with a decree of the governor, by which all those who have been exiled under the special powers vested in the Executive by the decree of 6th of October, 1820, and all who have voluntarily absented themselves to avoid the evils of political agitation, may forthwith return without passports: only nine persons are excepted from this amnesty, and they are not named.

It is said that an officer has arrived here, sent by the Governor of Tucuman, charged to solicit military aid to deliver that province and its vicinity of the presence of the royalist troops, and at the same time to declare a perfect coincidence of opinion with that put forth by this Government on the subject of the confederation. Every thing continues to go on well here. Enclosed I send a printed paper entitled "*Dictamen de un Arribeno*," (which means citizen of the interior provinces.) It goes to maintain the inexpediency of a confederation at present, which is the ground taken by this province.

Extract of a letter from Mr. Prevost, Agent of the United States in South America, to the Secretary of State.

ST. JAGO DE CHILI, *June* 30, 1821.

In my last I mentioned the departure of Lord Cochrane from Huacho, with six hundred troops, for the purpose of landing them somewhere to the southward of the capital, so as to intercept the supplies from that quarter. It is now ascertained that his lordship has directed this force to a different point, with objects distinct from those contemplated by the general. After proceeding to Pisco, and pillaging that place, he went to Arica, where there was a considerable quantity of merchandise in deposite for the market of Lima, took possession of the town at the point of the bayonet, and as much of the moveable property as he could grasp. It is the third or fourth time different sections of the coast have been thus distressed by a mode of warfare injurious to the cause, always at variance with that strictly enjoined and as rigidly adhered to by the general. In addition to which, he has lately committed outrages upon the British flag, by impressing seamen, and by detaining the vessels from which they were taken, in order to use them as transports. These acts, of course, are disavowed by the Government; but they have given rise to a correspondence which threatened a serious result. Among other subjects, that of the blockade was introduced: the one insisting upon its nullity *in toto*, if contemplated to embrace any portion of the coast not covered by an actual force; the other denying the consequence, and maintaining the sufficiency of the force. Although this Government might have sustained the position assumed, by recurring to British practice, yet, in their situation, it was neither prudent nor justifiable to assume any equivocal grounds, particularly on such a subject; and I thought it proper, therefore, to present a note to the Secretary of State, asking the truth of the case, and stating specifically the principle to be recognised. No. 1 is a copy of mine, and No. 2 of that of the Director, written in our language and in his own handwriting. I had hoped [to have procured] the correspondence, but the delays are such here in all the public offices that I cannot avail myself of it for this opportunity; it is not now, however, important, except for the greater satisfaction of the President, inasmuch as an order has been issued in conformity with his note, and conveyed to Sir Thomas Hardy, who acquiesced in its propriety. There have been upwards of a dozen English merchantmen under capture, some of which have already been condemned.

Nothing has reached us from the army later than the 4th of May, when San Martin had resumed his former station at Ancon, within a few leagues of the capital. It is feared here that the absence of Lord Cochrane on the expedition I have already referred to may retard the views of the general, if not wholly defeat the object of his approach. Bolivar has sent a considerable force to Guayaquil, seven hundred of which have already landed at the place, from whence they are to march for the Congress of Quito.

No. 1.

Mr. Prevost to Mr. Joaquin de Echeveria, Secretary of State of the Republic of Chili.

SIR: ST. JAGO DE CHILI, *June* 18, 1821.

I understand that there is a letter in town from Sir Thomas Hardy, addressed to the British merchants of this place, in which it is stated that this Government considers the whole coast of Peru south of the capital as under blockade, although there is no force stationed before any one port except that of Callao. This information is so much at variance with the impressions I have uniformly received during my residence here, that I must believe some mistake has arisen either with my informant or with the British admiral.

Will you therefore allow me, sir, to ask from you the fact on this subject? It is a question of great moment, one of peculiar interest in the United States since our last contest with Great Britain, and one upon which I am anxious that there should exist no difference of opinion. The principle upon which the right of exclusion from any specific port is founded, is the temporary sovereignty acquired by the presence of the force of one belligerant, competent, as to the other, to control the mouth of such port or harbor. Hence, it is obvious that to the legal exercise of the rights growing out of the blockade the force must be permanent in its station.

There will offer a conveyance to the United States in a few days, of which I could wish to avail myself, as well to satisfy the President of the strict adherence to principles maintained by his excellency the Supreme Director, as to defeat the effect of rumors that must have a pernicious tendency at home.

J. B. PREVOST.

The Hon. JOAQUIN DE ECHEVERIA, *Secretary of State of the Republic of Chili.*

No. 2.

General O'Higgins to Mr. Prevost.

MY DEAR SIR: JUNE 23, 1821.

I am very much obliged to you for the indication which favors me with your note of this day. You might be sure of my resolution about the necessity of an actual force to be stationed at the sight of the ports that are to constitute the blockade. This very moment I am answering Sir Thomas Hardy about this point, declaring that must be considered as such to the ports from Pisco to Ancon, and orders will be despatched to the vice admiral, Lord Cochrane, and General San Martin, by the first safe conduct.

By next Tuesday's post to Valparaiso will be sent to you, by the Minister of State, all which has occurred about the matter; meanwhile, I remain yours, most sincerely,

B. O'HIGGINS.

Extract of a letter from Mr. Hogan, Commercial Agent of the United States at Valparaiso, to the Secretary of State, dated

AUGUST 18, 1821.

I have now the honor to inform you that, on the 13th instant, a despatch vessel arrived here from Callao, which place she left on the 23d ultimo, with advices to this Government of the surrender of Lima to General San Martin, and of the inhabitants having sworn to the independence of the place. On the 12th July the Spanish troops proceeded to the mountains with their general, who first placed a garrison of two thousand men in Callao, which place had not surrendered when the despatch came away, but could not be expected to hold out, as there was not more than a week's provision in the fortress, which was to be attacked by land and by sea from the squadron. The sufferings of the people in Lima for want of bread-stuffs and other food had been great; but there is no public gazette issued explanatory of the proceedings, and private letters are short and unsatisfactory. It is impossible to say to what extent they had carried their attachment to royalty, or rather their opposition to being conquered by the forces of Chili, whom they had even treated and considered as an inferior people, not entitled to the enjoyment of equal rights with themselves. To expect them to submit tamely to the dictation of this slip of country is, I believe, more than will be realized, although there can never be any doubt of the country of South America facing the Pacific ocean being forever free from the Government of Old Spain.

An additional export duty of fifteen per cent. is laid by this Government upon all articles shipped from this port for Lima; many vessels are in port ready to depart as soon as permitted. The Constellation was at Callao, and may (by report only) be expected here soon.

Mr. Prevost is expected from Santiago, to embark by the first vessel from Lima. I send this letter in duplicate by two ships bound this day to London, in the hope that either may be put on board of some vessel bound to the United States. I have also written to Mr. Rush by them, requesting he may communicate the information by the earliest opportunity.

Soon after my arrival here, I wrote to Captain Ridgely, requesting he would use his endeavors to inform you, by way of Panama, of the fall of that important section of South America, which I doubt not will be the first communication you will receive.

[TRANSLATION.]

ACT OF THE INDEPENDENCE OF PERU.

IN THE ROYAL CITY OF PERU, *July* 15, 1821.

The señors who compose it having yesterday assembled in the most excellent Senate, with the most excellent and most illustrious señor the Archbishop of this holy Metropolitan Church, the prelates of the religious convents, titulars of Castile, and various neighbors of this capital, for the purpose of fulfilling what had been provided in the official letter of the most excellent señor the general-in-chief of the liberating army of Peru, Don José de San Martin, the contents of which were read; and persuaded thereof, reduced to what persons of known probity, learning, and patriotism, who inhabit this capital, would express if the general opinion for independence had been resolved on, which vote would serve as a guide to the said general for proceeding to take the oath: all the señors agreeing for themselves, and satisfied of the opinion of the inhabitants of the capital, said that the general will was decided for the independence of Peru of the Spanish dominion, and of any other foreign dominion whatever, and that they would proceed to its sanction by means of the corresponding oath; it was compared with a certified copy of this act to the same most excellent señor, and the señors signed it.

The Count of San Isidro,	Manuel de Arias,
Bartolome, *Archbishop of Lima*,	The Count de la Viga del Ren,
Francisco de Zarate,	Fr. Geronimo Cavero,
Simon Ravago,	José Ignacio Palacios,
Francisco Xavier de Echange,	Antonio Padilla, *Syndic, Proc. Gen.*

Mr. Brent, Chargé des Affaires of the United States at Madrid, to the Secretary of State.

SIR: MADRID, *July* 10, 1821.

The late session of the Cortes had far advanced when most of the deputies from Mexico arrived. They had been detained two months at Vera Cruz by the commander of the frigate Pronta, and were at last obliged to make the best of their way to Spain in foreign vessels, running every risk, and incurring great expense. They had not been long in Madrid when they began to press their claims; and on the 3d of May, Count Toreno, one of the most distinguished members of the Cortes of Old Spain, a friend, as is supposed, to their cause, made a motion in the Cortes that a special committee be appointed, composed of deputies of Ultramar and Europe, to consider of and propose, conjointly with the Executive, such measures as they should deem most proper "to terminate the dissensions prevailing in the various parts of America." This motion was agreed to, and the committee appointed.

While this committee were engaged in their important duties, the news was received, about the beginning of June, of the insurrection of Iturbide, and the form of government proposed by him to be adopted, (copy of which I transmit, marked A,) and, in consequence of a resolution offered by an American deputy, the ministers appeared

on the 4th June before the Cortes, to give an account of the occurrences that had taken place in New Spain. The American deputies availed themselves of this occasion to show to the Cortes and Executive the impracticability of the provinces of America being governed as those of the Peninsula, according to the provisions of the constitution, on account of their great distance from the metropolis; proved the necessity of adopting prompt and efficacious measures, and pressed the Government and committee to come to an early decision. They then moved that the Government should be requested to direct, without delay, the Viceroy of Mexico to inform Iturbide that the Cortes were occupied in projecting a plan of government for America, and to propose a suspension of hostilities until the resolution should be finally made by the Cortes and Executive. It was stated that, should this step be taken, they were perfectly convinced that Iturbide, and those under his standard, would suspend hostilities the moment they knew that the deputies of New Spain had arrived at the capital in time to be able to make the "just reclamations of those Spaniards." This was not agreed to. A resolution was then offered and adopted, directing that the minister of Ultramar, "in consideration of the state of New Spain, should propose the measures he might think proper whilst the Cortes were occupied in taking radical ones for its complete pacification."

The committee labored with great assiduity, and had various conferences with the ministers, who, at first, coincided in the opinions advanced, and in the arrangement proposed by it to be adopted in regard to Spanish America, and which would have been satisfactory to the American deputies. When, however, it was laid before the King, he was strenuously opposed to it on the ground, as he informed them, that the arrangement contemplated would be a violation of the constitution; that the public opinion was not prepared for it; that it was against the interest, both of the Peninsula and America; and, finally, he spoke of the opposition that might be made to it by foreign Powers, since they had not been consulted. In consequence of this, the accord between the ministers and committee ceased; and as according to the resolutions of Count Toreno, which gave rise to the appointment of the committee, it was unauthorized, without the concurrence of the Executive, to offer any plan, none was proposed to the Cortes. The committee made their report to the Cortes on the 24th June, (copy marked B,) and state that the Government not believing that the moment had arrived of convenience and necessity for the adoption of certain measures, they can do nothing more than excite the zeal of the ministers, to the end that the wished-for moment may be accelerated, and recommend that the Executive should be pressed "to present to their deliberations, with the greatest despatch, the fundamental measures they may think proper, as well for the just and complete pacification of the revolted provinces of America, as to secure to all of them the enjoyment of a firm and solid happiness."

The disappointment and vexation of the American deputies at this result was proportionate to the flattering hopes that had been excited by the unanimity of sentiment that prevailed at the first conferences of the ministers and committee. They then determined to present, themselves, a plan to the Cortes, having the object in view; and the propositions (copy marked C) were made on the 25th June, which, in substance, are the same as those that had at first met the approbation of the ministers.

These propositions are, that there shall be three divisions made of America; in each a Cortes, having the powers delegated by the constitution to the General Cortes, with the exception of the 2d, 3d, 4th, 5th, and 6th powers, that part of the 7th relative to the sanction of treaties, and the second part of the 27th power. In each division, a delegate appointed by the King from among the persons most distinguished for their high qualifications, not excludingmembers of the royal family, removable at his will, who shall exercise, in the name of the King, the executive power, to be inviolable with respect to the American Cortes, and only responsible to the King and General Cortes. In each, four ministers: of the interior, of finance, of grace and justice, and of war and marine. In each, a supreme tribunal of justice and a council of state. The commerce between the Peninsula and America to be considered as from one province to another; and the inhabitants of the latter to have equal eligibility with those of the former to all public employments.

New Spain binds herself to pay 200,000,000 reals in six years, and contribute annually 40,000,000 reals to the support of the navy; the other parts of America to contribute in the manner that shall be subsequently arranged. New Spain will also pay all the debt contracted within its territory; and all public property to belong to it. On the sitting of the 25th of June, two of the deputies offered an amendment to the fifth article, having for object to prevent the appointment of delegates being conferred on any of the royal family.

These propositions were preceded by an exposé read in the Cortes, a copy of which I transmit herewith. In it they state that "they desire the constitution which ought to make them happy, but which, in the actual state of things, they consider to be a beautiful theory, that can only be reduced to practice in the Peninsula. The Americans are freemen, are Spaniards, have the same rights as the Peninsulars; they are acquainted with and have sufficient virtue to support them."

The measures recommended by the committee (to request the Government to present a plan at an early period) have been acted upon, as you will perceive by the King's speech, in which he says that his Government, "urged by the Cortes to propose the measures they may think proper for their welfare, on a consideration of the state of those countries, will do so immediately, and with all possible generosity." These will, without doubt, be proposed on the meeting of the Cortes extraordinary, which the speech of the President of the Cortes to the King will have shown you is to take place. It is supposed that its convocation will not be delayed longer than the 1st of October, if so long.

You will perceive that the deputies do not demand an acknowledgment of independence, and pretend not even to aspire to it; and they have declared in the Cortes, on the 4th June, that, if the revolutionists desire independence, it is because means have not been devised that should make the welfare of those provinces compatible with their union with the Peninsula.

The commissioners of Bolivar, (who are still here,) on the contrary, insist upon the acknowledgment of their independence as the basis of any arrangement with Spain. Nothing has been concluded between them and this Government, and all negotiation is suspended.

It is difficult to conjecture what will be the determination of the Cortes and the Executive on this great and interesting question, when we consider, on the one hand, that they cannot be wholly blind to the just claims, the strength, and resources of America, and view, on the other, the prejudices and illiberality that still exist in a high degree in the Executive, and a great portion of the members of the Cortes, and the observation in the King's speech "that the Spaniards of both hemispheres ought to be persuaded there is nothing he desires so much as their felicity, founded in the integrity of the monarchy, and in the observance of the constitution."

As far as I have been able to form an opinion, it is, that the foreign Powers, during the agitation of the American question, have endeavored to prevent any arrangement between the parties.

On the 9th instant I received a note from Mr. Ravenga, one of the commissioners of Bolivar, requesting an interview with me, (copy marked D,) to which I immediately replied, (copy marked E,) stating that I would receive him that very evening.

In this interview he spoke of his mission to Spain. He said that, when he left Colombia, he had no idea of meeting with the least obstacle; he had calculated to a certainty that his object would immediately be accomplished.

He spoke of the ignorance of this country of the real state of Spanish America, of their illiberality, and their prejudices, with warmth, and particularly so of the expression of the King, in his speech, respecting Spanish America. He calculated, he said, upon the friendship of the United States to promote the independence of the republic of Colombia; he had a full conviction that he could rely upon it. Mr. Monroe, when Secretary of State, had informed him that all the ministers of the United States in Europe had instructions to advance the acknowledgment of their independence by foreign Powers.

I sympathized with him in the unpleasant situation in which he was placed, and feared that the sentiment in Spain was not as favorable as could be desired. He was perfectly justified, I said, in relying upon the good dispositions of the United States. It was their interest and their sincere wish that the acknowledgment of the independence of Spanish America should be accelerated. The United States had not only been more forward than any other Power in publishing to the world their wishes with respect to her, but had accompanied them with actions, which certainly afforded the best proof of their sincerity; and, among them, I adverted to the message of the President to the Congress of the United States at the commencement of its last session, in which, alluding to the proposed negotiation between the late colonies and Spain, the basis of which, if entered upon, would be the acknowledgment of their independence, he says: "To promote that result by friendly counsels, including Spain herself, has been the uniform policy of the Government of the United States."

The friendship of the United States, he said, was very grateful to the republic of Colombia, and he hoped and expected that, at the commencement of the next meeting of Congress, the acknowledgment of its independence would be decided upon; the moment had arrived when all the Powers of the world would see the propriety of it. He calculated that the United States would be the first to take this step; hoped to see a confederacy of republics throughout North and South America, united by the strongest ties of friendship and interest; and he trusted that I would use my exertions to promote the object he so much desired.

I heartily concurred with him in the hope that all Governments would resolve to adopt a measure so conformable to justice; joined with him in the agreeable anticipations of the progress of free principles of government, of the intimate union and brilliant prospects of the states of our new world. I presumed, I said, it was not necessary to bring to his mind the high interest felt by the United States in their welfare—an interest in which I deeply participated, and desired, as much as he possibly could, the happiness of our Spanish American brethren. What would be the determination of the United States at the period of the commencement of Congress, it was impossible for me to foresee; whether they would consider it a seasonable moment for doing that which was so much desired, was a point I could not resolve.

In this interview, Mr. Ravenga confirmed to me what I had previously learned, that his instructions do not authorize any terms short of the acknowledgment of independence. I observed to him that I presumed no arrangement would be made under them that might have an injurious bearing on the commercial interests of the United States. To this his reply was, that none would be entered into by the republic of Colombia with Spain that would not be perfectly reciprocal.

I have the honor to be, &c.

THOMAS L. L. BRENT.

A.

Article. 1. The religion of New Spain is, and shall be, the Roman Catholic Apostolical, without tolerating any other.

2. New Spain is independent of Old Spain, and of every other Power, even on our continent.

3. Its Government shall be a moderate monarchy, according to a constitution peculiarly adapted for the empire.

4. Ferdinand VII. shall be Emperor; and if he do not come in person to Mexico to make oath before the Cortes within the time prescribed by them, the most serene infants Don Carlos, Don Francisco de Paula, the Archduke Charles, or some other branch of the reigning family, shall be appointed in his place by the Congress.

5. Until the meeting of the Cortes, there shall be a Junta which shall have their union for its object, and the compliance with this plan in its whole extent.

6. Said Junta, which shall be styled Governmental, must be composed of the deputies mentioned in the official letter of the viceroy.

7. Until Ferdinand VII's arrival in Mexico, and his taking the oath, the Junta will govern in the name of His Majesty, in virtue of the oath of fidelity taken by the nation; but until His Majesty hath sworn, any orders he may give shall be suspended.

8. If Ferdinand VII. should not deign to come to Mexico, the Junta or Regency shall govern in the name of the nation, until it be resolved who shall be crowned Emperor.

9. This Government shall be sustained by the army of the three guarantees, of which mention shall be made hereafter.

10. The Cortes shall resolve whether the Junta shall continue, or a Regency be substituted in its place, until the arrival of the person who is to be crowned.

11. The Cortes shall immediately establish the constitution of the Mexican empire.

12. All the inhabitants of New Spain, without distinction of Africans, Europeans, or Indians, are citizens of this monarchy, with eligibility to all employments according to their virtues or merits.

13. The person of every citizen and his property shall be respected and protected by the Government.

14. The clergy, secular and regular, shall preserve all their privileges and pre-eminences.

15. The Junta shall take care that every branch of the state remain without any alteration, and all the officers, political and ecclesiastical, civil and military, on the same footing as at present. They alone shall be removed who decline entering into this plan, substituting in their place those persons who are most distinguished for their virtue and merit.

16. A protecting army shall be formed, under the title of the three guarantees, because it takes under its protection, 1st. The preservation of the Catholic religion, co-operating, with all its efforts, that there may not be a mixture of any other sect, and attacking all the enemies who may injure it; 2d. The independence under the system already manifested; 3d. The intimate union of Americans and Europeans, guarantying such fundamental bases of the felicity of New Spain. Each individual, from first to last, will prefer sacrificing his life rather than permit the infraction of any of them.

17. The troops of the army shall observe the most strict discipline, according to their regulations, and the chiefs and officers shall remain on the same standing as at present, that is, in their respective classes, with eligibility to such public employments as are vacant, or may vacate in consequence of those who may not wish to follow their career, or any other cause, and those which may be considered as necessary or convenient.

18. The troops of said army shall be considered as of the line.

19. In the same light shall be considered those who may afterwards adopt this plan. Those who do not defer it, those of the former system of independence who shall immediately join said army, and the countrymen who may desire to enlist, shall be considered as troops of national militia; and the form of each for the interior and exterior security of the empire shall be dictated by the Cortes.

20. The employments shall be conceded to true merit, in virtue of references to the chiefs, and in the name of the nation.

21. While the Cortes are assembling, the proceedings against criminals shall be according to the Spanish constitution.

22. For conspiring against the independence, criminals shall be imprisoned until the Cortes decide the greatest punishment next to "lesa Majestad Divina."

23. A strict watch shall be kept over those who may attempt to create disunion, and they shall be reputed conspirators against the independence.

24. As the Cortes which are about to be installed are to be constituent, it is necessary that the deputies should receive sufficient powers to that effect, and, consequently, the electors ought to be informed that their representatives are to be for the Congress of Mexico, and not of Madrid. The Junta will prescribe just rules for the elections, and will fix the necessary time for them, and the opening of the Congress.

Since the elections cannot take place in March, the term shall be shortened as much as possible.

ITURBIDE.

IGUALA, *February* 24.

B.

The special committee, appointed to propose to the Cortes what it judges most conducive to put a stop in the most effectual manner to the disputes and dissensions which unfortunately prevail in the provinces of America, is duly penetrated with the importance of the charge, and desirous of corresponding to the confidence with which the Cortes has honored it. Few questions of such magnitude can be presented to the deliberations of a legislative assembly and to the resolves of a Government as that which at present occupies the attention of the Spanish Cortes; on their resolution and the wisdom of their measures depend the greatest events, perhaps the tranquillity of America, and the rapid civilization of the whole world. Spain seems destined to give to the world, from time to time, striking examples of grandeur, by turns heroical, or singularly original. The remote seas and regions discovered by her sons since the time of Columbus, in the fifteenth and sixteenth centuries; the renowned valor and martial deeds (which border on the fabulous) of Cortes, Balboa, and Pizarro, did not suffice to their glory; nor that Sebastian del Cano, in his ship Victory, styled the Competitor of the Sun, should be the first to sail round the globe: to complete its measure, they added the arts, civilization, and the religion of their fathers; those vast regions participated of the benefits enjoyed in Europe, and the discoverers did not delay in making extensive to them the advantages derived from their own country. With what enthusiasm and pleasure (as we are assured by Inca Gacilaso) they assembled to enjoy in reciprocal union, and to spread, by their care and attention, over the whole country, the first productions of Europe! The laws relative to India are an eternal monument of the desire which always animated the Spanish Government that America should be treated with the same care and equality as the other provinces of Europe; they state that its natives shall be treated, favored, and defended as the other subjects of the Peninsula. From such just and prudent policy resulted the advantages which afterwards were derived. Cities were erected, which, for their population, beauty, and extension, rivalled the principal in Europe; their products served to augment the traffic and commerce of the whole world; the sons of America, with their talents and wisdom, enlightened the country of Manco Capac and Montezuma; and, not satisfied with spreading their knowledge over their native land, they have come to Europe to co-operate in the amelioration and prosperity of the Spains, it being conspicuous that many estimable deputies from thence, in the anterior and present Cortes, have taken an active and very principal part in the most important decisions. Such are the fruits which have been collected from the civilization and culture which Spain has succeeded in diffusing beyond the Atlantic, and from them are most evident the injustice and levity with which foreign writers have spoken of Spanish domineering in those regions. The disorders and injustice that there have been there have not arisen from the laws, nor from the interests, nor from the ambition of the metropolis, but from the men, the prejudices of the age, from the evils under which Spain herself groaned, and from the distance which always rendered null the responsibility of the governors. But, in spite of this, America continued faithful, and closely united with the mother country; the dissensions in Europe, the war of the succession, produced no desire to disturb interior tranquillity, or to effect a separation; neither was the glorious war for independence a sufficient motive: they succored us with their treasures; and it has been said, in honor and to the glory of America, that the principle of her revolt had a noble origin, similar to what impelled Spain to defend herself against a hostile irruption. When Andalusia was invaded in 1810, the greater part of our provinces were occupied by the enemy, our Government dispersed, and our armies nearly annihilated; the destiny of Spain was considered as decided, and her ruin inevitable. It would, indeed, have been difficult to imagine that, from an insulated extremity of the Peninsula, the nation would rise again not only independent, but regenerated and free. The Americans, mistrustful of their chiefs, feared that, being Europeans, they would desire to follow the destiny of Spain, whatever it might be; they, therefore, resolved not to submit to a foreign yoke, and preferred separating from the Peninsula to the indignity of obeying an unjust invader. This was the noble principle of the commotions in America; and, if any of her chiefs had motives less pure, he was obliged to dissemble, and cover them with the pretext of so just a cause.

The Spanish arms, in conjunction with their allies, having beaten and harassed the enemy in every direction, obliged him to evacuate the Peninsula. Such a happy state of affairs announced a speedy reconciliation with the revolted provinces of America; but all the hopes of those who loved their country were dispelled by the fatal decree of the 4th of May, and the execrable system which followed. The war continued to rage in many parts, and the passions, irritated to the highest degree, left but little prospect of a conclusion to such a destructive quarrel. Nevertheless, New Spain, or, more correctly, all Spanish North America, almost entirely quelled at that epoch, put a stop to this devastating warfare. A great part of Peru had constantly remained united to Spain; as also Cuba and the other islands. Thus, while Terra Firma, Buenos Ayres, and Chili presented the spectacle of Spanish and American blood spilled by the same hands whose interest it was to preserve it, the most important part of Spanish America was free from so much desolation. But this tranquillity does not suffice; though it should extend all over America, and be more durable, it is not sufficient to satisfy the lovers of humanity. America must fix her happiness on a more stable basis, which, instead of prejudicing, may add to that of Europe. The Cortes, soaring above the prejudices of some and the passions of others, must take such wise measures as shall entitle them to be considered worthy rivals of those Cortes who, upon a rock, and under the enemy's cannon, dictated laws at this day respected and obeyed by so many and such distant provinces. The committee, fully persuaded of this, discussed, in various conferences, the questions which appeared to it most proper to produce the great end to which

we all aspire; it examined them conjointly with His Majesty's ministers, who at first entirely concurred with the opinions that were generally adopted. Peculiar circumstances have since obliged them, in some measure, to suspend their judgment, under the impression that the public opinion is not yet prepared for a definitive resolution. In this dilemma the committee can propose nothing to the Cortes; because, as it appertains to the Government to decide the question of fact, that is, the convenience and necessity of adopting certain measures, and Government not thinking the moment has yet arrived, the committee must confine itself to excite the zeal of the ministers, that they may accelerate the wished-for moment. Justice calls aloud for this: the precarious and uncertain destiny of so many Europeans, Spaniards established in those regions; the Americans likewise; the different tribes who have sustained by force of arms the cause of the metropolis; in fine, the true felicity of America and the Peninsula, call aloud for it. The happiness of America consists in a solid peace, guaranty of its future prosperity; that of Spain, in not meeting impediments at every moment, and not having its attention drawn off from its deliberations to make the provisions which such distant provinces require. The knowledge of the century, and an enlightened policy, must guide the Government in so new and glorious a resolution. The committee, possessed with the grandeur of the subject, and convinced that its decision may have some influence in the destiny of the universe, is desirous of communicating to all Spaniards its intimate conviction that they, on their part, may contribute to the happy termination of such an undertaking. Spain would derive advantages that otherwise she will not realize; and the ties of relationship and religion, united to commercial relations, and those which are derived from free institutions, would be the most certain pledge of our harmony and close union. The committee, therefore, not able of itself to determine on any thing, must confine itself to proposing that the zeal of the Government be excited so that it may present to the deliberations of the Cortes, without delay, the fundamental measures it may think proper, as well for the speedy and complete pacification of the revolted provinces of America, as to secure to them the fruition of a firm and solid felicity.

C.

Article 1. There shall be three sections of Cortes in America: one in the north, and two in the south. The first shall be composed of the deputies of all New Spain, including the internal provinces of Guatemala: the two other sections shall comprehend—the one, New Granada and the provinces of Terra Firma; the other, Peru, Buenos Ayres, and Chili.

2. These sections shall unite at the time appointed by the constitution for the ordinary Cortes, governing themselves, in every respect, according to the rules prescribed for these; and they shall have in their territory the same legal representation and powers, excepting the second, third, fourth, fifth, and sixth, which are reserved for the General Cortes; the part of the seventh relative to approving offensive and defensive treaties; and the second part of the twenty-third.

3. The capitals where these sections shall for the present unite are the following: The section of New Spain in Mexico; that of New Granada and Terra Firma in Santa Fé; and that of Peru, Buenos Ayres, and Chili, in Lima. If the sections, with the consent of the executive power of those countries, should think proper to change the seat of Government, they may select whatever place may appear best suited to their purpose.

4. There shall be in each of these divisions a delegation, to exercise in the name of the King the executive authority.

5. These delegations shall each be composed of one person, named by the will of His Majesty, selected from amongst men of the most transcendent talents, without excluding the members of the royal family. This delegate shall be removable at the pleasure of His Majesty: he shall be inviolable in regard to the sections of Cortes of those countries, and shall only be responsible for his conduct to His Majesty and the General Cortes. The ministers of this delegation shall be responsible to the respective sections of the Cortes, according to the constitution.

6. There shall be four departments: of the interior, of finance, of justice, of war and marine; some of which may be united, according as it may be judged convenient, in virtue of a law.

7. There shall be three sections of the supreme tribunals of justice, composed of a president, eight ministers, and an attorney general.

8. There shall be three sections of the council of state, each composed of seven individuals, but the legislative sections may at pleasure reduce their number to five.

9. The commerce between the Peninsula and America shall be considered as interior from one province of the monarchy to another; and, consequently, the Spaniards of both hemispheres shall enjoy in them the same advantages as their respective natives.

10. They shall likewise reciprocally enjoy the same civil rights and equal eligibility to employments and public offices as their respective natives.

11. New Spain and the other countries comprehended in the territory of their legislative section oblige themselves to deliver to the Peninsula the sum of two hundred millions of reals in the space of six years, which shall commence on the 1st of January, 1823, in order to contribute to the payment of the foreign debt, hypothecating the revenue of the state, and the lands that appertain, or may hereafter appertain, to it, in the above-mentioned New Spain and indicated territory.

The said two hundred millions of reals shall be paid by instalments; the first at the commencement of January, 1823, and thus, successively, in six posterior years, until its final liquidation, which will take place on the 1st January, 1828, so that thirty millions may be paid during each of the first four years, and forty during the two last. The term of these instalments may be curtailed, with the approbation of the legislative section that shall be established in New Spain.

12. New Spain and the other territories comprehended in her legislative section likewise bind themselves to contribute to the navy expenses of the Peninsula, with forty millions of reals annually. The payment of this sum shall commence from the time when the legislative section shall first assemble, and shall be delivered at furthest at the expiration of a year from that period: this sum shall be augmented when the circumstances of New Spain shall permit, and delivered, along with the other, specified in the preceding article, in some one of the ports belonging to New Spain in the Gulf of Mexico.

13. The rest of the countries of America comprised in the other sections shall contribute to the Peninsula in the manner that shall be hereafter fixed upon, and according to their circumstances.

14. New Spain takes upon herself the payment of all the public debt contracted in her territory, by order of her agents in her name and by her authority; the lands, revenues, and other property of the state, of whatever nature, without prejudice to what has been agreed upon in the eleventh article, shall be made over to her, to serve as an hypothecation of what has been stipulated in said article.

15. The deputies of the respective sections, at the time of taking the oath to observe, and cause to be observed, the constitution of the Spanish monarchy, shall add that of complying with and causing this law to be executed.

D.

[TRANSLATION.]

HOUSE OF THE MARQUIS OF MOSS,

STREET OF THE INFANTAS, *July* 9, 1821.

José R. Ravenga, one of the plenipotentiaries of Colombia near His Catholic Majesty, has the honor to present his respects to Thomas Brent, Esq., chargé d'affaires of the United States of North America, and requests that he will be pleased to name an hour at which he can have a personal interview with him.

E.

MADRID, *July* 9, 1821.

Thomas L. L. Brent, chargé d'affaires of the United States, kisses the hand of Señor Don José R. Ravenga, plenipotentiary of Colombia, and will be happy to receive him at his house at six o'clock this evening.

[TRANSLATION.]

Manuel Torres, Agent and Chargé des Affaires of the Republic of Colombia, in the United States, to John Quincy Adams, Esq., Secretary of State.

SIR: WASHINGTON, *February* 20, 1821.

The republics of Venezuela and New Granada, which, after a devastating war of more than ten years, have victoriously achieved the independence which they had declared since the year 1811, were united by virtue of a fundamental law of the Sovereign Congress of Venezuela, of the 17th December, 1819, with the glorious title of the Republic of Colombia, under which it has taken its rank among other independent nations.

In consequence, I have received the order of my Government to communicate to you, sir, this resolution worthy of Colombia, and to accompany it with the subjoined authenticated copy of the said fundamental law, in order that you may be pleased to lay it before the President of the United States.

I have also the honor to present to you, sir, the credentials of my public character, and a drawing of the national standard, which will henceforth distinguish Colombia among other sovereign and independent states.

Although the foundation of the republic of these United States would completely justify the right of Colombia, yet, with respect to the custom which has been introduced among nations, the causes which have rendered this measure indispensable have been explained in the declaration of independence of Venezuela, of the 5th of July, 1811, a copy of which Don Telesforo de Orea, then agent extraordinary of that republic, transmitted to your predecessor on the 6th of November of the same year: the other declaration of Venezuela, of the 2d of November, 1818, and the manifesto of the President of the Sovereign Congress of Colombia, of the 26th of August last, copies of which I sent you with my official letter of the 15th of last December, likewise mention them.

The conduct of Colombia being thus in all respects justified, no doubt my Government will be recognised by that of the United States as a free and independent nation, a sister republic, situated likewise in the same hemisphere. It is also hoped that, to the recognition of the independence of Colombia on the part of the United States, treaties of commerce and navigation will be added, founded upon the bases of reciprocal utility and perfect equality, as the most efficacious means of strengthening and increasing the relations of amity between the two republics.

As you are already acquainted with the solicitude of Colombia, permit me, sir, to add that it is of the greatest importance to my Government to know the determination of the United States in regard to it.

I repeat, sir, the homage of the sentiments of high respect and distinguished consideration with which I have the honor to remain, sir, your most obedient, humble servant,

MANUEL TORRES.

[TRANSLATION.]

Fundamental law of the Sovereign Congress of Venezuela, of the 17th of December, 1819, for the union of the Republics of New Granada and Venezuela, under the title of the Republic of Colombia.

THE FUNDAMENTAL LAW OF THE REPUBLIC OF COLOMBIA.

The Sovereign Congress of Venezuela, to whose authority the people of New Granada, lately emancipated by the arms of the republic, have voluntarily submitted, considering—

1. That, by uniting the provinces of Venezuela and New Granada in one republic, they will have the means of attaining the highest degree of power and prosperity;

2. That if they should remain in separate republics, however great the bonds that might unite them, yet, far from benefiting by so many advantages, with difficulty would they consolidate their sovereignty, and cause it to be respected;

3. That these truths, clearly perceived by every man of sound understanding and genuine patriotism, had excited the Governments of both republics to agree to their confederation, which the vicissitudes of war have heretofore prevented;

From these considerations of necessity and reciprocal interest, and in conformity with the report of the select committee of the deputies from New Granada and Venezuela, *in the name and under the auspices of the Supreme Being*, has decreed, and does decree, the following fundamental law for the republic of Colombia:

ARTICLE 1. The republics of Venezuela and New Granada shall be from the present day united, under the glorious title of the *Republic of Colombia.*

2. Its territory shall be those comprehended in the former captain generalship of Venezuela, and the vice-royalty of the new kingdom of Granada, embracing an extent of one hundred and fifteen thousand square leagues, whereof the exact boundaries shall be fixed at a more seasonable opportunity.

3. The debts contracted by the two republics, separately, are acknowledged *in solidum* by this law, as a national debt of Colombia, for the discharge of which the goods and property of the state are pledged, and the most productive of the revenue shall be destined.

4. The executive power of the republic shall be exercised by a President, and, in his absence, by a Vice President, both to be appointed *pro tempore* by the present Congress.

5. The republic of Colombia shall be divided into three great departments—Venezuela, Quito, and Cundinamarca, which shall comprehend the provinces of New Granada, whereof the name shall be henceforward suppressed. The capitals of these departments shall be the cities of Caraccas, Quito, and Bogota, the addition of Santa Fé being omitted.

6. Each department shall have a superior administration, and chief magistrate, to be appointed for the present by this Congress, with the title of Vice President.

7. A new city, bearing the name of the liberator, *Bolivar*, shall be the capital of the republic of Colombia. The plan and site thereof shall be determined by the first General Congress, upon the principle of making it suitable for the conveniences of the three departments, and proportioned to the grandeur for which this rich country is destined by nature.

8. The General Congress of Colombia shall assemble on the 1st day of January, 1821, in the town of Rosario de Cucuta, which, in every respect, is considered the most suitable place. The convocation shall be made by the President of the republic, on the 1st of January, 1820, who shall also communicate the plan for the elections, to be devised by a select committee, and approved by the present Congress.

9. The constitution of the republic of Colombia shall be formed by the General Congress, to whom shall be presented the projet of one already decreed, together with the laws enacted by this Congress, to be immediately carried into execution, by way of experiment.

10. The arms and flag for Colombia shall be decreed by the General Congress. In the mean time, those of Venezuela shall be employed, as they are known.

11. The present Congress shall dissolve on the 15th January, 1820, in order that the new elections may take place for the General Congress of Colombia.

12. A commission of six members, with a president, invested with special powers, to be decreed, shall occupy the place of Congress during its recess.

13. The republic of Colombia shall be solemnly proclaimed to the citizens and the armies with public feasts and rejoicings, to take place in this capital on the 25th December instant, commemorating the nativity of the *Savior of mankind*, under whose protection the state has been regenerated by this reunion.

14. The anniversary of this political regeneration shall be perpetually celebrated by a national feast, where virtue and talents, as formerly at Olympia, shall be distinguished and rewarded.

The present fundamental law for the republic of Colombia shall be promulgated in the settlements and armies, inserted in the public journals, and deposited in the archives of the cabildos, municipalities, and corporations, whether ecclesiastical or secular.

Given at the palace of the Sovereign Congress of Venezuela, in the city of St. Thomas of Angostura, on the 17th day of December, A. D. 1819, and in the ninth year of our independence.

FRANCISCO ANTONIO ZEA, *President of Congress.*

Juan German Roscio,	Diego Bautista Urbaneja,
Manuel Sedeño,	Juan Vincente Cardoso,
Juan Martinez,	Ignacio Muñoz,
José España,	Onofre Basalo,
Luis Tomas Peraza,	Domingo Alzurn,
Antonio M. Briceño,	José Tomas Machad,
Eusebio Afanador,	Ramon Garcia Cadiz.
Francisco Condé,	

DIEGO DE VALLENILLA, *Deputy Secretary.*

DECREE.

PALACE OF THE SOVEREIGN CONGRESS OF VENEZUELA,

AT ANGOSTURA, *December* 17, 1819, *(9th year.)*

The Sovereign Congress decrees that the present fundamental law for the republic of Colombia shall be communicated to the supreme executive power by a deputation for its publication and execution.

FRANCISCO ANTONIO ZEA, *President of Congress.*
DIEGO DE VALLENILLA, *Deputy Secretary.*

PALACE OF THE GOVERNMENT, AT ANGOSTURA,

December 17, 1819, *(9th year.)*

Ordered to be printed, proclaimed, executed, and sealed with the seal of the state.

SIMON BOLIVAR.

By his excellency the President of the republic:

DIEGO B. URBANEJA,
Minister of the Interior and of Justice.

WASHINGTON, *February* 20, 1821, *(11th year.)*

A true copy:

MANUEL TORRES.

[TRANSLATION.]

REPUBLIC OF COLOMBIA.

ANGOSTURA, 1820.

JUAN GERMAN ROSCIO, *Vice President of the Department of Venezuela, and charged with the Government of the Republic, on account of the absence of the President on the campaign, and of the Vice President on commission.*

Whereas it is important to the prosperity of Colombia, and to the dignity of that station to which it has been elevated, to establish diplomatic intercourse with other nations, and to make treaties which may confirm its friend-

ship with them, regulate its commerce, and protect mutual interests; and this Government being desirous of drawing more close the relations and bonds of union and good correspondence which already happily exist with that of the United States: Therefore, I have nominated, and, by these presents, do appoint and authorize, Manuel Torres, Esq., that, in the rank and with the character of agent and chargé des affaires of the republic of Colombia, he present himself and treat with the said United States, and, conformably to the instructions which have been given him, to promote the interests and advantages of Colombia, by reconciling them with those of said States, upon the principles of the most intimate, frank, and sincere friendship.

Given at the palace of Government, at Angostura; signed by my hand, sealed with the provisional seal of the republic, and countersigned by the Secretary of State and Foreign Relations, the 15th of May, 1820.

JUAN G. ROSCIO.

By his excellency the Vice President of Venezuela, charged with the Government of Colombia:

JOSE R. RAVENGA,

The Minister of State and Foreign Relations.

[TRANSLATION.]

Don Manuel Torres to the Secretary of State.

SIR: PHILADELPHIA, *November* 30, 1821.

Since I had the honor of addressing to you my official note of the 20th of February last, requesting of the President of the United States the formal acknowledgment of the independence of the republic of Colombia as a free, sovereign, and independent state, new successes have taken place, which, at the same time that they remove any well-founded obstacle which might at that time have been in the way of the Government of the United States to prevent their acceding to the wish of that republic, render now the said measure more urgent, and I might say indispensable, in consequence of the recent events in Peru and New Spain, and the conduct of the Spanish Government towards America, always unjust, and always capricious.

In compliance with the orders which I have received from the Minister of Foreign Relations, of date the 3d of August, in Cucuta, I hasten to communicate to you, sir, what has occurred in Colombia since the recommencement of hostilities with Spain, and to inform you of the real actual state of the republic, that you may be pleased to lay it before the President of the United States.

In conformity with the fundamental law of the 17th of December, 1819, the solemn act of the installation of the General Congress of the republic of Colombia, composed of representatives named by the people of the nineteen free provinces of New Granada and Venezuela, took place on the 6th of May last in the city of Rosario de Cucuta, as is shown by the official document No. 1, which I have the honor to enclose to you.

The General Congress being installed, one of the first measures which called the attention of the legislative body was the great question of the fundamental law; and, after long and elaborate debates, in which each member expressed his opinion with the greatest freedom, the union of New Granada and Venezuela into one body as a nation, under the express agreement of a popular representative Government, divided into legislative, executive, and judicial authorities, was adopted and sanctioned by a plurality of votes; and also the division of the territory of the republic into departments or circles, according to the evidence in No. 2.

The document numbered 3 is the manifesto which, on the 6th of June, the President of Congress addressed to the people and armies of the republic, notifying them of so important a measure; and No. 4 contains the fundamental law.

Whilst the Congress was engaged with patriotic spirit in discussing and making laws conducive to the correct administration of justice, to the regulation and management of the revenues, and to the promotion of public instruction in all the provinces and places of the state, the attention of the Liberator President was engaged in conducting an active war against the enemy, to expel them entirely from the territory of the republic. The arms of Colombia experienced once more the aid of a beneficent Providence, and they accomplished, at one blow, the entire destruction of the Spanish power in Venezuela, in the memorable battle of Carabobo, on the 24th of June.

The enemy lost their park of artillery, their baggage, their all, in their very intrenchments; and of more than six thousand men who were assembled at that military point, scarcely could a small number escape, who were able to retire within the walls of Porto Cabello.

The formidable fortress of Carthagena, and that of Cumana, also fell successively; so that Porto Cabello, in Venezuela, and the isthmus of Panama, in New Granada, are the only two points which the Spaniards for the moment occupy in all the vast territory of Colombia; and probably before the termination of the present year both will be incorporated with the republic.

Although the isthmus of Panama, from its scanty population, its absolute want of agriculture, and its situation, can contribute little or nothing to the increase or facility of the interior or exterior commerce of the new republic, still its occupation is of great importance to Colombia, under the view of its own future security and that of the rest of America, and from the great facility which the river Chagres affords for the commerce of Peru, and that of the provinces of New Spain which lie along the Pacific, since the distances, the dangers, and expenses of a navigation by Cape Horn are considerably diminished.

But it was not enough for the Liberator President to annihilate the formidable legions with which the Spaniards oppressed the country; it was also necessary to preserve good understanding and harmony among the inhabitants of Colombia, and to maintain among foreign nations the respect and reputation of the authorities of the republic which the agents of Ferdinand VII. have constantly defamed, by circulating, through the medium of the press, the most infamous falsehoods against them. He had no other means of realizing his object but exposing to the impartial world the perfidious conduct which the Peninsular Government had incessantly observed towards the Americans; and, to the incontrovertible manner in which he did so, by the proclamation which he addressed to the Spaniards on the 25th of April, from the city of Barinas, is partly due the success of the republican arms in Colombia and in Peru.

The inhabitants of Colombia, after eleven years of war, as unjust as cruel and destructive, guided by the genius of their Liberator President, have achieved the liberty and independence of their country without the least foreign aid; have given themselves a popular and representative Government, and a constitution well calculated to preserve the principles of liberty and equality, and to promote the general prosperity.

With respect to the ability and capacity of Colombia to maintain its independence, no well-founded doubt can arise upon that point, if we consider on one hand the great population of the republic, which exceeds 3,600,000

souls, the extent of its territory, its natural and artificial resources, and its situation; and, on the other, the great military talent displayed by its generals and officers, and the discipline and valor manifested by its troops on all occasions, but particularly in the celebrated battles of Boyaca and Carabobo, in the capture of St. Martha, defended by seventeen exterior batteries, all taken by assault, and the reduction of the fortresses of Carthagena and Cumana.

Some idea may be also formed of the degree of splendor, power, and future prosperity of the new republic, by considering it placed in the centre of the universe, with an extent of coast of twelve hundred miles on the Atlantic, from the Orinoco to the isthmus of Darien, and of seven hundred miles on the Pacific ocean, from Panama to Bahia de Tumbez, and exempt, at all seasons, from any of those dreadful hurricanes which cause such disasters in the Antilles, in the Gulf of Mexico, and in other places.

The great canals which are formed by the river Orinoco and its tributary streams, the Sulia, with the lake of Maracaibo, the Magdalena, the Cauca, and the Atrato, which all empty into the Atlantic, render Colombia the most favored part of the universe for interior navigation; and, by a union of all climates, unite also, in great abundance, the productions of the three kingdoms of nature.

Agriculture is further advanced in Colombia than in any other part of continental America, formerly Spanish; and its products of exportation, which consist chiefly of cocoa, coffee, indigo, tobacco of Barinas, and some cotton, are of a quality superior to those of other countries, except the cotton. With respect to the precious metals, Colombia is inferior neither to Mexico nor Peru, with the advantage that their discovery is more easy and less expensive. She also unites, by prolonged canals, two oceans which nature had separated; and, by her proximity to the United States and to Europe, appears to have been destined by the Author of Nature as the centre and the empire of the human family.

Under these auspices it was that the new republic took her rank among other free, sovereign, and independent nations, and that I had the honor, in my note to you, sir, of the 20th February last, to solicit the recognition of her independence on the part of the President of the United States; which request I repeat anew in this.

The glory and the satisfaction of being the first to recognise the independence of a new republic in the south of this continent belongs, in all respects and considerations, to the Government of the United States; and this recognition would be, after all, but a measure which the humanity, the justice, and the convenience and interest of this nation demand.

Reduced as Spain is to an absolute inability to continue the war, her pride wishes an opening, perhaps, to meet with a pretext for making her peace with the Americans, and nothing would better answer her purpose than the recognition of the independence of Colombia by the Federal Government.

On the other hand, if the war between Spain and Colombia must continue, the law of neutrality of the United States would operate with equality with respect to both belligerants, which was not and cannot be the case whilst this Government does not recognise the independence of the new republic. Lastly, between the United States and Colombia there can never exist a competition or rivalship in agriculture, commerce, and navigation, because Colombia has no mercantile navy, nor can she form one for many years, and the products of exportation of her agriculture are entirely different from those which are cultivated in the United States. She wants annually twenty thousand barrels of flour and other provisions from these States, for which she pays in coffee, indigo, hides in the hair, and in money, according as the intercourse between the two countries is favorable to the agriculture of both.

The political events of Peru and Mexico render the recognition of the independence of Colombia urgent, on account of the great confidence with which this act would inspire those nations to establish popular representative Governments. All South America formerly Spanish is emancipated—that is, upwards of eleven millions of souls; this has given a new importance to the new world, and now they are no more afraid of the machinations of the Holy Alliance to keep America dependant upon Europe, and to prevent the establishment of free Governments.

The present political state of New Spain requires the most earnest attention of the Government of the United States. There has occurred a project, long since formed, to establish a monarchy in Mexico, on purpose to favor the views of the Holy Alliance in the new world; this is a new reason which ought to determine the President of the United States no longer to delay a measure which will naturally establish an American alliance, capable of counteracting the projects of the European Powers, and of protecting our republican institutions. My Government has entire confidence in the prudence of the President, in his disposition to favor the cause of the liberty and of the independence of South America, and his great experience in the management of public business.

Confined for about three months past to my bed or my chamber by a grievous indisposition, which still gives me very few moments of repose, it has not been in my power to address this communication to you sooner.

I have the honor to remain, with the highest respect and distinguished consideration, sir,

Your most obedient, humble servant,

MANUEL TORRES.

[TRANSLATION.]

Don Manuel Torres to the Secretary of State.

SIR: PHILADELPHIA, *December* 30, 1821.

The General Congress of the Republic of Colombia, in the session of the 6th of September, appointed the liberator and captain general, Simon Bolivar, President of the State, and General Francisco de Paula Santander, Vice President, for the constitutional term of four years; and on the 3d of October they took possession of their respective magistracies, after having taken the oath prescribed by the constitution.

The functions of the executive power devolved, from the 10th of said October, on the Vice President of the State, agreeably to the 158th article of the constitution, in consequence of the Liberator President having taken the command of the armies of the republic.

The Supreme Government has fixed its residence in the city of Bogota, in virtue of a decree of the General Congress of the 8th of the same October; and, by another decree of the Liberator President of the 7th, the Señor Pedro Gaul has been appointed Secretary of State and Foreign Relations of the Government of Colombia.

I communicate this to you, sir, that you may be pleased to communicate it to the President of the United States.

I renew to you, sir, the sentiments of respect and distinguished consideration with which I have the honor to remain, &c.

MANUEL TORRES.

[TRANSLATION.]

Don Manuel Torres to the Secretary of State.

SIR: PHILADELPHIA, *January* 2, 1822.

In the official note which I addressed to you on the 20th of February of the last year, soliciting the recognition of the republic of Colombia on the part of the President of the United States, I represented how important it was to my Government to know the determination of the United States respecting the said demand.

In that which I had the honor to transmit to you dated the 30th of November last, I repeated the substance of that of the 20th of February, and I suggested some additional powerful reasons which urgently required the positive knowledge of the decision of the President of the United States in regard to a question of so much importance to my Government in the present circumstances, for the regulation of its political and commercial relations with other nations.

I ought not to conceal, sir, my pain in being compelled to distract your attention by requesting once more an answer to my former notes. This course, under all circumstances an indispensable duty of my station, has been rendered the more urgent by the negotiations of peace between Colombia and Spain having lost all their importance in consequence of the Peninsular Government tenaciously persisting in its extravagant and unjust pretensions, at the very time of its most absolute incapacity and impotence to invade the territory of the republic, or to prevent the prosperity which its inhabitants now begin to enjoy—a blessing of the independence which they have gained by their arms, and of the liberty which their constitution secures to them.

The present state of my health does not yet permit me to visit the capital; but I shall do so as soon as I can undertake the journey without inconvenience.

Be pleased, sir, to accept the homage of the sentiments of esteem and distinguished consideration with which I have the honor to be, &c.

MANUEL TORRES.

The Secretary of State to Don Manuel Torres.

SIR: DEPARTMENT OF STATE, WASHINGTON, *January* 18, 1822.

In reference to your letters of the 30th of November last and the 2d of this month, I have the honor of informing you that the subject to which they relate is under the consideration of the President of the United States, whose definitive decision concerning it shall, when taken, be forthwith communicated to you. In the mean time, should you receive advices of the surrender of Porto Cabello and the isthmus of Panama, I have to request you would favor me with the information of those events as early as may suit your convenience.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

To the Secretary of State of the United States of America.

SIR: MEXICO, *October* 25, 1821.

The love of my country, the spring of every noble and generous action, induces me to communicate to you, for the information of the President, and for the benefit that may result to the Government and citizens of the United States, the following circumstantial and exact account of the happy revolution that has lately occurred in this kingdom of New Spain, which, by the blessing of God, the intrepidity, talents, and exertions of its patriotic chief, General Don Augustin Iturbide, the enlightened policy of its mother country, and the liberal and philanthropic ideas of its late captain general, Don Juan O'Donojú, has ended in its complete and entire emancipation.

That you may have a clear and distinct view of the subject, be fully impressed with the justice of the cause of this hitherto afflicted and oppressed people, and have also a general idea of the face of the country, its inhabitants, productions, &c., it may not be improper to state that, since its conquest, (which, if my memory serves me, was in the year 1521,) it has been governed by sixty-two viceroys, and innumerable commandant generals, governors, and superintendents of provinces, who, according to general tradition, have been, with very few exceptions, as many merciless and mercenary tyrants, the rapacity and unfeeling barbarity of whom nothing could have withstood for such a length of time but a land enriched by the beautiful hand of nature to a most extraordinary degree, and a people born and brought up, until of late, in all the intolerance of superstition and ignorance, and accustomed from their earliest infancy to the innumerable, and I may say almost incredible impositions of both church and state.

Few foreigners have, perhaps, had an opportunity of seeing as much of the kingdom as myself, having travelled on horseback from the port of Guaymas, on the Gulf of California, to almost every part of Sonora, and afterwards through the provinces and superintendencies of New Biscay, New Galicia, San Luis Potosi, Queretaro, and Mexico, to this city, a distance at least of seven hundred leagues, passing through all the principal cities, visiting the most celebrated mines, and conversing familiarly with all classes of people.

The provinces of Puebla, Mexico, Mechoacan, San Luis Potosi, and Guanajuato, may be termed the central ones, and, of those I have seen, the best watered, most fertile, most productive, and most inhabited; those that border on the Gulf of Mexico are Merida de Yucatan, Oaxaca, Vera Cruz, New Santandero, and Texas; the second, from all accounts, beautiful in the extreme; and the third and last very fertile, but almost entirely uncultivated: those on the Pacific ocean and Gulf of California, New Galicia, Sinaloa, and Sonora, fertile in parts, but very scant of water; and the extensive internal ones of New Leon, New Biscay, and New Mexico, that reach to the latitude of forty-two degrees north, which have for the most part the same defect, and which may be called a general one throughout the kingdom, there being in most parts but little rain, and in no part, excepting Texas, what we would call rivers. Where there is an abundance of water, however, the country is wonderfully fertile, producing in many parts two or three crops a year, and yielding each time four and five hundred for one, with the singular advantage of a diversity of temperature within very short distances, produced by the greater or less elevation of the lands, the centre of the kingdom being from eight to twelve thousand feet above the level of the sea; so that it is not uncommon to see in the same market all the fruits, grains, and other productions of temperate, hot, and cold climates, as is the case in this, and most of the principal cities.

Before the insurrection of the year 1810, the kingdom contained six millions of inhabitants; and it is worthy of remark, that Providence has been no less lavish in the distribution of her gifts as respects mankind, than in the fertility and production of the earth; the natives of this country, not excepting even the Indians, being endowed with a quickness of perception and ability to acquire and make themselves masters of the arts and sciences that is very

notable, and far exceeds that of the inhabitants of Old Spain, and perhaps many other countries. At the above-mentioned period, the kingdom may be said to have been at its acme of prosperity; the royal revenue exceeding $20,000,000, and the money coined at the mint of this city upwards of $28,000,000 annually; it has, however, ever since been on the decline, in consequence of the devastations committed by both parties in the long and cruel war carried on between the Europeans and Americans, so that the population cannot now be computed at more than four millions, the revenue at more than half of what it was, and the money coined yearly at from 5,000,000 to $8,000,000; this year it will probably not exceed $4,000,000.

I have been informed that a very correct history of this insurrection, up to the unfortunate expedition of General Mina, has been written by a Mr. Robinson, and published in Philadelphia; it is useless, therefore, to say more on the subject than that its commencement was undoubtedly caused by the abuses daily committed in all branches of the Government in this kingdom, by the disorder in which Spain was thrown in consequence of the invasion of the French, and by the imprudent measures adopted in this city, one of which was the arrest of the Viceroy Iturigaray, and many of its principal American inhabitants. It is also worthy of remark that, in proportion as it was prolonged, the evils increased, and its symptoms became more malignant; the various incidents of the struggle, imbruing its character with blood, produced other passions, and among them those of rancor and hatred, which, irritated and inflamed by the inconsideration, imprudence, and want of policy on both sides, divided the kingdom into two parties, the Europeans and Americans, whose respective opinions formed essentially the war that destroyed both.

Among those that contributed most to quell the insurrection was the before-mentioned General Don Augustin Iturbide, then colonel of the regiment of Celaya, and native of the city of Valladolid, in the province of Mechoacan. Born of European parents, and animated by a mistaken zeal, he was induced to embrace the royal cause, and, with a fervor and impetuosity peculiar to his character, committed many arbitrary and violent acts, that in a great degree tarnished what would otherwise have been deemed brilliant achievements, and over which it is necessary to draw a veil, his subsequent conduct having entirely effaced them from the memory even of those most aggrieved. Indeed, it would appear that a sense of the injustice he had committed, an innate conviction of the impropriety of adhering to the party he had espoused, and a remorse of conscience, were the principal causes of the change in his political sentiments; for we see him all at once assuming a different character, and at a moment when his sovereign had heaped upon him innumerable honors.

The impossibility of re-establishing peace and quietness in the kingdom by the force of arms was fully ascertained during the viceroyalty of the Captain Generals Venegas and Calleja, of whom it may be said that they rather dispersed than conquered the Americans, the country being in a complete state of revolt, and full of chieftains that commanded from three to six hundred, and even a thousand men each, and bands of robbers that infested the highways in September, 1816, when the Viceroy Apodaca arrived. To this disinterested, good, and virtuous man is due the pacification of the kingdom; his penetration, skill, and humanity having suggested to him the propriety of laying aside the arms that had hitherto been in use, and of winning the affections of the people by means of persuasion, pardons, and premiums, who, without general officers, money, or any immediate expectation of establishing the liberty of their country, and weary of the wandering and wretched life they had so long endured, embraced readily the opportunity that presented of returning to the bosoms of their families. No sooner was the plan adopted than its wisdom became palpable; entire towns and districts yielding to the solicitations of the agents appointed by the Government for carrying it into execution, so that at the end of two years all was tranquillity, and you could travel in every direction without escort of arms, except that of Acapulco, between which and this city the chieftains Guerrero, Asensio, and a Colonel Bradburn, of Virginia, that came with General Mina, with about fifteen hundred men, had taken refuge, and fortified an almost inaccessible mountain, from whence they made predatory excursions. To reduce these to obedience was the ultimate object and wish of the Government; and, with this view, General Iturbide was invested with the important military command of the department of the south, that contained about three thousand veteran troops, and had its head-quarters in the town of Iguala, distant about thirty leagues from this city, on the direct road to Acapulco. It is proper to mention here that, a few months previous to his nomination, news had been received of the regeneration of Old Spain, and of the establishment of the constitution in that country—a circumstance that created great alarm in this among the clergy and friars; the lower class of people were also taught to believe that the planting of it here would be attended with the entire destruction of their long-established form of religion.

The viceroy, (Apodaca,) who was now graced with the title of "Conde del Venadito," was also opposed to the new system, and discovered so much reluctance in the change of his measures, that his unwillingness and tardy mode of proceeding became evident to all, and gave occasion to many just and violent complaints that were made by its admirers, who publicly accused him of its infraction; while the American writers, taking advantage of the liberty of the press, and the confused and unsettled state of public opinion, called aloud for independence as the only certain remedy for the numerous evils that surrounded them.

The crisis was too important and obvious to escape the penetration of our hero, Iturbide, who was also instigated to an immediate execution of the plan he had, in consequence, formed, of liberating his country forever from its thraldom, by the mutiny of several of the officers of the regiment of the "four military orders," that had before given many unequivocal proofs of disaffection and insubordination, which was supposed to extend to the soldiers of that corps, and by the departure of a convoy for Acapulco with near a million of dollars, that was intended to be embarked in a ship bound to Manilla, that he resolved on detaining. He immediately, therefore, concerted his measures with the clergy and friars, and, with the specious pretext of upholding them in their privileges and immunities, secured their favor and protection. He also communicated his design to such of the governors of the provinces as he thought likely to aid him in the execution of it, and, on his arrival in Iguala, persuaded a great part of the troops under his command to join him in the undertaking, in the belief that the Government secretly favored it—a circumstance that they at first readily gave credit to, from their knowledge of the anti-constitutional sentiments of its leading members, but in which they were soon after undeceived, and, in consequence, not more than a thousand remained faithful of those that espoused his party. The design was also made known to Guerrero, Asensio, and Bradburn, who pledged themselves to support him in the enterprise; and, thus prepared, he openly declared the independence of the kingdom, swearing it in the most solemn manner at the head of his army, in the said town of Iguala, on the 24th day of February last, seizing, at the same time, and appropriating to the use of the nation, the treasure destined for the Manilla ship.

His next step was to form a plan for the installation of the new Government, (a copy of which I enclose,) and to give to his army the style and title of the "army of the three guarantees," from the protection it was to afford to the Catholic religion, to the independence of the kingdom, and to the indissoluble union between the Europeans and Americans. A copy of the plan was immediately sent by him to the viceroy, with a letter, stating all that had passed, explaining his motives for having formed and adopted the new system; inviting him and the Government to aid and assist in its establishment; and, finally, naming the said viceroy, the "Conde de Cortina," and the president of the royal audience, the members that were to compose the regency, reserving to himself the command that he had assumed of the national army.

The viceroy, had he been left to himself, would, I believe, have assented to the proposal, from the vehement desire he has ever manifested to avoid the effusion of blood, and the miseries concomitant to a renewal of the war, as well as from the conviction that the plan and policy adopted by Iturbide could not fail to gain him innumerable friends, and to enable him, finally, to accomplish his views. It was necessary, however, to call to his counsel the members of the various tribunals of which the Government was composed, as well as the principal military officers, all of whom, counting on the versatility that had been conspicuous in the American character up to that period, resolved, unanimously, to maintain the then existing Government, in the belief that the few troops that had adhered to Iturbide would leave him the instant the royal army should approach Iguala.

The old favorite system of blood and murder was also upheld; but to this the viceroy would not consent, and an amnesty was offered to all, not excepting Iturbide. The Field Marshal Linan was named commander-in-chief, and a numerous staff and army was committed to his charge. He was, however, so slow in his motions, that a detachment of troops sent by Iturbide had taken possession of the town and castle of Acapulco, and he himself, and the remainder, were on their march in the direction of Valladolid before the army of Linan moved from its cantonment in the neighborhood of this city.

The cry of independence was no sooner raised in Iguala than it spread in all parts, and an army was formed in the provinces of Puebla and Vera Cruz, by the Colonels Herrera, Bravo, and Santa Ana, that took possession of the cities of Orizaba, Cordova, and Xalapa; which was a most important conquest, the two former being the depots of the Government tobacco, of which a prodigious quantity fell into the hands of the Independents, with a large sum in specie—circumstances that were attended with the double advantage of being a powerful succor to them, and an irreparable loss to the Government, which counted on the remission to, and sale of, the tobacco in Mexico as its principal means of supporting the war.

In this state of things, it was resolved to divide the Government army into three divisions: one of which, under the command of Colonel Margues, was to retake Acapulco; another, commanded by Colonel Hebia, to march against the cities of Orizaba, Cordova, and Xalapa; and the third to return for the defence of this capital, on the supposition that Iturbide might suddenly change his route, and take the city by surprise. It, however, soon appeared that his intention was very different, and that his object was to pass Valladolid, and unite with a Colonel Bustamente, of San Luis Potosi, who had risen at this critical period, and proceeded against the city of Guanajuato with a considerable part of his regiment of dragoons, declaring independence in all the cities and towns in the Bajio, the inhabitants of which received him with open arms. On arriving at Guanajuato, it also surrendered to him; and, as he was joined by the garrisons of the several places he passed through, Iturbide, on meeting him, found himself at the head of an army of five thousand men, including the divisions of Colonel Barragan and Major Parres, that left Valladolid with what troops they could seduce, as soon as they knew of his intention to pass that way. With this respectable force it was determined to attack that city, which was the best fortified of any in the kingdom, and had a garrison of seventeen hundred men. It however made no defence, and its commandant, Colonel Quintanar, and all but about six hundred of the troops, went over to Iturbide.

At Guanajuato, where is one of the richest minerals in the kingdom, a mint was established, that proved afterwards very serviceable to the Independents, and injurious to the royal party; the silver from all the neighboring mines taking the direction of that city instead of Mexico.

Acapulco remained but a short time in possession of the Independents, the castle having capitulated before the arrival of the division of Colonel Margues to two Spanish frigates that accidentally arrived there from Panama. San Juan del Rio, a fortified town between this city and Queretaro, was next invested; the siege, however, lasted but a few days; the greater part of the garrison, being Americans, deserted, and joined the Independents, obliging the few that remained to capitulate.

The division of Colonel Hebia that had marched, as before stated, against the cities of Orizaba, Cordova, and Xalapa, surprised Colonel Bravo, with about fifteen hundred Independents, in the town of Tepeaca, about nine leagues from Puebla, who, unprepared for action, retired with his troops to a large convent of the order of San Francisco, that was constructed by Hernando Cortez, soon after the conquest, in the form of a fortress, to serve as a place of refuge for him and his followers in the event of any sudden emergency. Hebia had with him his own regiment of "Castile," and other European troops, that equalled in number those of Bravo. A field-piece was, however, necessary to make a breach in the wall of the convent, and, to obtain this, he sent immediately to Puebla, asking, at the same time, for a reinforcement of five hundred men, that the success of the action might be placed beyond all doubt. Bravo, suspecting his intention, resolved on a sortie, with the determination to cut his way and escape, as Iturbide had given positive orders to all his officers to avoid the effusion of blood, and to act solely on the defensive, from the double motive of conciliating the enemy and avoiding the butchery of his countrymen; sensible where one European should be killed, four or five Americans would fall, the number of the latter in the King's service exceeding greatly that of the former. In the first and second attempts he made, he was unsuccessful; the third, however, proved more fortunate, and he got off with the loss of fifty or sixty men, killing as many of those that were opposed to him.

This was the first action that had occurred, and the result proved highly important to the independent cause; the gallant conduct of their troops inspiring a universal confidence, animating their companions in arms throughout the kingdom to a singular and unexpected degree, and demonstrating to the political and military officers of the Government of Mexico that they had to contend with a brave and determined enemy.

Disappointed and chagrined at the result of the action, and undeceived as to the sort of troops he had to deal with, Hebia proceeded on his march to Cordova, where he was killed in the first assault, and his army obliged to retire from the siege by Colonel Herrera, and the valiant troops that defended the city. While these scenes of glory were achieving in the provinces of Puebla and Vera Cruz, the siege of the city of Queretaro, one of the most beautiful in the kingdom, and the third in rank as respects size, opulence, and commerce, was pushed with much vigor by Iturbide in person. Its garrison was composed of nine hundred Europeans, draughted from various regiments, and about six hundred Americans, all under the command of Brigadier General Loaces, a native of the kingdom of Peru, colonel of the regiment of Saragossa, and a brave and experienced officer. He had determined to make a vigorous and desperate defence; and, as the fate of the kingdom depended in a great measure on that of this city, the Government resolved to abandon that of San Luis Potosi, and to succor Queretaro with the European regiment of Zamora that was stationed there. The order to this effect was no sooner despatched than Iturbide knew of it, and concerted measures to surprise the troops on their march, which were so well executed that they found themselves surrounded when they least expected it by a body of three times their number, and compelled to surrender at discretion. This happy occurrence for the Independents was a deathblow to the Government, who found itself at once deprived of the important capital and province of San Luis Potosi, that were immediately occupied by the Independents, and without the means of contributing to the relief of Queretaro, which capitulated shortly after; the American part of the garrison joining Iturbide, as usual, and the Europeans going on parole to Celaya, until such time as they could be transported to the Havana. These troops, to their eternal disgrace, proposed afterwards to their

colonel to rise and march to Mexico; but he, like a man of honor, sent the letter to Iturbide, who immediately ordered them to be disarmed and dispersed.

The next action of any importance was in the neighborhood of Toluca, fourteen leagues from the city, between the regiment of Fernando VII., commanded by Colonel Castillo, and a body of the Independents of an equal number, under the orders of Colonel Filisola, which was indecisive, both parties claiming the victory, after an obstinate battle, in which more than two hundred were left dead on the field, and the Independents in possession of two cannon, that their opponents were obliged to abandon.

At this period, General Negrete, commander of the troops in the province of Guadalaxara, rose with the whole of his army, obliged the commandant, General Don José de la Cruz, to fly from the capital of that name, where, and in all other parts of the province, independence was sworn; the commerce of the port of San Blas was also declared free to all nations. Cruz took the road leading to the internal provinces, with the intention, it was said, of uniting with Brigadier Don Joaquin Arredondo, commandant general of the eastern provinces, of raising an army in union with him, and of returning, either to reconquer his own province, or to the aid of that of Mexico. Arredondo had, however, already caused independence to be sworn throughout his district, and, on hearing this, Cruz made a halt in the city of Zacatecas, but, being pursued by Negrete, fled to Durango, the capital of the province of New Biscay, carrying with him a large sum in specie that he found in the treasury at Zacatecas, which city soon after surrendered to a detachment that was sent against it by the commandant of San Luis Potosi.

On the death of Hebia, the command of the regiment of Castile devolved on Lieutenant Colonel Luna, who, on the fall of Queretaro, was ordered to return to Mexico by forced marches, in the expectation that Iturbide would now attack the capital. Similar orders were also sent to Colonel Margues, in whose division was a principal part of the insubordinate regiment of the "four military orders." The male inhabitants of Mexico, from the age of sixteen to fifty, were also ordered to enrol themselves in the militia, without exception or distinction of persons, and every possible precaution was taken to prevent a surprise and maintain the city until such time as an answer should be received to despatches that had been sent to Spain, or troops should arrive that were expected from the Havana.

All this, however, was not sufficient to allay the rancor that a certain part of the community had conceived against the viceroy, nor to convince them of his upright intentions, or extinguish the sparks of insubordination I have already hinted at in some of the European troops, which, from the first, was more immediately directed at his person than at the Government. A report was, therefore, industriously circulated that he was in secret correspondence with Iturbide, and that there was no real intention to defend the city, notwithstanding the preparations that were ostensibly making for its protection: the whole a prelude to the scandalous revolution of the 5th of July, which had for its object the arrest of that most excellent man, and, without doubt, was accomplished by dint of money paid by the merchants to the officers that took part in the affray, who had the temerity to secure the persons of their colonels and other principal military men opposed to their project, to assault the palace and make a prisoner of the viceroy, and afterwards the audacity to place against its gates and the corners of the principal streets, for the information of the public, who were so many witnesses of their atrocity, a paper setting forth that he had of his own accord, and at the respectful petition of the officers of the European regiments, delivered the political and military command of the kingdom to Field Marshal Don Francisco Novella, the person they had pitched upon as the leader of the faction.

This gentleman had under his command the various corps of artillery and engineers that existed in the kingdom; and as his education and occupation until now had been altogether confined to that line, you will readily imagine him entirely unfit for the discharge of the arduous and complicated duties of viceroy of these extensive provinces.

Indeed, he himself was sensible of his incompetency, and very prudently declined the offer; as unsuitable, however, as he was, there was no other person they could avail themselves of that was less so, and the same necessity that compelled them to name him obliged him to accept the appointment. From a Government constituted by the insubordination of a few soldiers that had the vanity to compare their iniquitous conduct with the noble enthusiasm of the Spanish nation, which, tired of obeying tyrants that abused the goodness of their monarch, rose in a mass to recover the rights of which they had unjustly been deprived, no good was to be expected; and we see it employed from its very commencement in destroying the constitutional regimen, of which it did not leave a vestige, and in substituting the most arbitrary and tyrannical system that it is possible to imagine; all of which was fomented and sanctioned by a body that Novella had created, with the denomination of the "Junta Consultiva," composed of a few individuals who had contributed with their money to place the power in his hands, were furious at seeing approach the expiration of their authority, and with sentiments diametrically opposed to the system of liberality and philanthropy at present predominant.

At the time these scenes of horror were transacting in the capital, and to which I myself had like to have been a victim, notwithstanding the great prudence I observed in my deportment, a bloody occurrence took place in Vera Cruz in consequence of the storming of that city by a party of troops commanded by an inconsiderate but brave young officer named Santa Ana, who scaled the walls and got complete possession of the town, but was afterwards obliged to retire with great loss, his soldiers having abandoned their arms with a view to plunder, and the inhabitants setting upon them when in that defenceless state.

The city of Puebla de los Angeles, the largest in the kingdom except Mexico, next attracted the attention of General Iturbide, in front of which was a large army of Independents composed of the divisions of the Conde de la Cadena, Herrera, Bravo, Filisola, and others, that only awaited the orders of their general to make the attack, and to prevent which, and the loss of many valuable lives, he went in person, preferring, in all cases, the plan he had from the first adopted of reducing his enemies by means of persuasion and negotiation rather than by force of arms. The fate of Puebla was all-important to the Government in the critical situation in which it found itself, being one of the chain of fortified towns that connect Mexico with Vera Cruz, to which port it had resolved to retire with the European part of the army and inhabitants, in the event of not being able to sustain itself in the capital. Puebla was, therefore, well garrisoned, served with an excellent park of artillery, and defended with many cannon of a large calibre, so that its commander-in-chief, Brigadier Don Ciriaco Llano, the Marquis de Vivanco, and other experienced officers stationed there, had, until the last, sanguine hopes of being able to defend it. Iturbide, however, called to his assistance a part of the army he had left in Queretaro, and surrounded the city with so many troops that resistance would have been nothing short of an act of madness; it therefore capitulated.

On the surrender of Puebla, the army of Iturbide, which had now augmented to the number of about eighteen thousand, and which was composed entirely of veteran troops that had been disciplined in the King's service, and had gone over to him clandestinely, or joined him on the fall of the various cities he had conquered, received orders to march in separate columns to different towns in the neighborhood of Mexico, with the intention of manifesting to the Government of that city the folly of any further resistance. It was, however, entirely in vain that the general had adopted this prudent measure; in vain that one or two praiseworthy citizens had ventured to reason on the subject with Señor Novella; and in vain that he was assured he could not rely on more than one-third part of the troops that composed the garrison. War! war! was the cry of him and his Junta Consultiva, and the motto they wore on their hats, and that worn by all their officers and troops, was, "*Vivir y morir fieles y utiles.*"

Iturbide, after having rested a few days in Puebla, and partaken of the effusion of gratitude manifested towards him by the good people of that city, was on the point of leaving it, with the intention of fixing his head-quarters near the town of Chalco, and directing from thence the attack that was to have been made on Mexico, when he received a letter from Lieutenant General Don Juan O'Donojú, who had recently arrived at Vera Cruz, informing him that he had been named by the King of Spain captain general and political chief of the kingdom, and had accepted the appointment at the solicitation of his friends, the representatives of America in the Cortes of Spain; that he had risked his health and life, and sacrificed his convenience, at a period when he intended to retire from the public service, without any other desire than that of acquiring the love and esteem of the people of New Spain, and without other sentiments than those of tranquillizing the disastrous inquietude that reigned in the kingdom—not by consolidating or perpetuating the despotism that existed, or prolonging the colonial dependence, or falling into the errors or imitating the defects of many of his predecessors in supporting a system of government, the tyranny and injustice of which arose from the barbarity of the age in which it was established, but by reforming the ideas of the misled, calming the passions of the exasperated, and pointing out to the people generally the mode of obtaining with security, and without the horrible sacrifice they were making, the happiness which the illustration of the era in which they lived had induced them to seek after, and which no rational person could disapprove. He also required Iturbide to appoint a place at which they could have an interview, and realize the sincere and ardent desire he had to prevent the evils and misfortunes inseparable to a state of hostility, until such time as the treaty they might conclude, founded on the basis of the plan published in Iguala, should be ratified by the King and Cortes.

What a blow was this to the existing Government of Mexico, and to those that preceded it since the year 1810! what a contrast to their iniquitous and shameful mode of proceeding! The wise and beneficent O'Donojú, reading the public papers of the Independents, applauding the enterprise of their hero Iturbide, confirming his ideas, commending his virtues, and desiring his friendship, as he does in the conclusion of his letter; while the intrusive Novella and his Junta Consultiva, in imitation of their barbarous predecessors, Vanegas and Calleja, were persecuting with unrelenting fury, and almost to death itself, those that communicated with the Independents, or in whose possession should be found any of their seditious writings; proscribing the chiefs of the revolution, and heaping upon them every species of reproach and ignominy!

But the scene had changed; the star of liberty that rose in our own country had happily spread its influence in the more eastern and western hemispheres, and displayed to the world the criminal conduct of the Caligulas and Neros that had for such a length of time dishonored Spain and abused human nature.

This letter of O'Donojú, with another that he wrote to Sr. Novella, was sent by Iturbide to the Mexican Government, accompanied with a proposal for the suspension of arms until such times as the definitive treaty should be signed in Cordova, the city named by Iturbide as the point of conference. Novella would, however, hear nothing of the sort, and the letters were declared spurious, notwithstanding that Sr. Alcocer, a venerable curate of this city, who had been intimately acquainted with O'Donojú in Spain, proved to the Junta the identity of the signatures, by showing others that he had in his possession; which contumacy on the part of Novella exasperated Iturbide so much that he set off for Cordova, leaving orders with his generals for the immediate occupation of the towns of Tacuba, Tacubaya, Azcapuzalco, and Guadalupe, neither of which was distant more than half a league from Mexico, and all of them in possession of the European troops.

This was an unexpected circumstance to Novella and the Junta, who had the folly and vanity to suppose they could frighten the Independents from the execution of their plan by means of the silly proclamations they almost daily issued, in which they affected to despise their number, challenged them openly to commence the attack, and declared the Generals Luaces and Llano traitors to their King and country for having surrendered the cities of Queretaro and Puebla. The heroes of Tepeaca, Cordova, and Toluca were, however, not so easily scared, and a column of fifteen hundred men sent by Colonel Bustamente against Azcapuzalco presented to the inhabitants of Mexico the sight of a most bloody and desperate action that took place between them and an equal number of the regiments of Castile and military orders that composed the garrison of Azcapuzalco, the result of which was at least six hundred killed and wounded, and the abandonment of the town by the Europeans. A few days after, an attempt was made to dislodge the Europeans that were stationed in Guadalupe, by means of cannon placed on a neighboring hill; and while this operation was carrying on by a part of the Independents, and others were taking possession of Tacuba and Tacubaya, from both of which towns the Europeans had retired, an aid-de-camp arrived with a copy of the treaty of Cordova, concluded between General O'Donojú and Iturbide, and an order from the former to Sr. Novella, commanding him to obey him as captain general of the kingdom, to cause him to be recognised as such by the troops, to cease all hostilities from the instant he should receive the order, and to adopt measures for the evacuation of the city. This peremptory mandate on one side, and the near approach of the Independents on the other, placed Novella, the Junta, and their European troops in an awkward predicament; inasmuch as, if they obeyed the order, they would be subject to arrest and trial for the scandalous imprisonment of the late viceroy; and if they refused compliance, to be treated as rebels against the King's authority: their object, therefore, was to shelter themselves from the punishment they had justly deserved in the best manner they could. And, with this view, although they were perfectly convinced of the presence of O'Donojú in the kingdom, and of the reality of the treaty signed in Cordova, they nevertheless affected to doubt the truth of one and the other, alleging that all might be a stratagem of Iturbide; and on this frivolous pretext refused to evacuate the city. On the deposition of the Conde del Venadito, the Junta Provincial Ayuntamiento, and other bodies corporate, hesitated to acknowledge the authority of Novella, but were obliged to do so eventually, from the fear of the bayonets he had at his command.

Now, however, that they were surrounded by the Independents, and backed by O'Donojú, they openly protested against his proceedings, and, in consequence, he was obliged to ask for an armistice, and compelled to send one of the Junta Consultiva to Puebla to ascertain, as he said, the identity of the captain general. This envoy, who had hitherto been one of the most strenuous supporters of the measures of Novella, and one of the most active members of the Junta, received such a fright from the lecture O'Donojú gave him, that he immediately returned, explained fully to Novella all that had passed, and forever afterwards ceased to meddle in the matters at issue. Novella was also inclined to succumb, and would have renounced his employ, had it not been for fear of the troops; he having lost all authority, and they having usurped the command, so that the city was in the utmost anarchy and confusion, and dreading at every instant a general massacre and pillage, with which it had been threatened daily for near a month, and which would most assuredly have succeeded had it not been for the proximity and number of the Independent army, that cut off all possibility of escape for the European troops, whose idea was to commit all sorts of enormity, rob what they could, and take the road for Vera Cruz.

Things had got to that pass that it was impossible to confide in a servant, and dangerous to do so in a friend; every thing like social intercourse was at an end; those that could with any sort of convenience leave the city, fled: and those that were obliged to remain, sought security in their houses; so that, in this once populous metropolis, there was scarce a soul to be seen. In this state of things, the Generals O'Donojú and Iturbide arrived at Tacubaya, and the former had an interview with Sr. Novella, in the course of which he gave him to understand the

impropriety of his conduct in resisting the legitimate authority as long as he did, the impossibility of defending the city, and the certainty of the massacre of the Europeans, should it be taken by assault; remonstrated with him respecting the insubordination of the troops, pointed out to him the illegality of their conduct, and enjoined him to prevent the effusion of blood, by exercising the little influence he had with the subaltern officers and soldiers, in the understanding that he would not take upon him to scrutinize their conduct in the arrest of the late viceroy, but leave them to exculpate themselves in the best way they could on arriving in Spain. The following day news was received of the surrender of the city of Durango and General Cruz to General Negrete, after an obstinate resistance, in the course of which many lives were lost, and the declaration of independence in the western internal provinces, under the command of Field Marshal Alexo Garcia Conde; so that if the soldiers of Novella had before any hope, it now entirely disappeared, and, in order to avoid a disgraceful capitulation, were obliged to acknowledge the supremacy of General O'Donojú, obey his orders by evacuating the city, and march to that of Toluca, there to wait until it was convenient for them to embark.

To complete the independence of the kingdom, there was now wanting the declaration of the province of Merida de Yucatan, which followed almost immediately the surrender of Acapulco, the castle of Perote, and Vera Cruz; the two former of which capitulated soon after, and the latter has, without doubt, ere this followed their example, advice having been received yesterday by the Government that it was on the eve of surrendering. The province of Guatemala, which has always been a separate viceroyalty from that of Mexico, was also sensible of the general impulse, and, desirous of becoming an integral part of the Mexican empire, has likewise sworn independence, which, without doubt, will extend to its neighboring provinces, Honduras, Nicaragua, Costa Rica, and Veragua, so that we may from this instant consider North America, with the exception of Canada, as divided into two grand and important commonwealths, that may, with the aid of those that are forming in South America, be able, in the course of time, to give the law to the opposite continent.

I am very far from believing myself possessed of the qualities necessary to treat with the energy and exactness that it merits a subject of the importance of that on which I have ventured to write, and certainly should not have had the temerity to have touched upon it, had it not been for the particular situation in which I found myself, an eye-witness of all that passed, and from the conviction I have ever been under, that each individual is bound to contribute towards the good of his country to the utmost of his ability, be it great or small. With this view, therefore, I shall, now that I have finished my narrative, take the liberty to add a few remarks, and to say, in the first place, that the revolution which I have attempted to describe is not one of those that have been accomplished by means of unbridled passions, cruelty, rancor, or revenge, but, on the contrary, has, from its commencement, been accompanied with brotherly love, patriotism, disinterestedness, truth, and good faith; so that the more I reflect on its origin and progress, the more is my admiration excited, and the more am I tempted to exclaim that America has produced two of the greatest heroes that ever existed—*Washington* and *Iturbide*. Secondly, that the new Government is established on a sure and solid foundation, the people being highly delighted with it, and the subordinate chiefs, officers, and soldiers having one and all implicitly followed the example of moderation set them by their magnanimous leader, who, to obviate strife, envy, and emulation, has absolutely refused the crown, and insisted that the Emperor shall come from Spain, as he first proposed in the town of Iguala. Indeed, the plan there published has been adhered to with the most religious scrupulosity, except the slight variations made in it by the treaty of Cordova, at the suggestion of General O'Donojú; and the empire is, in consequence, governed by a regency of five of its most distinguished and enlightened statesmen, who have elected General Iturbide President, and appointed him commander-in-chief of the land and sea forces, and by a convention of thirty-six of the principal personages in the empire, as respects talents, rank, and riches. The independence is to be sworn in this city on the 27th instant, and the Cortes are to meet on the 24th of February next, the anniversary of the declaration in Iguala. In the mean time, the convention will be employed in enacting the most salutary decrees; and among those already passed is one declaring the commerce of this empire free to all nations; another, doing away all the arbitrary taxes, impositions, and excises imposed by the former Government; a third, reducing the duties from sixteen to six per cent.; a fourth, for the encouragement of the miners, relinquishing to them the quota of silver formerly paid to the King, with other imposts that amounted to seventeen per cent.; so that many poor minerals that could not be worked before, can now be used to advantage; and a fifth, recognising and making the new Government responsible for the debt contracted by the old one, of thirty-six millions of dollars.

That there is a strong bias in the minds of the people of this country in favor of the Government and citizens of the United States in preference to all other nations, is beyond a doubt; and that the convention, of which four-fifths are native Americans, and the Regency, which is composed entirely of them, are actuated with the same sentiments, is also certain. On this subject I have had various conferences with the leading members of the administration, whose sentiments will be fully explained to you shortly by Don Juan Manuel de Elizalda, the minister plenipotentiary that is already named, and now preparing to go to Washington, where I have no doubt he will be received and acknowledged as the representative of a free and independent nation; the Mexican empire being so at this time to all intents and purposes, in the first place, by the unanimous wish and consent, power and authority, of its inhabitants; and, secondly, by the treaty signed at Cordova, between the Generals O'Donojú and Iturbide, the deputed agents of Spain and this empire.

Your most obedient, humble servant,

JAMES SMITH WILCOCKS.

[TRANSLATION.]

Treaties concluded in the city of Cordova, on the 24th instant, between the Señors D. Juan O'Donojú, Lieutenant General of the armies of Spain, and D. Augustin de Iturbide, First Chief of the Imperial Mexican Army of the Three Guarantees.

The independence of New upon Old Spain being declared, and it having an army capable of supporting this declaration, the provinces of the kingdom being subdued by it, the capital, where the legitimate authority had been deposited, being besieged, and when there only remained for the European Government the fortresses of Vera Cruz and Acapulco, dismantled and without the means of resisting a siege well directed and which would last some time, Lieutenant General D. Juan O'Donojú arrived at the first port with the character and authority of captain general and superior political chief of this kingdom, appointed by His Catholic Majesty, who, being desirous of avoiding the evils which afflict the people in vicissitudes of this sort, and trying to conciliate the interests of both Spains, invited the first chief of the imperial army, D. Augustin de Iturbide, to an interview, in which they might discuss the great business of the independence, by loosening without breaking the chains which united the two continents. The interview took place in the city of Cordova, on the 24th of August, 1821; and the first with the authority of his character, and the latter with that of the Mexican empire, after having conferred at length on what was most

proper for both nations, considering the present situation and the last occurrences, agreed upon the following articles, which they signed by duplicates, to give them all the force of which documents of this sort are capable, each one keeping an original in his possession for the greater security and validity:

1. This America shall be recognised as a sovereign and independent nation, and shall in future be called the Mexican Empire.

2. The Government of the empire shall be a constitutional limited monarchy.

3. There shall be named, to reign in the Mexican empire, (after the oath which the fourth article of the plan points out,) in the first place, the Señor D. Ferdinand VII., Catholic King of Spain, and, upon his renunciation or non-admission, his brother, the Most Serene Señor Infant D. Carlos; upon his renunciation or non-admission, the Most Serene Señor Infant D. Francisco de Paula; upon his renunciation or non-admission, the Most Serene Señor D. Carlos Luis, Infant of Spain, formerly heir of Etruria, now of Lucca; and upon his renunciation or non-admission, he whom the Cortes of the empire shall designate.

4. The Emperor shall fix his court in Mexico, which shall be the capital of the empire.

5. Two commissioners shall be appointed by his excellency General O'Donojú, who shall go to the court of Spain to place in the royal hands of Señor D. Ferdinand VII. a copy of this treaty, and the exposition which shall accompany it, for the service of His Majesty first, whilst the Cortes of the empire offer him the crown, with all the formalities and guaranties which a business of so much importance demands; and entreat His Majesty that in the case of the third article he deign to notify their Serene Highnesses the Infants, mentioned in same article, in the order in which they are named; interposing his benign influence that one of those personages designated from his august house may come to this empire, inasmuch as the prosperity of both nations is concerned in it; and for the satisfaction which the Mexicans will receive in adding this to the other bonds of friendship with which Spaniards can and desire to be united.

6. There shall be immediately appointed, according to the spirit of the plan of Iguala, a Junta composed of the first men of the empire for their virtues, for their stations, for their fortunes, authority, and judgment, of those who are designated by the general opinion, the number of whom may be very considerable, that the union of lights may insure the success of their determinations, which are emanations of the authority and powers which the following articles grant them.

7. The Junta, of which the following article treats, shall be named the Provisional Junta of Government.

8. Lieutenant General D. Juan O'Donojú shall be one of the Provisional Junta of Government, in consideration of the convenience of a person of his rank taking an active and immediate part in the Government, and from its being indispensable to admit some of those who were designated in the said plan, in conformity with its very spirit.

9. The Provisional Junta of Government shall have a President appointed by itself, and whose election shall take place in one of its own members or not, who shall have an absolute plurality of votes; and if an election does not take effect at the first voting, they shall proceed to a second scrutiny, beginning with the two who may have together most votes.

10. The first step of the Provisional Junta of Government shall be, to publish its installation, and the motives which unite it, with the explanations which it may consider proper, to illustrate to the people their interests, and the mode of proceeding in the election of deputies to the Cortes, of which mention shall be made hereafter.

11. The Provisional Junta of Government shall appoint, after the election of its President, a Regency, composed of three persons, either of its own members or otherwise, in which shall be vested the executive power, and which shall govern in the name of the monarch, until he shall take the sceptre of the empire.

12. The Provisional Junta, being installed, shall govern provisionally according to the existing laws, in every thing not opposed to the plan of Iguala, and until the Cortes form the constitution of the state.

13. The Regency, immediately after being appointed, shall proceed to the convocation of the Cortes, agreeably to the method which the Provisional Junta of Government may determine, in conformity to the spirit of the twenty-fourth article of the said plan.

14. The executive power is vested in the Regency, the legislative in the Cortes; but as it has happened for some time before that they were united, that both may not again fall under one authority, the Junta shall exercise the legislative power, first in the cases which may occur, and which cannot await the meeting of the Cortes; and then shall proceed in accordance with the Regency: secondly, to serve as an auxiliary and consultive body to the Regency in its determinations.

15. Every person who belongs to a society, the system of government being changed, or the country passing into the power of another prince, remains in the state of natural liberty to transport himself, with his fortune, to what place he pleases, without there being any right to deprive him of this liberty, (unless he shall have contracted some debt with the society to which he belonged, by crime, or in other ways known to publicists:) in this case Europeans are admitted into New Spain, and the Americans resident in the Peninsula; consequently, they shall be free to remain, adopting this or that country; or to demand their passports, which cannot be refused to them, for removing from the realm in the time prefixed, bringing or carrying with them their families and effects, but satisfying, at the departure of the last, the established duties of exportation, or which may hereafter be established by competent authority.

16. The former alternative shall not have place with respect to public officers or military men who are notoriously disaffected to the independence of Mexico; but these shall of necessity quit this empire within the term which the Regency may prescribe, carrying away their property, and paying the duties mentioned in the preceding article.

17. The occupation of the capital by the troops of the Peninsula being an obstacle to the realizing of this treaty, it becomes indispensable to overcome it; but, as the first chief of the imperial army, uniting his sentiments to those of the Mexican nation, is desirous not to take it by force, because there are abundant resources, notwithstanding the valor and constancy of the said Peninsular troops, for the want of means and ability to support themselves against the system adopted by the whole nation, Don Juan O'Donojú offers to use his authority that the said troops may complete their departure without the effusion of blood, and by an honorable capitulation.—City of Cordova, 24th of August, 1821.

AUGUSTIN DE ITURBIDE.
JUAN O'DONOJU.

A faithful copy of the original:

JOSE DOMINGUEZ.

A faithful copy of the original which remains in this commandancy general:

JOSE JOAQUIN DE HERRERA,
THOMAS ILLANEZ, *as Assistant Secretary.*

[TRANSLATION.]

Decree of the Regency of Mexico.

The Regency of the empire has been pleased to address to me the following decree:

The Regency of the empire, provisional governor in absence of the Emperor, to all who shall see or hear these presents: Know ye, that the Sovereign Junta of Provisional Government has decreed as follows:

" In consequence of the desire expressed in the official letter of the 23d of October last, by his excellency D. Augustin de Iturbide, that this Sovereign Junta would be pleased to determine the powers and duties belonging to him as admiral generalissimo, for the laudable purpose of not exceeding in the former, nor coming short in the latter, His Majesty has thought fit to declare that the prerogatives, powers, and honors, designated in the fifteen following articles, belong exclusively to him.

ARTICLE 1. He shall have command of the forces by sea and land, comprehending in his government the economical and administrative, according to the laws; consequently, all propositions of office, in both branches, shall pass through his hand, of officers and chiefs, from those of brigadier, inclusive, downwards, in the land army, and the equivalents in the other branches. He shall propose also for the governments of garrisons, commanders of provinces, captains general, and shall countersign the despatches of all these offices, receiving them from the Emperor, and passing them to the Secretary of War for their progress.

ART. 2. He shall direct the instruction of military colleges, and of corps of all the armories of the army and marine.

ART. 3. The inspection of the manufactures of gunpowder, arms, munitions, and clothing, shall be his province, with every thing else which relates to those branches. Also, he shall have charge of all that relates to arsenals, artillerists, manufactures, &c. belonging to the marine.

ART. 4. He shall watch over the disbursement of the military treasury for sea and land, and the just distribution of the funds destined for those branches.

ART. 5. He shall attend to the distribution and movements of the land and sea forces, according to the orders of the Emperor which he may receive for that purpose.

ART. 6. He shall be the protector of commerce, navigation, police, and the works of the ports, as well as of the fortifications of the fortresses of the empire, with the powers of admiral.

ART. 7. He shall grant passports and licenses for navigation, according to the orders of the Emperor.

ART. 8. The Secretary of Despatch of War and Marine, and that of the Treasury, in what concerns those branches, shall send to him for his information the imperial orders which have been sent by the ministers relative to them.

ART. 9. Preserving the état major of the army, under the plan which is approved, according to the proposition of the generalissimo himself, he shall name two generals, who, as chiefs of it, may communicate the orders which they give; and may also pursue, in their name, the correspondence with the Secretaries of State, for facilitating the expedition of business.

ART. 10. When the état major of marine is formed, he shall appoint one of the generals mentioned in the former article, or shall appoint a third, if the multiplicity of business require it, for the discharge of the duties, and attaining the ends mentioned.

ART. 11. He shall have the title of *Highness;* but, in official letters which may be addressed to him, the aforesaid signature shall be omitted, to preserve this distinction for the Regency.

ART. 12. His guard shall be composed of two companies of infantry, with a banner, which shall present arms and beat a march. This guard shall only do honors to the persons of the imperial family.

ART. 13. When he goes out, there shall go before four body guards, and behind an escort of twenty men, commanded by their officer.

ART. 14. In the court and residence of the Emperor, the posts of the place shall do him correspondent honors.

ART. 15. On his entrance into, and departure from, the fortresses and garrisons, the troops shall be drawn up, and the artillery shall salute him with twenty-one guns, he having in every thing, by sea and land, supreme military honors.

The Regency shall take the charge of disposing its execution; and that it be printed, published, and circulated.

Mexico, 14th November, 1821, (first of the independence of this empire.)

JOSE MIGUEL GUIRIDI Y ALCOZER, *President.*
ANTONIO DE GAMAY Y CORDOVA,
JOSE RAFAEL SUAREZ PEREDA,
JOSE MARIA DE ECHEVERIA Y VALDIOIELSO, } *Vocal Secretaries.*

To the REGENCY *of the Empire.*

Therefore, we command all tribunals, justices, chiefs, governors, and other authorities, as well civil as military and ecclesiastic, of whatever class and dignity, that they keep, and cause to be kept, fulfilled, and executed the present decree, in all its parts. Ye shall attend to its execution, and provide for its being printed, published, and circulated.—In Mexico, the 14th of November, 1821.

AUGUSTIN DE ITURBIDE, *President.*
MANUEL DE LA BARCENA,
ISIDRO YANEZ,
MANUEL VELASQUEZ DE LEON,
ANTONIO, *Bishop of Puebla.*
A. D. JOSE DOMINGUEZ.

By order of the Regency of the empire, I communicate this to you for your information.

God preserve you many years.

JOSE DOMINGUEZ.

MEXICO, *November* 15, 1821.

[TRANSLATION.]

Manifesto of the Provisional Board of Government to the People of the Empire.

After the long night of three ages in which America has lain plunged in darkness, the aurora of her felicity at last burst forth; that day dawned for which she had sighed, and which she desires may be perpetual. This con-

summation would never have been obtained if it had not been founded in justice, or if justice herself were not to be the base of the Government which is to consolidate it. But the Junta has the satisfaction to announce that both considerations are combined in the emancipation which we have accomplished.

Nature has marked out the territories of nations by rivers, mountains. and other boundaries, which establish their limits. How many states are divided by the Po and the Rhine, as the Alps and the Pyrenees divide France from Italy and from Spain. From this last, immense seas and a vast distance divide America—distances which not only make them different as kingdoms, but establish them as belonging to two different worlds. Policy must necessarily conform to the order of nature; and as it would be monstrous to put in the same space the contrary elements of fire and water, it is equally so to unite in one province people who are distinct and distant, especially if that difference and distance extend to the extremity of the two worlds. Since, then, it embraces all the contrarieties which climate can originate, two vast globes and opposite movements cannot revolve without embarrassment upon one axis, but each requires its own. In the same manner, two empires of distinct and opposite qualities require two Governments, without being susceptible of being united in one, which is never sufficient to govern both well.

If, occasionally, the order of nature is violated, in departing from the boundaries she fixes, it must happen, as with fire enclosed in the mines, that an explosion will finally take place. The two Spains, Old and New, or, which is the same thing, Castile and Mexico, which have hitherto borne those names, belong to distinct regions of the earth, to different portions of the globe, to opposite zones of the sphere—differences which at once evince the justice of their separation. If they have been united, as Esau and Jacob in the womb of Rebecca, and have long remained so, this alone, giving to the latter her growth, has rendered it necessary that they should separate, as these twins did, first in the maternal bosom, and afterwards in their descendants.

The growth of nations constitutes, successively, their youth and virility—ages which demand their separation. It is very natural that when a nation has arrived at these ages, she should refuse to depend upon one whose assistance she no longer needs, in order to act for herself. If, even among brutes, the teats of the dam are forsaken by the offspring, which has now become capable of receiving other aliment than milk; if the chick whose wings have grown flies alone, and no longer suffers itself to be conducted by the bird which formerly transported it; if the pubescent virgin consents to the nuptials which compel her to abandon the paternal dwelling, in order to form a new family; is it not just that America, having acquired the strength which justifies it, should emancipate herself?

It has been long since she arrived at her youth; but it has also been long since assent was refused to her emancipation; for, before that was accomplished, she had attained the age of virility, which justifies it still more. The qualifications which demonstrate that age are to be found in her, both the moral ones of refinement and intelligence, and the physical ones of arms and population. The increase of their families alone prevented Abraham and Lot from dwelling in common, and they took different routes in order to live separate.

Why, then, deny to America the justice which may assist her in emancipating herself, supposing this to be her situation and circumstances? Must she not listen to the voice of nature, which speaks to her even through her insensible organs? May she not burst, like the plant, the teguments which covered her when young? Must she be forever in pupilage, though at the age of puberty? and must she remain a child of the family even when she is both able and willing to shake off the paternal authority? But even this is not all: nature tells her still more, especially through the organ of reason.

Whenever the bird can force the door of its cage, or any other animal break the ligaments which confine it, they do not hesitate a moment in doing so, for reason teaches them to seek their own happiness. This is what justifies still more the independence of America. She has been able to burst her fetters in order to acquire her liberty, and to escape from the yoke which impeded her prosperity, and placed her labor, industry, commerce, and all her movements, within such bounds and restraints as might enfeeble them, in order to make preponderant the importance of the mother country, or rather in order that the sole and absolute power might be vested in the latter. Between the power and performance in this case, and with respect to such high and interesting objects as are dictated by nature and demonstrated by reason, there ought to be no space whatever, for they immediately touch each other.

The Provisional Board of Government installed for these purposes, in consequence of their attainment and the occupation of the capital, has no other view than them. It has been assembled in order to found, perfect, and perpetuate them. The fundamental principles of government which they have adopted appertain to the first; the mode of procedure upon which they have resolved to the second; the ties and ligaments which they have proposed to themselves to the third; and they expose it all to the people, in order that they may judge of the sincerity and propriety of their intentions and conduct.

The foundations should correspond to the edifice, and are what give it its principal strength. The principles of government which have been adapted conformably to the plan of Iguala and the treaty of Cordova are those received by the most illustrious nations. A representative in preference to an absolute government, a limited monarchy, and a constitutional system with which we are already acquainted, are the fundamental maxims, the angular stone of our edifice. There is nothing to apprehend from the ideas opposed to these, nor from those which will not bear the light of day. Those which animate us are purely liberal. Until the meeting of the Cortes, the Spanish constitution and laws will be observed, so far as they are not inapplicable to the peculiar situation of the country.

The plan of operations or mode of proceeding of the Junta has been to appoint a Regency to exercise the executive power, reserving to itself the legislative power for such purposes as cannot be delayed until the meeting of the Cortes, to whom this branch of the Government appertains. Had the Junta assumed this power in its whole extent, it would have usurped it from the people; but if it were not to exercise it provisionally in cases of urgency, the Government would remain defective; the necessities of the moment could not be provided for, nor the thousand junctures which may present themselves be met.

To obviate both the one and the other, they have already prescribed to themselves a rule, not to sanction any thing, even provisionally, unless its nature is such that it will not admit of being delayed until the meeting of the Cortes, to whom every thing else is referred. The wisdom of their measures, which involves the perfection of the liberty and happiness of the people, depends upon the choice which they may make of proper representatives. The province of this board is to inform them on the subject, in order that, all passions being laid aside, and intrigue and party spirit banished, they may have no other end in view than the welfare of the country. For this the Junta is now laboring, and to take such measures that the Congress may be assembled in as short a time as possible.

In the mean time, the public debt, so called, has been acknowledged, and ordered to be paid as soon as affairs are in a condition to do so; at the same time, a stop has been put to the arbitrary contributions with which the inhabitants were oppressed without any advantage to the treasury. The first fact is announced for the satisfaction of the creditors, the second for that of the public, and both as an evidence of the proceedings of the Government.

Would it were possible for the latter to pay another debt much greater, and of a superior kind, of which it confesses itself a debtor. Such is that of the deserving army, which, animated by the purest patriotism, and

braving dangers and difficulties at the expense of inexpressible sacrifices, have consummated the arduous undertaking which Heaven was pleased to protect and crown with success. But there is no tongue to express what it deserves, no hand to remunerate its services. Who is there competent to relate what all and each of its individuals have performed—the actions which have signalized many of the soldiers and chiefs, especially the first, who animated the rest? What reward can we give them, or what can recompense their benefits? as Tobias the youth demanded of his father, speaking of his benefactor. We have no other choice, inasmuch as reward is impossible, but to manifest to them our gratitude; to which end many steps have been taken, and others will continue to be taken.

Finally, the bonds which the Junta has proposed to itself, in order to insure and prolong our independence, are, besides the union of the inhabitants of the empire, which constitutes one of the guarantees, an alliance, federation, and commerce with other nations. The Spanish nation, to whom we owe our origin, and to whom we are attached by the closest ties, ought to be the first and most privileged in our consideration. We do not content ourselves with the mere family connexion which results from calling one of their princes of the royal blood to our empire. We aspire to more; we desire to unite ourselves in a fraternity which may turn to the advantage of the whole nation, and let it know that our political independence, to which we have been compelled by the causes set forth, does not loosen the bonds which unite us, nor cool our affections, which ought to be the more sincere, in order to destroy all resentment.

We desire, then, that our fraternity may be made known to the whole world; that European Spaniards, in virtue of that title alone, may domiciliate themselves in our country, subjecting themselves to its laws, and under the inspection of our Government; that our ports may be opened to them for the purposes of trade in such a manner as may be arranged by our laws, and that a preference may be given to them as far as possible above other nations; that there may be established between them and us, if practicable and agreeable to them, a good reciprocal understanding, regulated by definitive treaties; and that in every thing there may appear the most cordial amity. With regard to foreign nations, we shall preserve harmony with all, commercial relations and others, as may be expedient.

The Junta congratulates itself that the people of the empire will perceive, in what has been set forth, at least their wishes for a successful result, which they expect from the patriotism and intelligence of the inhabitants, who may suggest to it whatever they deem conducive to a better government, which the Junta will hold in due consideration.

ANTONIO, Bishop of Puebla, *President.*
JUAN JOSE ESPINOSA DE LOS MONTEROS, } *Vocal Secretaries.*
JOSE RAFAEL SUAREZ PEREDA, }

Mexico, *October* 13, 1821.

To the Senate of the United States: Washington, *April* 26, 1822.

I transmit to the Senate, agreeably to their resolution of yesterday, a report from the Secretary of State, with copies of the papers requested by that resolution, in relation to the recognition of the South American provinces.

JAMES MONROE.

Department of State, *April* 25, 1822.

The Secretary of State, to whom has been referred a resolution of the Senate of this day, requesting the President to communicate to the Senate any information he may have, proper to be disclosed, from our minister at Madrid, or from the Spanish minister resident in this country, concerning the views of Spain relative to the recognition of the independence of the South American colonies, and of the dictamen of the Spanish Cortes, has the honor to submit to the President copies of the papers particularly referred to.

JOHN QUINCY ADAMS.

[translation.]

Don Joaquin de Anduaga to the Secretary of State.

Sir: Washington, *March* 9, 1822.

In the National Intelligencer of this day, I have seen the message sent by the President to the House of Representatives, in which he proposes the recognition by the United States of the insurgent Governments of Spanish America. How great my surprise was, may be easily judged by any one acquainted with the conduct of Spain towards this republic, and who knows the immense sacrifices which she has made to preserve her friendship. In fact, who could think that, in return for the cession of her most important provinces in this hemisphere; for the forgetting of the plunder of her commerce by American citizens; for the privileges granted to their navy; and for as great proofs of friendship as one nation can give another, this Executive would propose that the insurrection of the ultramarine possessions of Spain should be recognised? And, moreover, will not his astonishment be augmented to see that this Power is desirous to give the destructive example of sanctioning the rebellion of provinces which have received no offence from the mother country to those to whom she has granted a participation of a free constitution, and to whom she has extended all the rights and prerogatives of Spanish citizens? In vain will a parallel be attempted to be drawn between the emancipation of this republic and that which the Spanish rebels attempt; and history is sufficient to prove that, if a harassed and persecuted province has a right to break its chains, others, loaded with benefits, elevated to the high rank of freemen, ought only to bless and embrace more closely the protecting country which has bestowed such favors upon them.

But even admitting that morality ought to yield to policy: what is the present state of Spanish America, and what are its Governments, to entitle them to recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new despots produced, who disappear the next. Peru, conquered by a rebel army, has near the gates of its capital another Spanish army, aided by part of the inhabitants. In Chili, an individual suppresses the sentiments of the inhabitants, and his violence presages a sudden change. On the coast of Firma, also, the Spanish banners wave, and the insurgent generals are occupied in quarrelling with their own compatriots, who prefer taking the part of a free Power to that of being the slave of an adventurer. In Mexico, too, there is no Government; and the result of the questions which the chiefs commanding there have put to Spain is not known. Where, then, are

those Governments which ought to be recognised? where the pledges of their stability? where the proof that those provinces will not return to a union with Spain, when so many of their inhabitants desire it? and, in fine, where the right of the United States to sanction and declare legitimate a rebellion without cause, and the event of which is not even decided?

I do not think it necessary to prove that, if the state of Spanish America were such as it is represented in the message; that if the existence of its Governments were certain and established; that if the impossibility of its reunion with Spain were so indisputable; and that if the justice of its recognition were so evident, the Powers of Europe, interested in gaining the friendship of countries so important for their commerce, would have been negligent in fulfilling it. But, seeing how distant the prospect is of even this result, and faithful to the ties which unite them with Spain, they await the issue of the contest, and abstain from doing a gratuitous injury to a friendly Government, the advantages of which are doubtful, and the odium certain. Such will be that which Spain will receive from the United States, in case the recognition proposed in the message should take effect; and posterity will be no less liable to wonder that the Power which has received the most proofs of the friendship of Spain should be the one delighted with being the first to take a step which could have only been expected from another that had been injured.

Although I could enlarge upon this disagreeable subject, I think it useless to do so, because the sentiments which the message ought to excite in the breast of every Spaniard can be no secret to you. Those which the King of Spain will experience at receiving a notification so unexpected will be doubtless very disagreeable; and at the same time that I hasten to communicate it to His Majesty, I think *it my duty to protest, as I do solemnly protest, against the recognition of the Governments mentioned, of the insurgent Spanish provinces of America, by the United States, declaring that it can in no way now, or at any time, lessen or invalidate in the least the right of Spain to the said provinces, or to employ whatever means may be in her power to reunite them to the rest of her dominions.*

I pray you, sir, to be pleased to lay this protest before the President, and I flatter myself that, convinced of the solid reasons which have dictated it, he will suspend the measure which he has proposed to Congress, and that he will give to His Catholic Majesty this proof of his friendship and of his justice.

I remain, with the most distinguished consideration, praying God to guard your life many years, your most obedient, humble servant,

JOAQUIN DE ANDUAGA.

JOHN QUINCY ADAMS, *Secretary of State.*

The Secretary of State to the Minister from Spain.

SIR: DEPARTMENT OF STATE, WASHINGTON, *April 6*, 1822.

Your letter of the 9th of March was, immediately after I had the honor of receiving it, laid before the President of the United States, by whom it has been deliberately considered, and by whose direction I am, in replying to it, to assure you of the earnestness and sincerity with which this Government desires to entertain and to cultivate the most friendly relations with that of Spain.

This disposition has been manifested not only by the uniform course of the United States in their direct political and commercial intercourse with Spain, but by the friendly interest which they have felt in the welfare of the Spanish nation, and by the cordial sympathy with which they have witnessed their spirit and energy exerted in maintaining their independence of all foreign control and their right of self-government.

In every question relating to the independence of a nation, two principles are involved: one of *right*, and the other of *fact;* the former exclusively depending upon the determination of the nation itself, and the latter resulting from the successful execution of that determination. This right has been recently exercised, as well by the Spanish nation in Europe, as by several of those countries in the American hemisphere which had for two or three centuries been connected as colonies with Spain. In the conflicts which have attended these revolutions, the United States have carefully abstained from taking any part respecting the right of the nations concerned in them to maintain or newly organize their own political constitutions, and observing, wherever it was a contest by arms, the most impartial neutrality. But the civil war in which Spain was for some years involved with the inhabitants of her colonies in America has, in substance, ceased to exist. Treaties equivalent to an acknowledgment of independence have been concluded by the commanders and viceroys of Spain herself with the republic of Colombia, with Mexico, and with Peru; while, in the provinces of La Plata and in Chili, no Spanish force has for several years existed to dispute the independence which the inhabitants of those countries had declared.

Under these circumstances, the Government of the United States, far from consulting the dictates of a policy questionable in its morality, has yielded to an obligation of duty of the highest order, by recognising as independent states nations which, after deliberately asserting their right to that character, had maintained and established it against all the resistance which had been or could be brought to oppose it. This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may yet be disposed or enabled to use, with the view of reuniting those provinces to the rest of her dominions. It is the mere acknowledgment of existing facts, with the view to the regular establishment with the nations newly formed of those relations, political and commercial, which it is the moral obligation of civilized and Christian nations to entertain reciprocally with one another.

It will not be necessary to discuss with you a detail of facts upon which your information appears to be materially different from that which has been communicated to this Government, and is of public notoriety, nor the propriety of the denominations which you have attributed to the inhabitants of the South American provinces. It is not doubted that other and more correct views of the whole subject will very shortly be taken by your Government, and that it, as well as the other European Governments, will show that deference to the example of the United States which you urge it as the duty or the policy of the United States to show to theirs. The effect of the example of one independent nation upon the councils and measures of another can be just only so far as it is voluntary; and as the United States desire that their example should be followed, so it is their intention to follow that of others upon no other principle. They confidently rely that the time is at hand when all the Governments of Europe friendly to Spain, and Spain herself, will not only concur in the acknowledgment of the independence of the American nations, but in the sentiment that nothing will tend more effectually to the welfare and happiness of Spain than the universal concurrence in that recognition.

I pray you, sir, to receive the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Don JOAQUIN DE ANDUAGA, *Envoy Extraordinary, &c.*

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

SIR: PHILADELPHIA, *April* 11, 1822.

I have had the honor of receiving your note of the 6th instant, in which you were pleased to inform me that this Government has recognised the independence of the insurgent provinces of Spanish America. I despatched immediately to Spain one of the secretaries of this legation to carry to His Majesty news as important as unexpected; and, until I receive his royal orders upon the subject, I have only to refer to my protest of the 9th of March last, still insisting upon its contents as if its substance were repeated in the present note.

With the greatest respect, I renew the assurance of my distinguished consideration.

JOAQUIN DE ANDUAGA.

Extract of a letter from Mr. Forsyth to the Secretary of State, dated

MADRID, *February* 14, 1822.

I have the honor to enclose to you a hurried translation of the last dictamen of the commission of the Cortes on the affairs of Spanish America, and the determinations made by that body.

Dictamen of the commission to whom it was referred to report on the state of the provinces of Ultramar, presented February 12, 1822.

The commission has meditated maturely and circumspectly on the proposition of the Minister of Ultramar, and, after having heard him, has considered the diverse circumstances in which the provinces of both Americas are at present, and may be found hereafter; the fruitlessness and inefficacy of the commissions that have been directed to the Government established in them; and, possessed with the noble desire that the same may not again, with the waste of public treasure, and the sacrifice of humanity, occur, is of opinion that the Cortes ought not to lose time in considering the proposition of the ministry, since it will be a consequence of the results; and, in order to obtain them, the Government, and the commissioners it elects, ought to be authorized to hear and to transmit to the legislative power every class of propositions, be they what they may; at the same time it judges that the national decorum, and the protection which in justice is due to the European and American Spaniards, call for the establishment of a basis useful and conducive to the welfare of the Spains.

Before fixing this basis, and that it may be as productive to the common felicity as policy and the national honor require, the commission lays down the fixed principle that this new, grand, and legitimate path for pacific communications being opened, all treaties be esteemed of no value or efficacy that have been formed between Spanish chiefs and American Governments, which ought to be understood as null, as they have been from their origin, as respects the acknowledgment of independence, inasmuch as they were not authorized, nor could such authority be given them, unless by previous declaration of the Cortes.

The commissioners may hear all the propositions that may be made to them in order to transmit them to the metropolis, excepting such as take away or limit in any manner the absolute right of the European and American Spaniards, residing in whatever part of the ultramarine provinces, to remove and dispose of their persons, families, and property, as they may think proper, without being opposed by any obstacle or measure that might prove injurious to their fortunes. With this explanation, the commission reproduces its anterior dictamen; and the Cortes will resolve what may be most proper.

Espiga,	Oliver,
Cuesta,	Murphy,
Alvarez Escuden,	Navarette,
Toreno,	Paul.
Moscoso,	

The particular vote of the Señor Oliver proposes to add the following clause to the dictamen:

"That it ought to be understood as not affecting the responsibility which persons, whoever they may be, may have incurred in this affair, nor the rights of the Spanish nation represented by the Cortes and the King."

The particular vote of the Señors Moscoso, Toreno, and Espiga, proposes the following additions to the dictamen:

"1. That the Cortes declare that the treaty called that of Cordova, celebrated between General O'Donojú and the chief of the dissidents in New Spain, Don Augustin Iturbide, as well as any other act or stipulation relative to the recognition of Mexican independence by that general, are illegitimate, and null in their effects as to the Spanish Government and its subjects."

"2. That the Spanish Government, by a declaration to all others with which it has friendly relations, make known to them that the Spanish nation will regard, at any epoch, as a violation of the treaties, the recognition, either partial or absolute, of the independence of the Spanish provinces of Ultramar, so long as the dissensions which exist between some of them and the metropolis are not terminated, with whatever else may serve to convince foreign Governments that Spain has not yet renounced any of the rights belonging to it in those countries."

"3. That the Government be recommended to take all possible measures, without any delay, to preserve and reinforce those points of the provinces of Ultramar that remain united to the metropolis, obedient to its authority, or that resist the separation from it by the dissidents; proposing to the Cortes the resources it requires, and are not at its disposal."

"4. That the Cortes declare that the provinces of Ultramar that have declared their independence of the metropolis, or do not acknowledge *de facto* the supremacy of the Government of it, ought not to have deputies in the Cortes during their continuance in this state."

The additional vote of Señors Murphy, Navarette, and Paul, to the anterior dictamen, states that it is their opinion that, in case of the approbation by the Cortes of the dictamen of the commission, they should not approve the additional votes presented by some individuals of it, as being contrary to the ends proposed by the same commission, but should put in execution the measures included in the dictamen without delay, without prejudice to what the ordinary Cortes may opportunely resolve upon, whatever else they may esteem convenient.

After a short discussion, whether the dictamen should be discussed by itself, or with the additional votes, it was determined that the dictamen of the commission should be first discussed. During the discussion, propositions to the following effect were presented by the Señor Solanot, viz:

"That the Cortes, with a generosity peculiar to the constitutional system by which we are governed, and for the general interest of the Spaniards of both worlds, declare the independence of all those provinces of both Americas that actually are so at this day, on condition that each one of those Governments pay an annual subsidy in recompense of the rights which are renounced; that a treaty of commerce be formed on the basis most convenient to the reciprocal interests of the American and Peninsular Spaniards; that all hostilities be completely suspended until this treaty be completely approved; that all the Spaniards who may wish to retire to the Peninsula may do so freely, with all the funds belonging to them, without being obliged to pay any duty whatever; that any Spaniard who wishes to live in America shall have preserved to him the enjoyment of all his rights and property; that every Spaniard who may have been deprived of his property and of his rights, in consequence of the anterior disturbances, shall be reinstated in them; that all the wealth and property belonging to European Spain shall remain at its disposal, and be removed to the Peninsula at the expense of America; that all the troops that are actually in America, belonging to European Spain, shall be maintained in the same points at the cost of the American Government, until the ratification of this treaty; that European Spain may dispose of the naval force it has in America; and that there be established a confederation composed of the American Governments, under the protection of European Spain, upon the basis that may be most convenient, and guarantied as may be accorded."

Señor Munoz Torrero demanded that the author of these propositions should withdraw them immediately, as he had no powers to authorize his making them, or, if he had, to exhibit them. The Cortes accorded that these propositions should be withdrawn, as contrary to the power given to them by the constitution.

After considerable discussion, the Cortes approved of the dictamen as proposed by the commission.

On the following day the particular votes were discussed, and decided as follows:

That of Señor Oliver was not admitted to a vote.

That of Señors Moscoso, Espiga, and Toreno, the three first articles approved, and the fourth withdrawn by its author.

[The following report, upon the same subject, was made to the House of Representatives, March 19, 1822.]

The Committee of Foreign Affairs, to whom were referred the message of the President concerning the recognition of the late Spanish provinces in America, and the documents therewith communicated, having examined the same with the most profound attention, unanimously report:

That the provinces of Buenos Ayres, after having, from the year 1810, proceeded in their revolutionary movements without any obstacle from the Government of Spain, formally declared their independence of that Government in 1816. After various intestine commotions and external collisions, those provinces now enjoy domestic tranquillity, and a good understanding with all their neighbors, and actually exercise, without opposition from within, or the fear of annoyance from without, all the attributes of sovereignty.

The provinces of Venezuela and New Granada, after having separately declared their independence, sustained, for a period of more than ten years, a desolating war against the armies of Spain, and having severally attained, by their triumph over those armies, the object for which they contended, united themselves, on the 19th of December, 1819, in one nation, under the title of "the Republic of Colombia."

The republic of Colombia has now a well-organized Government, instituted by the free will of its citizens, and exercises all the functions of sovereignty, fearless alike of internal and foreign enemies. The small remnant of the numerous armies commissioned to preserve the supremacy of the parent state is now blockaded in two fortresses, where it is innoxious, and where, deprived as it is of all hope of succor, it must soon surrender at discretion. When this event shall have occurred, there will not remain a vestige of foreign power in all that immense republic, containing between three and four millions of inhabitants.

The province of Chili, since it declared its independence, in the year 1818, has been in the constant and unmolested enjoyment of the sovereignty which it then assumed.

The province of Peru, situated, like Chili, beyond the Andes, and bordering on the Pacific ocean, was for a long time deterred from making any effectual effort for independence, by the presence of an imposing military force, which Spain had kept up in that country. It was not, therefore, until the 12th of June of the last year that its capital, the city of Lima, capitulated to an army, chiefly composed of troops from Buenos Ayres and Chili, under the command of General San Martin. The greater part of the royal troops which escaped on that occasion retreated to the mountains, but soon left them to return to the coast, there to join the royal garrison in the fortress of Callao. The surrender of that fortress, soon after, to the Americans, may be regarded as the termination of the war in that quarter.

When the people of Peru found themselves, by this event, free to express their will, they most unequivocally expressed it in favor of independence, and with a unanimity and enthusiasm which have nowhere been excelled.

The revolution in Mexico has been somewhat different in its character and progress from the revolutions in the other Spanish American provinces, and its result, in respect to the organization of its internal government, has also not been precisely the same. Independence, however, has been as emphatically declared and as practically established, since the 24th of August last, by the "Mexican empire," as ever it has been by the republics of the south; and her geographical situation, her population, and her resources, eminently qualify her to maintain the independence which she has thus declared, and now actually enjoys.

Such are the facts which have occupied the attention of your committee, and which, in their opinion, irresistibly prove that the nations of Mexico, Colombia, Buenos Ayres, Peru, and Chili, in Spanish America, are in fact independent.

It now remains for your committee to examine the right and the expediency, on the part of the United States, of recognising the independence which those nations have thus effectively achieved.

In this examination, it cannot be necessary to inquire into the right of the people of Spanish America "to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth that separate and equal station to which the laws of nature and of nature's God entitle them." The right to change the political institutions of the state has, indeed, been exercised equally by Spain and by her colonies; and for us to deny to the people of Spanish America the right to independence on the principles which alone sanction it here, would be virtually to renounce our own.

The political right of this nation to acknowledge their independence, without offending others, does not depend on its justice, but on its actual establishment. To justify such a recognition by us, it is necessary only to show, as is already sufficiently shown, that the people of Spanish America are, within their respective limits, exclusively sovereign, and thus, in fact, independent. With them, as with every other Government possessing and exercising the power of making war, the United States, in common with all nations, have the right of concerting the terms of mutual peace and intercourse.

Who is the rightful sovereign of a country, is not an inquiry permitted to foreign nations, to whom it is competent only to treat with "the powers that be."

There is no difference of opinion on this point among the writers on public law; and no diversity, with respect to it, in the practice of civilized nations. It is not necessary here to cite authority for a doctrine familiar to all who have paid the slightest attention to the subject, nor to go back for its practical illustration to the civil wars between the houses of York and Lancaster. Long since the chiefs of those conflicting houses alternately triumphed and ruled, and were alternately obeyed at home and recognised abroad, according as they successively exercised the power, without demonstrating the right; monarchies have become commonwealths or republics, and powerful usurpers have been recognised by foreign nations, in preference to legitimate and powerless pretenders. Modern history is replete with instances in point. Have we not, indeed, within the brief period of our own remembrance, beheld Governments vary their forms and change their rulers according to the prevailing power or passion of the moment, and doing so in virtue of the principle now in question, without materially and lastingly affecting their relations with other Governments? Have we not seen the emperors and kings of yesterday receive, on the thrones of exiled sovereigns who claimed the right to reign there, the friendly embassies of other Powers with whom those exiled sovereigns had sought an asylum? and have we not seen to-day those emperors and kings, thus courted and recognised yesterday, reft of their sceptres, and, from a mere change of circumstances, not of right, treated as usurpers by their successors, who, in their turn, have been acknowledged and caressed by the same foreign Powers?

The peace of the world and the independence of every member of the great political family require that each should be the exclusive judge of its own internal proceedings, and that the fact alone should be regarded by foreign nations. "Even when civil war breaks the bonds of society and of government, or at least suspends their force and effect, it gives birth in the nation to two independent parties, who regard each other as enemies, and acknowledge no common judge." It is of necessity, therefore, that these two parties should be considered by foreign states as two distinct and independent nations. To consider or treat them otherwise, would be to interfere in their domestic concerns, to deny them the right to manage their own affairs in their own way, and to violate the essential attributes of their respective sovereignty. For a nation to be entitled, in respect to foreign states, to the enjoyment of these attributes, "and to figure directly in the great political society, it is sufficient that it is really sovereign and independent; that is, that it governs itself by its own authority and laws." The people of Spanish America do notoriously so govern themselves, and the right of the United States to recognise the Governments which they have instituted is incontestable. A doubt of the expediency of such a recognition can be suggested only by the apprehension that it may injuriously affect our peaceful and friendly relations with the nations of the other hemisphere.

Can such an apprehension be well founded?

Have not all those nations practically sanctioned, within the last thirty years, the very principle on which we now propose to act; or have they ever complained of one another, or of us, for acting on that principle?

No nation of Europe, excepting Spain herself, has hitherto opposed force to the independence of Spanish America. Some of those nations have not only constantly maintained commercial and friendly intercourse with them in every stage of the revolution, but indirectly and efficiently, though not avowedly, aided them in the prosecution of their great object. To these the acknowledgment by the United States of the attainment of that object must be satisfactory.

To the other nations of Europe, who have regarded the events occurring in Spanish America not only without interference, but with apparent indifference, such an acknowledgment ought not to be offensive.

The nations who have thus respectively favored or never opposed the Spanish American people during their active struggle for independence cannot, it is believed, regard with dissatisfaction the formal recognition of that independence by a nation which, while that struggle lasted, has religiously observed towards both the conflicting parties all the duties of neutrality. Your committee are, therefore, of opinion that we have a right on this occasion confidently to expect, from what these nations have done or forborne to do, during the various fortunes of the civil war which has terminated, that they will frankly approve the course of policy which the United States may now think proper to adopt in relation to the successful party in that war. It surely cannot be reasonably apprehended that nations, who have thus been the tranquil spectators, the apparent well-wishers, if not the efficient supporters of this party, and who have not made the faintest attempt to arrest its progress, or to prevent its success, should be displeased with a third Power for merely recognising the Governments which, owing to that success, have thus been virtually permitted, or impliedly approved, in acquiring the undisputed and exclusive control of the countries in which they are established. It is, therefore, on the consistency as well as on the justice of these nations of Europe that we may confidently rely that the simple recognition, on the part of the United States, of the necessary effect of what has already been done will not be considered as a just cause of complaint against them, while the interested and immediate agents who have been directly and actively engaged in producing that effect have neither been opposed nor censured.

Your committee, therefore, instead of seriously apprehending that the recognition by the United States of the independence of Spanish America will be unacceptable to these nations, are not without hope that they may practically approve it, by severally adopting a similar measure. It is not, indeed, unreasonable to suppose that those Governments have, like this, waited only for the evidence of facts which might not only suffice to justify them, under the laws and usages of nations, but to satisfy Spain herself that nothing has been prematurely done, or which could justly offend her feelings, or be considered as inconsistent with her rights. As their motives for not having hitherto recognised the independence of Spanish America may thus be supposed to have been analogous to our own, it is permitted to presume that the facts and reasons which have prevailed on us no longer to hesitate will, confirmed as they are by our example, have a like influence on them.

No nation can entertain a more sincere deference for the feelings of Spain, or take a more lively interest in her welfare, than the United States. It is to this deference, too evident to be doubted or misunderstood, that ought to be ascribed the hesitation of this Government, until now, to yield to the claims of Spanish America, although these claims were in perfect accordance with our own principles, feelings, and interests. Having thus forborne to act, even at the hazard of having those principles and feelings misunderstood on this side of the Atlantic, we have, as your committee believe, given at once satisfactory proof of our disinterestedness and moderation, and of our scrupulous respect to the principle which leaves the political institutions of every foreign state to be directed by its own view of its own rights and interests.

Your committee have been particularly anxious to show, in a manner satisfactory to Spain herself, that the measure which this Government now proposes to adopt has been considered with the most respectful attention, both in relation to her rights and to her feelings.

It is not on the laws and usages of nations, or on the practice of Spain herself, on like occasions, that your committee have relied for our justification towards her.

The fact that for the last three years she has not sent a single company of troops against her transatlantic colonies has not been used as evidence of their actual independence, or of her want of power to oppose it. This

fact, explained as it is by the public acts of Spain herself, is regarded by your committee as evidence only of her policy.

The last troops collected at Cadiz in 1819, which were destined to suppress the revolutionary movements in Spanish America, not only rejected that service, but joined in the revolution which has since proved successful in Spain herself. The declaration of the leaders in that revolution was, that "Spanish America had a right to be free, and that Spain should be free." Although the constitution which was re-established by that revolution guarantied the integrity of the Spanish dominions, yet the principles on which that constitution was founded seem to discountenance the employment of force for the accomplishment of that object, in contempt of the equal rights and declared will of the American portion of the Spanish people. The conduct of the Government organized under that constitution has uniformly been, in this respect, in conformity to those principles. Since its existence, there has not been even a proposal by that Government to employ force for the subjugation of the American provinces, but merely *recommendations of conciliatory measures for their pacification.*

The answer of the Cortes, on the 10th of July, 1820, to the address of the King, furnishes conclusive proof of this policy.

"The intimate union," says this answer, "of the Cortes with your Majesty, the re-establishment of the constitution, the faithful performance of promises, depriving malevolence of all pretext, will facilitate the *pacification* of the ultramarine provinces, which are in a state of agitation and dissension. The Cortes, on its part, will omit no opportunity to propose and adopt measures necessary for the *observance of the constitution and restoration of tranquillity in those countries, to the end that the Spains of both worlds may thus form a single and happy family.*"

Although the ultramarine provinces are not here encouraged to expect absolute independence, yet they are no longer treated as vassal colonies, or threatened with subjugation, but are actually recognised as brothers in the great constitutional and free family of Spain.

A report made to the Cortes on the 24th of June, 1821, by a committee appointed by that body, not only manifestly corroborates the policy above stated, but sufficiently intimates that the recognition of the independence of Spanish America by Spain herself had nearly been the measure recommended by that committee.

That report avers that "*tranquillity is not sufficient*, even if it should extend throughout America with a prospect of permanency: no! *it falls short of the wishes of the friends of humanity.*"

In speaking of the measure demanded by the crisis, it says that this measure was not only *warmly approved* by the committee, but *at first entirely assented to by the ministers*, with whom it had been discussed, and failed only to be proposed to the Cortes "*by these ministers having, on account of peculiar occurrences, suspended their judgment.*" It speaks of this measure as indicative of a new and glorious resolution; that it was demanded by America and the true interests of the Peninsula; that from it Spain might reap advantages which otherwise she could never expect; and that the *ties of kindred* and the uniformity of religion, with *commercial relations*, and those emanating from *free institutions*, would be the *surest pledge* of mutual harmony and close union.

Your committee do not feel themselves authorized to say positively what that measure was, but they do not hesitate to declare their entire conviction that no measure short of a full recognition of unconditional independence could have deserved the character, nor been capable of producing the effects ascribed to it.

It is, therefore, sufficiently manifest that Spain, far from wishing to call into action her means of prosecuting hostilities against the people of Spanish America, has *renounced even the feelings of an enemy towards* them, and, but for "peculiar occurrences," had been prepared, nearly a year ago, to consent to their independence.

She has not only practically discontinued, and even emphatically deprecated, the employment of force to restore tranquillity to Spanish America, but she has declared that even universal and permanent tranquillity there "falls short of the wishes of the friends of humanity."

While she appeals to "the ties of kindred," she undoubtedly feels them; and if she has not abandoned her desire, so often avowed, of mere constitutional union and equal commercial intercourse with her former colonies, as *between provinces of the same empire*—a union and an intercourse which intervening Andes and oceans seem to render highly inconvenient, if not utterly impracticable—she evidently refers the accomplishment of this desire to the unawed deliberations and to the congenial and kindred feelings of the people of those colonies, and thus substantially acknowledges their independence.

Whatever may be the policy of Spain, however, in respect to her former American colonies, our recognition of their independence can neither affect her rights, nor impair her means, in the accomplishment of that policy. We cannot, for this, be justly accused of aiding in the attainment of an independence which has already been established without our assistance. Besides, our recognition must necessarily be co-existent only with the fact on which it is founded, and cannot survive it. While the nations of Spanish America are actually independent, it is simply to speak the truth to acknowledge them to be so.

Should Spain, contrary to her avowed principles and acknowledged interests, renew the war for the conquest of South America, we shall indeed regret it, but we shall observe, as we have done, between the independent parties, an honest and impartial neutrality; but, on the other hand, should Spain, faithful to her own glory and prosperity, consent that her offspring in the new world should enjoy the right of self-government equally with their brethren in the old, we shall sincerely rejoice; and we shall cherish with equal satisfaction, and cultivate with equal assiduity, the friendship of regenerated Spain and of emancipated America.

Your committee, in justice to their own feelings and to the feelings of their fellow-citizens, have made this declaration without disguise; and they trust that the uniform character and conduct of this people will save it from all liability to misinterpretation.

Happy in our own institutions, we claim no privilege; we indulge no ambition to extend them to other nations; we admit the equal rights of all nations to form their own governments and to administer their own internal affairs as they may judge proper; and, however they may, in these respects, differ from us, we do not on that account regard with the less satisfaction their tranquillity and happiness.

Your committee having thus considered the subject referred to them in all its aspects, are unanimously of opinion that it is *just and expedient* to acknowledge the independence of the several nations of Spanish America, without any reference to the diversity in the forms of their governments; and, in accordance with this opinion, they respectfully submit the following resolutions:

Resolved, That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence, and are in the enjoyment of it, ought to be recognised by the United States as independent nations.

Resolved, That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding one hundred thousand dollars, to enable the President of the United States to give due effect to such recognition.

Extract from the report of the committee [of the Cortes] to whom was referred the disturbances in the American provinces, with instructions to prepare measures for their general pacification.

Still New Spain, or rather the whole of the Spanish provinces in North America, having almost entirely returned to a state of tranquillity, at that period so desolating a war was terminated; while, on the other hand, a considerable part of Peru constantly adhered to Spain, as has also been the case with Cuba and the other islands. Thus while on the main, in Buenos Ayres, and in Chili, the afflicting spectacle was beheld of Spanish and American blood being shed by the very hands which had the greatest interest in its preservation, the most important part of Spanish America remained free from so many calamities. But *this tranquillity is not sufficient, even if it should extend throughout America with a prospect of permanency: no! it falls short of the wishes of the friends of humanity.* It is necessary that America should build her happiness upon a solid foundation, so that, far from counteracting, she may contribute to the prosperity of Europe.

Your committee, persuaded of this truth, discussed in their several sittings the questions which appeared most proper to attain the grand object we all have in view. These were examined in conjunction with His Majesty's ministers, who, in *the beginning, entirely coincided in the general opinion prevailing in the committee*, but were subsequently induced, by *peculiar occurrences*, to suspend their judgment, believing that public opinion was not yet prepared for a final decision. In this situation your committee are unable to bring forward any formal proposition, inasmuch as it belongs to the Government to determine the matter of fact—that is to say, as *to the expediency* and urgency of certain measures; and the cabinet not thinking that moment yet arrived, nothing now remains to your committee but strongly to recommend to ministers the acceleration of so desirable a moment. This is loudly called for *by justice;* it is demanded by the uncertain and precarious fate of so many European Spaniards settled in those countries; it is demanded by the natives themselves, and the different classes who have so gallantly supported the cause of the metropolis; in fine, it is *demanded by America and the true interests of the Peninsula:* the prosperity of the former resting in the restoration of tranquillity, which will prove a source of incalculable benefit to her; and that of the latter in not being obstructed in her progress, by having her councils distracted by cares created by the deplorable situation of those distant climes. The lights of the age and a wise policy ought to guide the Government in forming so new and so glorious a resolution.

Your committee, fully sensible of the greatness of the subject, and believing that their decision will, perhaps, affect the *interests of the whole world*, would wish to impress upon the minds of all Spaniards this their firm conviction, that they might all contribute to the completion of so great a work. Spain would reap advantages which otherwise she can never expect; and the ties of kindred, and the uniformity of religion, together with commercial relations, and those emanating from free institutions, would be the surest pledge of mutual harmony and close union. Your committee, therefore, not being able alone to come to any determination, content themselves with simply proposing that ministers be urged to lay before the Cortes, with the least possible delay, the fundamental basis of such measures as they may deem advisable and just, both for the complete pacification of the distracted provinces of America, and to secure to them all *solid and lasting happiness.*

17th Congress.] No. 328. [1st Session.

GREAT BRITAIN AND RUSSIA: TERRITORIAL CLAIMS UPON THE NORTHWEST COAST OF AMERICA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 17, 1822.

To the House of Representatives of the United States: WASHINGTON, *April* 15, 1822.

In compliance with a resolution of the House of Representatives of the 16th of February last, requesting the President of the United States "to communicate to that House whether any foreign Government has made claim to any part of the territory of the United States upon the coast of the Pacific ocean north of the forty-second degree of latitude, and to what extent; whether any regulations have been made by foreign Powers affecting the trade on that coast, and how far it affects the interests of this republic; and whether any communications have been made to this Government by foreign Powers touching the contemplated occupation of Columbia river," I now transmit a report from the Secretary of State, containing the information embraced by that resolution.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *April* 13, 1822.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 16th of February last, requesting the President of the United States "to communicate to that House whether any foreign Government has made claim to any part of the territory of the United States upon the coast of the Pacific ocean north of the forty-second degree of latitude, and to what extent; whether any regulations have been made by foreign Powers affecting the trade on that coast, and how far it affects the interests of this republic; and whether any communications have been made to this Government by foreign Powers touching the contemplated occupation of Columbia river," has the honor of submitting to the President sundry papers, containing the information embraced by the resolution.

At the time when the subject of the proposed occupation of the Columbia river was presented to the consideration of Congress, at their last session, the minister of Great Britain, at two several interviews with the Secretary of State, suggested that Great Britain had claims on the northwest coast of America, with which he conceived that such occupation on the part of the United States would conflict; and requested to be informed what were the intentions of the Government of the United States in this respect. The Secretary of State declined answering those inquiries, or discussing those claims, otherwise than in writing. But no written communication upon the subject has been received.

JOHN QUINCY ADAMS.

The PRESIDENT OF THE UNITED STATES.

Mr. Monroe to Mr. Baker, Chargé d'Affaires from Great Britain.

SIR: DEPARTMENT OF STATE, *July* 18, 1815.

It is represented that an expedition which has been sent by your Government against a post of the United States, established on Columbia river, had succeeded in taking possession of it. By the first article of the treaty of peace, it is stipulated that all territory, places, and possessions whatsoever, taken by either party from the other during the war, shall be restored without delay, with the exception only of the islands in Passamaquoddy bay, which should remain in the possession of the party in whose occupation they then were, subject to the decision provided for in the fourth article. As the post on Columbia river was taken during the war, and is not within the exception stipulated, the United States are of course entitled to its restitution; measures, therefore, will be taken to reoccupy it without delay. It is probable that your Government may have given orders for its restitution: to prevent, however, any difficulty on the subject, I have to request that you will have the goodness to furnish me with a letter to the British commander there to that effect.

I have the honor to be, &c.

JAMES MONROE.

ANTHONY ST. JOHN BAKER, Esq.

Mr. Baker, Chargé d'Affaires from Great Britain, to Mr. Monroe, Secretary of State.

SIR: WASHINGTON, *July* 23, 1815.

I have had the honor to receive your letter of the 18th instant, acquainting me that it had been represented to the American Government that a British force, sent for that purpose, had succeeded in taking possession of the United States establishment on Columbia river, and claiming its restoration under the words of the first article of the treaty, upon the ground of its having been captured during the war; stating, likewise, that His Majesty's Government may have given order for its restitution, but requesting, with a view to prevent any difficulty on the subject, that I would furnish a letter to that effect to the British commander there.

As I have received no communication from His Majesty's Government on the subject of these orders, you will readily, I am convinced, perceive the impracticability of my furnishing a letter of this nature; and although it is believed that the post in question has been captured, of which, however, the American Government does not appear to have any certain information on which to ground the claim of restitution, yet another point, equally essential, remains in great uncertainty, viz: whether any persons whatsoever were left to retain possession of it. My impression is, that the establishment was broken up, and the persons found there brought away. Vice Admiral Dixon, however, the commander-in-chief of His Majesty's naval forces on the Brazil station, in whose command the Pacific ocean is included, is no doubt in possession of every necessary information in relation to this post, and will be able to communicate on the subject with any authorized agent on the part of the United States.

Having observed that you have stated, in two letters which I have lately had the honor of receiving from you, that I had been particularly charged with the execution of the treaty of peace, I avail myself of this opportunity of noticing the circumstance, simply with a view of preventing any possible misapprehension which might be produced by it. You will perceive, on a reference to the two credentials empowering me to exchange the ratifications, and to act as His Majesty's chargé d'affaires, that no such particular authority was vested in me, although the general powers of the above character would undoubtedly enable me to promote, and in some respects accomplish, this object.

I have the honor to be, with the greatest consideration and respect,

Sir, your most obedient and humble servant,

ANTHONY ST. JOHN BAKER.

Mr. Bagot, Envoy Extraordinary and Minister Plenipotentiary from Great Britain, to Mr. Adams, Secretary of State.

SIR: WASHINGTON, *November* 26, 1817.

From the conversation which you did me the honor to hold with me two days ago upon the occasion of the inquiry which I thought it my duty to make relative to the reported destination of the United States sloop of war Ontario, I am, I presume, warranted in inferring that the information which I had previously received upon that subject is essentially correct, and that one of the objects of the voyage of the Ontario is to establish a settlement in the neighborhood of the Columbia river, on the northwest coast of America.

It will be remembered that, some months after the exchange of the ratifications of the treaty of peace, an application was made to Mr. Baker, then His Majesty's chargé d'affaires in this country, claiming the restitution of a post which had been held by the United States upon the Columbia river, and which was alleged to have been captured during the war; and Mr. Baker was requested to take steps for the purpose of facilitating its restoration.

Mr. Baker, having, in his reply, pointed out the insufficiency of the evidence on which the claim of restitution appeared to be founded, and having represented his want of authentic information and instructions upon the subject, referred the Secretary of State to the British admiral, within whose command he conceived the Pacific ocean to be included.

In consequence of this correspondence, an application was soon afterwards made by Mr. Baker to the Governor General of Canada, in the expectation that he, perhaps, might be enabled to furnish some information upon the subject, in the event of the question being again brought into discussion.

From the reports then made by him, it appeared that the post in question had not been captured during the late war, but that the Americans had retired from it, under an agreement made with the Northwest Company, who had purchased their effects, and who had ever since retained peaceable possession of the coast.

As it thus appears that no claim for the restitution of this post can be grounded upon the first article of the treaty of Ghent, and as the territory itself was early taken possession of in His Majesty's name, and has been since considered as forming a part of His Majesty's dominions, I have to request that you will do me the honor to furnish me with such explanation as you may judge proper of the object of the voyage of the Ontario, so far as it may relate to establishments upon the territory to which I refer, in order that I may represent to His Majesty's Government, in its just point of view, a measure in which His Majesty's rights and interests appear to be so materially involved.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES BAGOT.

Extracts of a letter from Mr. Rush to the Secretary of State, dated

LONDON, *February* 14, 1818.

I am now to have the honor of stating all that passed in the conversation with Lord Castlereagh on the 1st of this month.

His lordship introduced in the last place (assuaging as much as possible, by his manner, the essential character of his remarks) the affair of the establishment at the mouth of the river Columbia. A despatch from Mr. Bagot, he observed, had acquainted the Government here with the steps lately taken by the Government of the United States to repossess itself of that post; and he had to express to me the regret which had been felt at the measure. It was to have been wished, he intimated, that, before the Ontario sailed, notice had been given to the British minister at Washington of the intention to despatch her, with a communication of the objects of her destination; Great Britain having a claim of dominion over the territory in question. He went on to inform me that Mr. Bagot had sent in a remonstrance upon the occasion, to which, at the last dates, an answer had not been returned. His lordship closed by saying that it was the desire of this Government to submit to the Government of the United States a proposal that the claim of title to this post should, as in the two former instances, go before commissioners, and be governed, in other respects, by the precedent of the treaty, annexing to it a third supplemental article as the groundwork of an eventual arbitration.

To his propositions and remarks I made such replies as the nature of all, and the novelty of some of them, appeared to demand. First, as to the settlement at Columbia river: Having heard nothing from the Department upon the subject, I was necessarily uninformed of what passed at Washington. I could only treat it as my first impressions dictated. I expressed the surprise which I felt at its assuming an aspect of complaint. The just grounds upon which England claimed dominion were, I said, unknown to me. Granting that there did exist in her favor any claim or pretence of right, was it possible that the lawfulness of the step taken could be drawn into question? That the spot was in our possession before the war, was a fact known to the world; that it fell, by belligerant capture, into the hands of Britain, whilst it raged, was alike notorious. How, then, under a treaty which stipulated the mutual restitution of all places reduced by the arms of either party, was our right to immediate and full repossession to be, for an instant, impugned? I adverted to the familiar case of Nootka sound and the Falkland islands. Here Great Britain, under circumstances far less strong, had asserted the undeniable principle of which we had claimed the benefit. In fine, I knew not how to illustrate or justify, by argument, a measure which seemed to rest upon so broad and indisputable a foundation of national right. It is proper, at this stage, to say that Lord Castlereagh admitted, in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title. The manner of obtaining it, he said, was alone to be lamented, declaring that it arose from the possible tendency which it might have to give some momentary disturbance in that region to the general harmony subsisting between the countries. He hoped sincerely this would not be the case, and added that, with a view to forestall, by the most prompt and practicable means, such a result, he had addressed a note to the lords of the admiralty, and another to Lord Bathurst, Secretary of State for the Colonial Department, on the 26th of last month, desiring that the proper orders might be expedited to prevent, under whatever form, all hostile collision. A copy of these notes he took down and read to me.

I proceeded with further remarks. Though it was scarcely to be expected, I said, that I could yet have received information from my Government relative to the measure, and although, in fact, nothing had reached me, I was nevertheless most abundantly confident that it had originated in no unfriendly motive or feeling. It had so happened, I continued, that I had been honored with some knowledge of the executive deliberations at about the time the Ontario sailed, which left me the less scruple in making this assertion. It was true I had come away before her final departure; but sure I felt that there could have been no alteration in the unexceptionable views that had suggested the voyage; and, above all, I subjoined, that the use of force, as a means of re-establishing our previous dominion, had in nowise coupled itself with the intentions that were formed. These assurances, I thought, appeared to go some lengths towards placing the transaction in its innocent and justifiable lights. Given, as they were, frankly, I hope that what I said may be found to meet the President's approbation. I felt all the extravagance of the supposition that there had been any deviation, on the part of the Government, in this instance, from its wonted respect to the rights of other nations. Lord Castlereagh did not, in any way, unfold the nature of the British claim.

Extract of a letter from Mr. Adams, Secretary of State, to Mr. Rush, Envoy Extraordinary and Minister Plenipotentiary in London, dated

DEPARTMENT OF STATE, WASHINGTON, *May* 20, 1818.

From the tenor of your correspondence with Lord Castlereagh, reported in your despatch No. 7, as well as from the communications made here on the same subject by Mr. Bagot, it appears that the British Government have acceded to the proposals heretofore made on our part, to refer the question which has arisen upon the construction of the first article of the treaty of Ghent, in relation to the restitution of slaves carried away from the United States after the ratification of the treaty of peace, to the arbitration of a friendly sovereign. This accession is understood to be absolute and unconditional, but accompanied with the suggestion of a wish on the part of the British cabinet to try, as a previous measure, the experiment adopted for the adjustment of other questions between the two countries, of submitting the case to the decision of commissioners mutually chosen by the two parties; submitting at the same time to the same, or other commissioners appointed in like manner, the ascertainment and demarcation of a boundary line from the northwest corner of the Lake of the Woods, westward; and the right and title of the United States to a settlement at the mouth of Columbia river on the Pacific ocean.

If the proposal to refer to commissioners the decision of the question relating to the slaves, before having recourse to the arbitration, had been confined to that object, it would have been accepted without hesitation or delay. But it has been so connected with the others, that Lord Castlereagh at least avoided committing his Government to the engagement of disposing, in that manner, of this particular point of difference by itself. Mr. Bagot's statement of the proposal is of the same character. Without explicitly declaring that the British Government would decline submitting the slave question alone to commissioners, he did not profess to be authorized to agree to it separately, and urged, on various grounds, the expediency of arranging, as soon as possible, and by the same means, all the subjects which might even be hereafter occasions of misunderstanding between the two countries.

Taken altogether as a complicated proposal, it involves a multitude of considerations, which require some deliberation before a definitive answer can be given. As soon as the President shall have come to a determination concerning it, the result will be immediately communicated to you. In the mean time, it may be proper that you should assure Lord Castlereagh that it was entirely owing to accident, and to the communications which had previously

passed between the late Secretary of State and Mr. Baker concerning the restitution of the post at the mouth of Columbia river, that the Ontario was despatched for the purpose of resuming our possession there, without giving notice of the expedition to Mr. Bagot and to his Government. Copies of these communications are herewith enclosed, from which it was concluded that no authorized English establishment existed at that place; and as they intimated no question whatever of the title of the United States to the settlement which existed there before the late war, it did not occur that any such question had since arisen, which could make it an object of interest to Great Britain. You are authorized to add, that notice of the departure of the Ontario, and of the object of her voyage, would nevertheless have been given, but that the expedition was determined, and the vessel despatched, during the President's absence from the seat of Government the last season.

These explanations have already been given to Mr. Bagot, who has expressed himself entirely satisfied with them, and his conviction that they will be equally satisfactory to his Government. As it was not anticipated that any disposition existed in the British Government to start questions of title with us on the borders of the South sea, we could have no possible motive for reserve or concealment with regard to the expedition of the Ontario. In suggesting these ideas to Lord Castlereagh, rather in conversation than in any more formal manner, it may be proper to remark the minuteness of the present interests, either to Great Britain or to the United States, involved in this concern; and the unwillingness, for that reason, of this Government to include it among the objects of serious discussion with them. At the same time you might give him to understand, though not unless in a manner to avoid every thing offensive in the suggestion, that, from the nature of things, if in the course of future events it should ever *become* an object of serious importance to the United States, it can scarcely be supposed that Great Britain would find it useful or advisable to resist their claim to possession by systematic opposition. If the United States leave her in undisturbed enjoyment of all her holds upon Europe, Asia, and Africa, with all her actual possessions in this hemisphere, we may very fairly expect that she will not think it consistent either with a wise or a friendly policy to watch with eyes of jealousy and alarm every possibility of extension to our natural dominion in North America, which she can have no solid interest to prevent, until all possibility of her preventing it shall have vanished.

Extract of a letter from R. Rush, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States at London, to the Secretary of State, dated

JULY 25, 1818.

Lord Castlereagh returned from Ireland sooner than was expected, having got back on the 14th of this month. On the 15th I wrote him a note, requesting an official interview, which he granted me on the 16th.

I began the conversation by affording the explanations embraced in your despatch No. 4, respecting the Ontario's voyage to the mouth of the river Columbia. In the course of them, I particularly dwelt, according to your instructions, upon the correspondence which took place between the Secretary of State and Mr. Baker soon after the peace, in which the latter never made a question as to the valid title of the United States, or intimated the existence of any authorized establishment at that post, on the part of Great Britain, before the war. His lordship said nothing in reply, though it appeared to me that the explanation was satisfactory to him, removing as it does all ground of complaint.

From Mr. Prevost to the Secretary of State.

SIR: MONTE REY, NEW CALIFORNIA, *November* 11, 1818.

In conformity with mine of the 27th July, which I had the honor to address to your Department from Lima, I proceeded in His Britannic Majesty's sloop of war Blossom to the mouth of the Columbia, and entered the river on the 1st of October following. A few days thereafter, to wit, on the 6th, as you will perceive by referring to a copy of the act of surrender, (marked A,) I received in the name and on the part of the United States the possession of the establishment at Fort George, made under the first article of the treaty of Ghent, by Captain Hickey, of the royal navy, in compliance with the orders of the Prince Regent for that purpose, signified to him through the medium of the Earl Bathurst. The British flag was thereupon lowered, and that of the United States hoisted in its stead, where it now waves in token both of possession and of sovereignty.

The establishment, of which the annexed sketch (No. 1) will give you a correct idea, has been considerably extended and improved by the agents of the Northwest Company of Canada, who will continue to occupy and protect it under our flag, until it shall please the President to give orders for their removal. I will, however, suggest that, when this disposition shall take place, time ought to be granted in a ratio with the distance, to enable them to obtain the means of transporting the private property deposited there, consisting of dry goods, furs, and implements of war, to a large amount. Shortly after the ceremony and surrender, I received a note on this subject from Mr. Keith, the gentleman whose signature accompanies that of Captain Hickey, which, together with a copy of my answer, (No. 2,) is submitted for your inspection. A sense of justice would have dictated the assurances I have given him in reply; but I had a further motive, which was that of subsiding the apprehensions excited by the abrupt visit of the Ontario. It appeared to me prudent, in this view, to take no notice of the suggestion relative to a discussion of boundary, and, in answering, to avoid any intimation of immediate or of future removal, as either might have induced him to form a settlement elsewhere on the river, and thus give rise to collisions between the two Governments which may now be wholly avoided.

The bay is spacious, contains several anchoring places in a sufficient depth of water, and is by no means so difficult of ingress as has been represented. Those enjoying the exclusive commerce have probably cherished an impression so favorable to its continuance, growing out of the incomplete survey of Lieutenant Broughton, made under the orders of Vancouver, in 1792. It is true that there is a bar extending across the mouth of the river, at either extremity of which are, at times, appalling breakers; but it is equally true that it offers, at the lowest tides, a depth of twenty-one feet of water throughout a passage exempt from them of nearly a league in width. The Blossom, carrying more guns than the Ontario, encountering a change of wind while in the channel, was compelled to let go the anchor, and, when again weighed, to tack and beat in order to reach the harbor, yet found a greater depth, and met with no difficulty either then or on leaving the bay. The survey marked C may be relied on for its accuracy. The bearings, distances, and soundings were taken by Captain Hickey, who was kind enough to lend himself to the examination, and to furnish me with this result. It is the more interesting as it shows that, with the aid of buoys, the access, to vessels of almost any tonnage, may be rendered secure. In addition to this, it is susceptible of entire defence, because a ship, after passing the bar, in order to avoid the breaking of the sea on one of the banks, is obliged to bear up directly for the knoll forming the cape, at all times, to approach within a short distance of its base, and most frequently then to anchor. Thus, a small battery erected on this point, in conjunction with the surges on the opposite side, would so endanger the approach as to deter an enemy, however hardy, from the attempt.

This outlet, the only one between the thirty-eighth and fifty-third degrees of latitude, embraces the entire range of country from the ocean to the mountains, and its interior unites the advantage of a water communication throughout, by means of the many streams tributary to the Columbia; two of which disembogue opposite to each other, within twenty-five leagues of the port, are navigable, and nearly of equal magnitude with this beautiful river. The ocean teems with the *otter*, (mustela,) the seal, and the whale; while the main land affords, in innumerable quantities, the *common otter*, (musk,) the bear, the buffalo, and the whole variety of deer.

It has been observed by those exploring this coast that the climate to the southward of 53° assumes a mildness unknown in the same latitude on the eastern side of the continent. Without digressing to speculate upon the cause, I will merely state that such is particularly the fact in 46° 16′, the site of Fort George. The mercury during the winter seldom descends below the freezing point; when it does so, it is rarely stationary for any number of days, and the severity of the season is more determined by the quantity of water than by its congelation. The rains usually commence with November, and continue to fall partially until the latter end of March or beginning of April. A benign spring succeeds; and when the summer heats obtain, they are so tempered by showers as seldom to suspend vegetation. I found it luxuriant on my arrival, and during a fortnight's stay experienced no change of weather to retard its course. The soil is good; all the cereal, gramina, and tuberous plants may be cultivated with advantage, and the waters abound in salmon, sturgeon, and other varieties of fish.

The natives, in appearance as well as in character, differ essentially from those with us. They are less in stature, more delicately formed, and singular in the shape of the head, which, in infancy, is compressed between two small plates of wood or metal, so as in its growth to obtain the semblance of a wedge. They are inquisitive, cheerful, sagacious, possess fewer of the vices attributed to the savage, and are less addicted to cruelties in war; scalping is unknown to them, and a prisoner suffers the infliction of no other punishment than that of becoming a slave to the captor; but as they neither sow nor reap, an observer cannot easily discern in what the servitude consists. The wants of the one are supplied by his own address in the use of the bow and the spear, while those of the other require the same efforts and equal skill for their gratification.

The language on the side of the falls bears a strong analogy to that of Nootka, so much so that, with the aid of a Spanish vocabulary of the latter, accompanying the voyage of Valdes, I could, notwithstanding the imperfection in this mode of conveying and of obtaining sounds, express my wants and be perfectly understood. I met with several of the natives who had heretofore volunteered on board of some one of our vessels in their fur excursions, two of whom had acquired a sufficient knowledge of our language to speak it with some ease, and were extremely solicitous to embark with us.

I regret that I could not collect sufficient data upon which to ground an estimate of the furs gathered on the Columbia; it was impossible, for reasons that are obvious. Humboldt has undertaken to number those of the otter taken on the coast and shipped to China, of which he assigns five-sixths to the American; he may be correct in the quantity, but I doubt whether the proportion be quite so great, as it frequently happens that the English adventurer confides his stock to our countrymen in order to participate in the benefit of a market, from a direct intercourse with which he is excluded by the laws of his country.

Perhaps I have gone too much into detail; but it appeared to me that, by exhibiting the importance of the position only, I should not have fulfilled the object of the President; that it was equally incumbent upon me to present a view of the country, of its inhabitants, of its resources, of its approach, and of its means of defence. I shall now conclude with the relation of an occurrence which may and ought to influence the course to be adopted and pursued as to this station.

The speculations of Humboldt, his glowing descriptions of the soil and climate of this province, have probably given a new direction to the ambition of Russia, and determined its Emperor to the acquisition of empire in America. Until 1816 the settlements of this Power did not reach to the southward of 55°,* and were of no consideration, although dignified by them with the title of Russian America. In the commencement of that year two distinct establishments were made, of a different and of a more imposing character: the first at Atooi, one of the Sandwich islands; the other in this vicinity, within a few leagues of San Francisco, the most northerly possession of Spain, in 37° 56′. The sketch I subjoin, marked D, was procured from a member of the Government at this place; from whom I also learned that its augmentation has since become so considerable as to excite serious alarm. Two Russian ships left this on their way thither a few days anterior to our arrival; the one having on board mechanics of every description, together with implements of husbandry. We passed sufficiently near the spot assigned to it to distinguish the coast with some precision, and ascertained that it was an open road—a circumstance that renders the position liable to many objections, if intended to be permanent; in other respects, the choice is judicious for an infant colony. It enjoys a climate still milder than that of Columbia, is environed by a beautiful country, and its proximity to an old settlement enables the Russian to partake of the numerous herds of black cattle and horses that have been there multiplying for the last fifty years. The port of St. Francis is one of the most convenient, extensive, and safe in the world, wholly without defence, and in the neighborhood of a feeble, diffused, and disaffected population. Under all these circumstances, may we not infer views to the early possession of this harbor, and ultimately to the sovereignty of entire California? Surely the growth of a race on these shores, scarcely emerged from the savage state, guided by a chief who seeks not to emancipate but to enthral, is an event to be deprecated—an event, the mere apprehension of which ought to excite the jealousies of the United States, so far, at least, as to induce the cautionary measure of preserving a station which may serve as a barrier to a northern aggrandizement.

I have not been able to gather other information respecting the settlement at Atooi than that of an assurance of its existence—a fact corroborated by the visit of the two ships to those islands in their route hither. The Russians are not yet such enterprising navigators as to augment sea risks by extending a voyage several thousand miles without an object. Such was the case in this instance, unless connected with the settlement, as they had sailed from Lima abundantly supplied a few weeks prior to my first visit to that city, in April last.

These islands yield the sandal wood, so much esteemed in China, and have been resorted to by our vessels for years past, not only in search of this valuable article, but of the necessary stock of fresh provisions to supply the crew during their cruise on the northwest coast. How far this intercourse may be affected hereafter by this encroachment, is also a subject for the consideration of the President.

I have taken the liberty to enclose a note marked E, of the authorities, Spanish as well as English, that have fallen under my view, illustrating the discovery of the Columbia by Mr. Gray, in 1791. Its subsequent occupation in 1811, by which the sovereignty of the United States was completed, to the exclusion of any European claimant, is a fact of which the surrender of the sole establishment on the river is conclusive evidence.

I have the honor to be, with great consideration, your very humble servant,

J. B. PREVOST.

* Chart of the discoveries of Russian navigators, published by order of the Emperor in 1802; referred to by Humboldt, in his View of New Spain; translation, page 270, vol. 2. (Note.)

A.

Act of surrender and acknowledgment.

In obedience to the commands of His Royal Highness the Prince Regent, signified in a despatch from the right honorable Earl Bathurst, addressed to the partners or agents of the Northwest Company, bearing date 27th January, 1818, and in obedience to subsequent orders, dated the 26th July last, from William H. Sheriff, Esquire, captain of His Majesty's ship Andromache, we, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the Government of the United States, through its agent, J. B. Prevost, Esquire, the settlement of Fort George, on the river Columbia.

Given under our hands, in triplicate, at Fort George, Columbia river, this 6th of October, 1818.

F. HICKEY,
Captain of His Majesty's Ship Blossom.
JAMES KEITH,
Of the Northwest Company.

I do hereby acknowledge to have this day received, on behalf of the Government of the United States, the possession of the settlement designated above, in conformity to the first article of the treaty of Ghent.

Given under my hand, in triplicate, at Fort George, Columbia river, this 6th of October, 1818.

J. B. PREVOST,
Agent for the United States.

No. 1.

Mr. Keith to Mr. Prevost.

SIR: FORT GEORGE, COLUMBIA RIVER, *October* 6, 1818.

Now that the restitution and the settlement have been made, and that the Northwest Company are still allowed to occupy it in the prosecution of their commercial pursuits, permit me to submit to you the following important queries, to which I request a candid and explicit reply: Whether or not you feel authorized, on behalf of the United States, to tender me any assurance, or to afford any security, that no abandonment or relinquishment of said settlement will be claimed by your Government in favor of any of its subjects, to the ejectment and exclusion of said Northwest Company, prior to the final decision of the right of sovereignty to the country between our respective Governments? And pending such discussion, as also in the event of such sovereignty being confirmed to the United States, may the Northwest Company implicitly rely on the justice and equity of your Government, that adequate allowance will be made for any extension or amelioration of aforesaid settlement, or of the trade dependant thereon, of which circumstances may from time to time suggest the propriety?

I have the honor, &c.

JAMES KEITH,
Acting for self and Northwest Company.

J. B. PREVOST, Esq.

No. 2.

SIR: FORT GEORGE, COLUMBIA RIVER, *October* 6, 1818.

In answer to your note of this morning, I have the honor to state that the principal object of the President in sending me thus far was to obtain such information of the place, of its access, and of its commercial importance, as might enable him to submit to the consideration of Congress measures for the protection and extension of the establishment. From hence you will perceive that, until the sense of the Government may be taken upon my report, any assurances I might offer to meet the wishes expressed by you would be as unauthorized as unavailing.

I, however, sir, have no hesitation in saying that, should it hereafter comport with the views of the nation to foster the settlement, any claim of the Northwest Company, justified by the usages of nations, will be liquidated with great liberality; and that, should its policy induce a system of exclusion, it will never extend to your removal without sufficient notice to prevent loss and injury to the company.

I cannot take my leave, sir, without expressing my approbation of the manner in which an establishment so precarious has been managed, nor without offering a hope that the same judicious course may be pursued under the change of flag for its success, until the pleasure of the President can be known.

J. B. PREVOST.

JAMES KEITH, &c.

E.

Note and authorities.

Relacion del Viase Heclo por las Goletas Sutie y Mexicana, in 1792, published in 1802, page 157.

Introduction to the same, page 95.

Chart accompanying the work, in which the mouth of the Columbia is stated only as an entrance "*seen*" by Hacata and Quadra, to whom the discovery is ascribed.

Maurelle, the pilot, who published an account of the voyage. This work has been translated by Barrington, and is referred to in the instructions to Perouse.

Vancouver, 1st volume, quarto edition, 210, 214, 215.

2d volume, 74, observations incorporated with the report of Lieutenant Broughton Mears, who also perceived indent, but could discover no entrance, and examined the northern point "Disappointment," which it still leaves.

[TRANSLATION.]

The Chevalier de Poletica to the Secretary of State.

WASHINGTON, *January* 30, [*February* 11,] 1822.

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, in consequence of orders which have lately reached him, hastens herewith to transmit to Mr. Adams,

Secretary of State in the Department of Foreign Affairs, a printed copy of the regulation adopted by the Russian American Company, and sanctioned by His Imperial Majesty, relative to foreign commerce in the waters bordering the establishments of the said company on the northwest coast of America.

The undersigned conceives it to be, moreover, his duty to inform Mr. Adams that the Imperial Government, in adopting the regulation, supposes that a foreign ship, which shall have sailed from a European port after the 1st of March, 1822, or from one of the ports of the United States after the 1st of July of the same year, cannot lawfully pretend ignorance of these new measures.

The undersigned eagerly embraces this occasion of offering to Mr. Adams the assurance of his high consideration.

PIERRE DE POLETICA.

Mr. ADAMS, *Secretary of State.*

Edict of His Imperial Majesty, Autocrat of all the Russias.

The Directing Senate maketh known unto all men:

Whereas, in an edict of His Imperial Majesty, issued to the Directing Senate on the 4th day of September, and signed by His Imperial Majesty's own hand, it is thus expressed:

"Observing, from reports submitted to us, that the trade of our subjects on the Aleutian islands, and on the northwest coast of America, appertaining unto Russia, is subjected, because of secret and illicit traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the Kurile islands, we have deemed it necessary to determine these communications by specific regulations, which are hereto attached.

"In forwarding these regulations to the Directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution."

COUNT D. GURIEF, *Minister of Finances.*

It is therefore decreed by the Directing Senate that His Imperial Majesty's edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

[The original is signed by the Directing Senate.]

Printed at St. Petersburg. In the Senate, September 7, 1821.

[On the original is written, in the handwriting of His Imperial Majesty, thus:]

Be it accordingly.

ALEXANDER.

KAMENNOY OSTROFF, *September* 4, 1821.

Rules established for the limits of navigation and order of communication along the coast of the Eastern Siberia, the northwestern coast of America, and the Aleutian, Kurile, and other islands.

SEC. 1. The pursuits of commerce, whaling, and fishery, and of all other industry, on all islands, ports, and gulfs, including the whole of the northwest coast of America, beginning from Bhering's strait to the fifty-first degree of northern latitude, also from the Aleutian islands to the eastern coast of Siberia, as well as along the Kurile islands from Bhering's strait to the south cape of the island of Urup, viz: to 45° 50′ northern latitude, are exclusively granted to Russian subjects.

SEC. 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than a hundred Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo.

SEC. 3. An exception to this rule is to be made in favor of vessels carried thither by heavy gales, or real want of provisions, and unable to make any other shores but such as belong to Russia; in these cases, they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing rule, (section 2.) In this case, however, they must previously be provided with passports from the Russian Minister of the Navy.

SEC. 4. Foreign merchant ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts, are obliged to endeavor to choose a place where Russians are settled, and to act as hereunder stated.

SEC. 5. On the arrival of a foreign merchant ship, wind and weather permitting, a pilot will meet her to appoint an anchoring place appropriated for the purpose. The captain who, notwithstanding this, anchors elsewhere without being able to assign a proper reason to the commander of the place, shall pay a fine of one hundred dollars.

SEC. 6. All rowing boats of foreign merchant vessels are obliged to land at one place appointed for them, where in the daytime a white flag is hung out, and at night a lantern, and where a clerk is to attend continually to prevent importing and exporting any articles or goods. Whoever lands at any other place, even without an intent of smuggling, shall pay a fine of fifty dollars; and if a person be discovered bringing any articles ashore, a fine of five hundred dollars is to be exacted, and the goods to be confiscated.

SEC. 7. The commanders of said vessels being in want of provisions, stores, &c. for the continuation of their voyage, are bound to apply to the commander of the place, who will appoint where these may be obtained, after which they may without difficulty send their boats there to procure all they want. Whosoever deviates from this rule shall pay a fine of one hundred dollars.

SEC. 8. If it be unavoidable, for the purpose of repairing or careening a foreign merchant ship, that she discharge the whole cargo, the master is obliged to ask the permission of the commander of the place. In this case, the captain shall deliver to the commander an exact list of the nature and quality of the goods discharged. Every one who omits to report any part of the cargo will be suspected of smuggling, and shall pay a fine of one thousand dollars.

SEC. 9. All expenses incurred by these vessels during their stay in the Russian territories must be paid in cash or bills of exchange. In case, however, the captains of these ships have no money on board, and nobody gives security for their bonds, the commander can, at their request, allow the sale of such articles, stores, or goods, required merely for defraying the above-stated expenses. These sales, however, can be made only to the company, and through the means of the commander, but must not exceed the expenses of the ships, under penalty of the cargo being seized, and a fine paid of one thousand dollars.

SEC. 10. As soon as said foreign merchant vessels are ready for their cargoes, stores, provisions, &c., they must immediately proceed to take them in; and after an examination, if they have loaded all the above-stated articles, and a written certificate of their not having left any thing behind, they are to set sail.

Such vessels as have not been unloaded are likewise subjected to sail without the least delay, as soon as they are able to proceed to sea.

SEC. 11. It is prohibited to all commanders of the said foreign vessels, commissioners, and others, whosoever they may be, to receive any articles, stores, or goods in those places where they will have landed, except in the case as per section 7, under penalty of seizure of their ship and cargo.

SEC. 12. It is prohibited to these foreign ships to receive on board, without especial permission of the commanders, any of the people in the service of the company, or of the foreigners living in the company's settlements.

Ships proved to have the intention of carrying off any person belonging to the colony shall be seized.

SEC. 13. Every purchase, sale, or barter is prohibited betwixt a foreign merchant ship and people in the service of the company. This prohibition extends equally to those who are on shore and to those employed in the company's ships.

Any ship acting against this rule shall pay five times the value of the articles, stores, or goods, constituting this prohibited traffic.

SEC. 14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands and of the northwest coast of America, in the whole extent hereabove mentioned. A ship convicted of this trade shall be confiscated.

SEC. 15. All articles, stores, and goods, found on shore in ports or harbors belonging to Russian subjects, (carrying on prohibited traffic,) or to foreign vessels, are to be seized.

SEC. 16. The foreign merchant ships lying in harbor, or in the roads, dare, under no pretence, send out their boats to vessels at sea, or to those already come in, until they have been spoken to and visited, according to the existing customs. Whenever a foreign vessel hoists a yellow flag, to announce an infectious disease being on board, or the symptoms of the same, or any other danger of which she wishes to be freed, every communication is interdicted until said flag is taken down. From this rule, however, are excepted persons appointed for the purpose, and whose boats are under the colors of the Russian American Company.

Any vessel acting contrary to this regulation shall pay a fine of five hundred dollars.

SEC. 17. No ballast may be thrown overboard but in such places as are appointed by the commanders. The transgressor is liable to a fine of five hundred dollars.

SEC. 18. To all foreign merchant ships, during their stay in anchoring places, harbors, or roads, it is prohibited to have their guns loaded either with balls or cartridges, under the risk of paying a fine of fifty dollars for each gun.

SEC. 19. No foreign merchant ship in port, or in the roads, or riding at anchor, may fire guns or muskets without previously informing the commander of the place or settlement, unless it be for pilots, signalizing the same by the firing of one, two, or three guns, and hoisting her colors, as is customary in similar wants. In acting contrary thereto, she is subjected to a fine of one hundred dollars for each shot.

SEC. 20. On the arrival of a foreign ship in the harbor, or in the roads, a boat will immediately be sent to meet her, and to deliver to the captain a printed copy of these regulations, for which he must give receipt in a book destined for the purpose. He is further obliged to state in the book, as per annexed form, all information required of foreign vessels. All ships refusing to comply with these regulations dare not approach the harbor, roads, or any anchoring place.

Name and burden of the vessel.	What nation.	Name of the owner.	Name of the captain.	Number of the crew.	Number of guns.	Cargo.	Place where the vessel comes from.	Destination of the vessel.

SEC. 21. The captain of a foreign merchant ship, coming to anchor in a port, or in the roads, is obliged, on his arrival, to give a statement of the health of the ship's crew; and should, after this, a contagious illness be discovered on board of his vessel, he must immediately inform the commander of the place thereof. The vessel, according to circumstances, will be either sent off, or put under quarantine in a place appropriated for the purpose, when the crew may be cured without putting the inhabitants in danger of infection. Should the captain of such a ship conceal the circumstance, the same will be confiscated, with her whole cargo.

SEC. 22. The master of a vessel, at the request of the commander of a place, is obliged to produce a list of the whole crew and all the passengers; and, should he omit any, he shall pay a fine of one hundred dollars for every one left out.

SEC. 23. The captains are bound to keep their crews in strict order and proper behavior on the coasts and in the ports, and likewise to prevent their trading or bartering with the company's people. They are answerable for the conduct of their sailors and other inferiors. Illicit trade carried on by sailors subjects the vessel to the same penalty as if done by the captain himself; because it were easy for the captains to carry on smuggling without punishment, and justify themselves by throwing the fault on the sailors. Therefore, every article found upon sailors, which they could not hide in their pockets, or under their clothes, to screen from their superiors, sold or bought on shore, will be considered as contraband from the ship, and is subject to the prescribed fine.

SEC. 24. Foreign men-of-war shall likewise comply with the above-stated regulations for the merchant ships, to maintain the rights and benefit of the company. In case of opposition, complaints will be made to their Governments.

SEC. 25. In case a ship of the Russian Imperial navy, or one belonging to the Russian American Company, meet a foreign vessel on the above-stated coasts, in harbors or roads within the before-mentioned limits, and the commander find grounds, by the present regulation, that the ship be liable to seizure, he is to act as follows:

SEC. 26. The commander of a Russian vessel, suspecting a foreign to be liable to confiscation, must inquire and search the same, and, finding her guilty, take possession of her. Should the foreign vessel resist, he is to employ, first, persuasion, then threats, and at last force; endeavoring, however, at all events, to do this with as much reserve as possible. If the foreign vessel employ force against force, then he shall consider the same as an evident enemy, and force her to surrender according to the naval laws.

SEC. 27. After getting every thing in order and safety on board the foreign vessel, the commander of the Russian ship, or the officer sent by him, shall demand the journal of the captured vessel, and on the spot shall note

down in the same that, on such a day, month, and year, at such an hour, and in such a place, he met such and such a foreign vessel; and shall give a brief account of the circumstance, pursuit, and, finally, of the seizure. After signing the same, he shall desire the captain of the captured vessel to confirm the same in his own handwriting.

Should he, however, refuse to sign the same, the Russian officer is to repeat his summons in presence of all the officers; and if, on this, it be again refused, and nobody will sign in lieu of the captain, he is then to add this circumstance, signed by himself.

After this arrangement, the journal, list of the crew, passports, invoices, accounts, and all further papers, respecting the views and pursuits of the voyage of the vessel, shall be put up in one parcel, as well as all private papers, viz: the journals of the officers, letters, &c., and sealed with the seals of the Russian officer, and those of the captain and first officer of the foreign vessel. This packet shall remain unsealed with the commander of the Russian vessel until their arrival in the port of St. Peter and Paul, where it shall be deposited in the court, as mentioned in section 33. Besides this, every thing else must be sealed by the Russian officer and the foreign captain that is not requisite for the continuation of the voyage to the port of St. Peter and Paul, excepting the effects for immediate and sole use of the ship's crew, which shall not be withheld from them.

Sec. 28. Having thus fixed all means of precaution, the officer sent to arrest the foreign vessel shall instantly make his report to his chief, and await his orders.

Sec. 29. Thus should, by any cause stated in the second, eleventh, twelfth, and twenty-first sections of these regulations, a foreign vessel be subjected to confiscation in any port near the settlements of the Russian American Company, the commander of that settlement is obliged either to ask the assistance of the Russian man-of-war, if there be any, and the commander of which, on receipt of a written request, is obliged to arrest the vessel, and use all the precautions prescribed in the foregoing article; or, if there be no Russian man-of-war in the harbor or its neighborhood, and the commander of the settlement find that he and his people can arrest the vessel by themselves, he then is to act according to the twenty-sixth, twenty-seventh, and twenty-eighth sections; and, putting ashore the captain, and every means of getting the vessel away, he must endeavor, as soon as possible, to give information of this event, either to the governor of the colonies of the Russian American Company, or the commander of the Imperial man-of-war, if it be known where she lies.

Sec. 30. When, in consequence of such a report, the governor of the colonies shall send a company's vessel, or a Government vessel arriving, then the commander of the place shall deliver up the vessel seized, and all belonging to her, and shall report respecting his reasons for confiscating the vessel.

Sec. 31. The commander of the vessel taking charge of the seizure, per inventory, shall examine immediately into all circumstances mentioned, and compare it with the accounts of the commander of the settlement, who will give every elucidation required.

Sec. 32. All vessels detained by Russian men-of-war are ordered by these regulations to be brought to the port of St. Peter and Paul, where the sentence is to be passed on them by a court established for adjudging such cases.

Sec. 33. This court, under the presidency of the commander of Kamtschatka, shall consist of the three senior officers under him, and of the commissioner of the Russian American Company.

Sec. 34. As soon as a Russian vessel, bringing into the port of St. Peter and Paul a foreign vessel arrested by her, has come to anchor in the place assigned her, the commander of her is immediately to repair to the commander of Kamtschatka, stating briefly what vessel he has brought in, the number of the crew and of the sick, specifying their diseases, and reporting likewise whether the vessel has sufficient victuals, and what goods, guns, and other arms, powder, &c. are on board.

Sec. 35. The commander of Kamtschatka, on receiving this report, will order two officers and a sufficient number of men on board the detained vessel.

Sec. 36. These two officers, together with the officers who brought in the detained ship, when on board, are to summon the master, and two of his mates, or men in command next to him, inspect all the seals put on the vessel, and then, taking them off, begin immediately to make an accurate list of all the effects belonging to the vessel.

Sec. 37. This list is to be signed by all the officers on both sides who were present in drawing it up. The commander of Kamtschatka is to use all possible endeavors to secure from embezzlement or damage all effects belonging to the detained vessel.

Sec. 38. The crew of the vessel are then to be sent ashore to such places as shall be appointed by the commander of Kamtschatka, and remain there until the close of the investigation.

Sec. 39. The commander of the Russian vessel is obliged, in the course of two days after his arrival at the port of St. Peter and Paul, to make a minute representation to the commander of Kamtschatka of all that shall have happened at the detention of the foreign vessel brought in by him, and to deliver said vessel, together with the sealed packet containing her papers, expressed in section 27.

Sec. 40. If the Russian vessel that brought into the port of St. Peter and Paul a foreign vessel cannot, for reasons, remain there until the close of the investigation, but be obliged to proceed to sea in a very short time, the commander, in order not to detain her, shall use all possible despatch, by bringing forward the investigation of such points as may require the presence of the Russian vessel.

Sec. 41. Having settled every thing on board the arrested vessel, and landed the crew, the court shall immediately open the session, and endeavor to ascertain as soon as possible the solution of the inquiry, "Whether the vessel be lawfully arrested or not?"

Sec. 42. In order to ascertain this, the following proofs shall be substantiated:

1st. That the vessel was met with within the boundaries prescribed in the second section of these regulations, and that her having been within said limits was not occasioned by reasons stated in section 3.

2d. That the vessel is a lawful prize by virtue of the sections 2, 11, 12, 14, and 21 of these regulations, and section — of the instructions to the commander of the Russian man-of-war.

Sec. 43. In order to decide either case, the court is to inspect all documents presented, and, tracing on one part all proofs of guilt, and on the other all doubts which might clear the foreign vessel, summon the commanding officer of the Russian vessel to give all additional information deemed needful; and completing thus all circumstances condemning the foreign vessel, the court shall draw up a clear statement of the reasons of her condemnation.

Sec. 44. Should the court, in making out said statement, find that the foreign vessel has been arrested without sufficient cause, said court, on passing the sentence, is to determine the damages suffered by such detention, and to furnish both parties with a certified copy of this resolution.

Sec. 45. In the course of two days both parties shall declare whether they are satisfied with the decision of the court or not, and in the latter case (should it happen) assign it in writing.

Sec. 46. Should both parties be satisfied with the decision of the court, then the commander of Kamtschatka is to release immediately the detained vessel, returning every thing to the master according to the inventory, along with the adjudged damages, exacting them from whomsoever is to pay the same.

SEC. 47. If, on the contrary, the court receive on the third day an appeal from its decision, it is bound to take that appeal into immediate consideration, and, finding it just, to change its decision; if not, to confirm the same, and make it known to the parties a second time. After this, no representations shall be admitted, and both parties shall be summoned before the court, which will allow them to make their protest in writing, and will then state all the reasons why the sentence passed should be carried into execution.

SEC. 48. If the court find by the indictment that the vessel has been lawfully detained, then the master of the foreign vessel, or the two oldest in command under him, shall be summoned, and the reasons of their detention made known to them, giving them a certified copy of the condemnation.

SEC. 49. The court is to receive within three days, and no later, the representations of the master; and if he do not present the same within the time limited, the court summoning him, with two of his crew, notifies that his silence is received as a mark of compliance, and that the condemnation is just.

SEC. 50. In this case the court comes to its final decision, which, on the following day, is communicated to the whole crew of the foreign vessel, who shall sign, all and every one, that such sentence has been made known to them; after which, the commander of Kamtschatka is to carry the sentence of the court into execution, as will be explained hereafter.

SEC. 51. Should, however, the master deliver within the limited time his protest, then the court, examining it with all possible impartiality, shall call for all further explanations; and, having inserted the whole into the journal of the court, shall pass a final sentence, and pronounce it as stated in section 47.

SEC. 52. If by the sentence of the court the arrested vessel be released, and adjudged to receive damages for her detention, and if the vessel has been arrested by any of the company's officers, and the damages are not above five thousand rubles, the commander of Kamtschatka shall demand immediate payment of said sum from the officer of the Russian American Company; but if the damages exceed that sum, he is to notify it to the company's office, and give to the foreign master a certificate; but the money cannot be paid by the company otherwise than after the inspection and resolution of its court of directors. If, on the other hand, the foreign vessel has been detained unlawfully by a Russian man-of-war, the commander of Kamtschatka is to pay the adjudged damages (not exceeding the sum of five thousand rubles) out of any Government sum, and to report in order to incash it from the guilty; but if the damages should exceed the sum of five thousand rubles, the commander of Kamtschatka is to furnish a certificate for the receipt of that money after the regulation and confirmation of the Russian Government.

SEC. 53. The reimbursement of such damages as may have been incurred by unlawful detention shall be exacted from the commander, and all officers of the man-of-war who, having been called by the commander to a council, shall have given their opinion that such a ship ought to be detained.

SEC. 54. As soon as a foreign ship is sentenced to be confiscated, the commander of Kamtschatka is to make due arrangements for transporting the crew to Ochotzk, and from thence to any of the ports of the Baltic, in order to enable every one of them to reach his own country. With the confiscated ship and cargo he is to act as with a prize taken in time of war.

SEC. 55. After this, the commander of Kamtschatka shall order a committee to value the vessel and her cargo. This committee is to be composed of one member appointed by the commander of Kamtschatka, one by the commander of the man-of-war, and a third by the Russian American Company.

SEC. 56. These commissioners are to make up a specified list and valuation, according to the following rules:

1st. All provisions, rigging, iron, powder, and arms shall be put down at such prices as they cost Government there.

2d. All merchandises which might be used in Kamtschatka and the company's colonies, and which are carried there at times from Russia, shall be valued at their prices then existing.

3d. All goods which are not imported into these places from Russia, but are wanted there, shall be valued like goods brought from Russia, being the nearest to them, and in proportion to their wants.

4th. All goods not in use at Kamtschatka or the colonies, shall be sent to Irkutzk, and sold at public auction by the proper authorities.

SEC. 57. The said commissioners shall present their valuation to the commander of Kamtschatka for his approbation; who, in case of not finding the same exact, shall return it with his remarks, and shall appoint other officers to inspect such articles as may appear unfairly valued.

SEC. 58. If the commissioners hereafter continue in their opinion, and the commander of Kamtschatka find it impossible to agree thereto, he shall provisionally consent, and leave the final decision to Government.

SEC. 59. According to this valuation, the commander of Kamtschatka shall mark for the use of Government all those articles which he thinks are wanted; the remainder is left at the disposal of the officers of the ship, or of the Russian American Company. The seized vessel shall be valued by the court, and the valuation sent immediately to the Minister of the Navy, with a report whether such a vessel is wanted for Government service or not.

SEC. 60. The whole sum of valuation of the confiscated vessel and cargo is to be divided in the following manner: the expenses necessary to forward the ship's crew to one of the ports on the Baltic are to be deducted, and the remaining sum divided, if the vessel has been taken by the Russian American Company's officers, and carried to the port of St. Peter and Paul by a ship of said company, without the interference of a man-of-war, into five parts, of which one goes to Government, and the remaining four-fifths to the American Company; if the vessel be taken in any of the company's settlements by the company's officers, but brought to the port of St. Peter and Paul by a man-of-war, after deducting one-fifth for Government, two-fifths are to belong to the crew of the man-of-war, and the remaining two-fifths to the Russian American Company; and, finally, if such foreign vessel be detained by men-of-war only, without the assistance of the company's officers, then, after deducting one-fifth for Government, the remainder is left to the officers of the men-of-war.

But if a vessel be taken by the conjoint forces of a man-of-war and a company's vessel, then the prize shall be divided between them, in proportion to their strength, regulating the same according to the number of guns.

SEC. 61. The sum coming to the officers of the man-of-war shall be divided according to the rules for dividing prizes in time of war. In all cases, officers who had a share in seizing foreign vessels convicted of the intention of infringing the privileges most graciously granted to the Russian American Company may expect to receive tokens of His Imperial Majesty's approbation, especially when, after deducting the expenses for conveying the crew, their part in the prize money should prove but trifling.

SEC. 62. If a foreign vessel, detained by a Russian, being under the command of a Russian officer, should be cast away before reaching the port of St. Peter and Paul, the following principles shall be observed:

If the foreign vessel alone be lost, and the Russian accompanying her arrive at the port of St. Peter and Paul, then the court acts according to the foregoing rules, to determine whether that vessel was lawfully seized. In this case Government takes upon itself the expenses of conveying to a port of the Baltic such of the ship's crew as were saved. But if such vessel should not be proved to have been detained lawfully, then, independent of those expenses, the ship shall be valued, and such valuation forwarded to Government for the payment of what may be deemed

just. At the same time, investigations shall be made on the loss of the vessel; and the officer that had the command (if saved) is to be tried according to the maritime rules and regulations.

SEC. 63. The commander of Kamtschatka is bound to make a special report to the Governor General of Siberia respecting every circumstance happening to foreign vessels, annexing copies of all documents, journals, and sentences of the court, and of all papers relating thereunto.

COUNT D. GURIEF, *Minister of Finances.*

The Secretary of State to Mr. Poletica.

SIR: DEPARTMENT OF STATE, WASHINGTON, *February* 25, 1822.

I have had the honor of receiving your note of the 11th instant, enclosing a printed copy of the regulations adopted by the Russian American Company, and sanctioned by His Imperial Majesty, relating to the commerce of foreigners in the waters bordering on the establishments of that company upon the northwest coast of America.

I am directed by the President of the United States to inform you that he has seen with surprise, in this edict, the assertion of a territorial claim on the part of Russia, extending to the fifty-first degree of north latitude on this continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within one hundred Italian miles of the shores to which that claim is made to apply. The relations of the United States with His Imperial Majesty have always been of the most friendly character; and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been arranged by treaty between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

This ordinance affects so deeply the rights of the United States and of their citizens, that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognised by the laws and usages of nations, which can warrant the claims and regulations contained in it.

I avail myself of this occasion to assure you of my distinguished consideration.

JOHN QUINCY ADAMS.

The CHEVALIER DE POLETICA,
Envoy Extraordinary and Minister Plenipotentiary from Russia.

[TRANSLATION.]

The Chevalier de Poletica to the Secretary of State.

SIR: WASHINGTON, *February* 28, 1822.

I received two days since the letter which you did me the honor to address to me on the same day, by order of the President of the United States, in answer to my note of the 11th current, by which I discharged the orders of my Government in communicating to you the new regulation adopted by the Russian American Company, and sanctioned by His Majesty the Emperor, my august sovereign, on the 4th [16th] of September, 1821, relative to foreign commerce in the waters which border upon the establishments of the said company on the northwest coast of America.

Readily yielding, sir, to the desire expressed by you in your letter of knowing the rights and principles upon which are founded the determinate limits of the Russian possessions on the northwest coast of America, from Bhering's strait to the fifty-first degree of north latitude, I am happy to fulfil this task by only calling your attention to the following historical facts, the authenticity of which cannot be contested:

The first discoveries of the Russians on the northwest continent of America go back to the time of the Emperor Peter I. They belong to the attempt made towards the end of the reign of this great monarch to find a passage from the Icy sea into the Pacific ocean.

In 1728 the celebrated Captain Bhering made his first voyage. The recital of his discoveries attracted the attention of the Government, and the Empress Anne intrusted to Captain Bhering (1741) a new expedition in these same latitudes. She sent with him the academicians *Gmelin*, *Delile dela Crayere*, *Muller*, *Steller*, *Fisher*, *Krasilnicoff*, *Kræcheninicoff*, and others; and the first chart of these countries which is known was the result of their labors, published in 1758. Besides the strait which bears the name of the chief of this expedition, he discovered a great part of the islands which are found between the two continents; Cape or Mount St. Elias, which still bears this name upon all the charts, was so called by Captain Bhering, who discovered it on the day of the feast of this saint; and his second, Captain Tchiricoff, pushed his discoveries as far as the forty-ninth degree of north latitude.

The first private expeditions undertaken upon the northwest coast of America go back as far as the year 1743.

In 1763, the Russian establishments had already extended as far as the island of Kodiak, (or Kichtak.) In 1778, Cook found them at Ounalashka, and some Russian inscriptions at Kodiak. Vancouver saw the Russian establishment in the bay of Kinai. In fine, Captains Mirs, Portlock, and La Perouse unanimously attest the existence of Russian establishments in these latitudes.

If the Imperial Government had at the time published the discoveries made by the Russian navigators after Bhering and Tchiricoff, (viz. Chlodiloff, Screbreanicoff, Krassilnicoff, Paycoff, Poushcareff, Lazareff, Medwedeff, Solowieff, Lewasheff, Krenitsin, and others,) no one could refuse to Russia the right of first discovery, nor could even any one deny her that of first occupation.

Moreover, when D. José Martinez was sent, in 1789, by the court of Madrid, to form an establishment in Vancouver's island, and to remove foreigners from thence under the pretext that all that coast belonged to Spain, he gave not the least disturbance to the Russian colonies and navigators; yet the Spanish Government was not ignorant of their existence, for this very Martinez had visited them the year before. The report which Captain Malespina made of the results of his voyage proves that the Spaniards very well knew of the Russian colonies, and in this very report it is seen that the court of Madrid acknowledged that its possessions upon the coast of the Pacific ocean ought not to extend to the north of Cape Blanc, taken from the point of Trinity, situated under 42° 50′ of north latitude.

When, in 1799, the Emperor Paul I. granted to the present American Company its first charter, he gave it the exclusive possession of the northwest coast of America which belonged to Russia, from the fifty-fifth degree of north

latitude to Bhering's strait. He permitted them to extend their discoveries to the south, and there to form establishments, provided they did not encroach upon the territory occupied by other Powers.

This act, when made public, excited no claim on the part of other cabinets, not even on that of Madrid, which confirms that it did not extend its pretensions to the sixtieth degree.

When the Government of the United States treated with Spain for the cession of a part of the northwest coast, it was able to acquire, by the treaty of Washington, the right to all that belonged to the Spaniards north of the forty-second degree of latitude; but this treaty says nothing positive concerning the northern boundary of this cession, because, in fact, Spain well knew that she could not say that the coast as far as the sixtieth degree belonged to her.

From this faithful exposition of known facts, it is easy, sir, as it appears to me, to draw the conclusion that the rights of Russia to the extent of the northwest coast, specified in the regulation of the Russian American Company, rest upon the three bases required by the general law of nations and immemorial usage among nations—that is, upon the title of first discovery; upon the title of first occupation; and, in the last place, upon that which results from a peaceable and uncontested possession of more than half a century—an epoch, consequently, several years anterior to that when the United States took their place among independent nations.

It is, moreover, evident, that if the right of the possession of a certain extent of the northwest coast of America, claimed by the United States, only devolves upon them in virtue of the treaty of Washington, of 22d of February, 1819, (and I believe it would be difficult to make good any other title,) this treaty could not confer upon the American Government any right of claim against the limits assigned to the Russian possessions upon the same coast, because Spain herself had never pretended to similar right.

The Imperial Government, in assigning for limits to the Russian possessions on the northwest coast of America, on the one side Bhering's strait, and on the other the fifty-first degree of north latitude, has only made a moderate use of an incontestable right; since the Russian navigators, who were the first to explore that part of the American continent, in 1741, pushed their discovery as far as the forty-ninth degree of north latitude. The fifty-first degree, therefore, is no more than a mean point between the Russian establishment of New Archangel, situated under the fifty-seventh degree, and the American colony at the mouth of the Columbia, which is found under the forty-sixth degree of the same latitude.

All these considerations united have concurred in inspiring the Imperial Government with an entire conviction that, in the last arrangements adopted in Russia relative to her possessions on the northwest coast, the legitimate right of no foreign Power has been infringed. In this conviction, the Emperor, my august sovereign, has judged that his good right, and the obligation imposed by Providence upon him to protect with all his power the interests of his subjects, sufficiently justified the measures last taken by His Imperial Majesty in favor of the Russian American Company, without its being necessary to clothe them with the sanction of treaties.

I shall be more succinct, sir, in the exposition of the motives which determined the Imperial Government to prohibit foreign vessels from approaching the northwest coast of America belonging to Russia within the distance of at least one hundred Italian miles. This measure, however severe it may at first view appear, is, after all, but a measure of prevention. It is exclusively directed against the culpable enterprises of foreign adventurers, who, not content with exercising upon the coasts above mentioned an illicit trade very prejudicial to the rights reserved entirely to the Russian American Company, take upon them besides to furnish arms and ammunition to the natives in the Russian possessions in America, exciting them likewise in every manner to resistance and revolt against the authorities there established.

The American Government doubtless recollects that the irregular conduct of these adventurers, the majority of whom was composed of American citizens, has been the object of the most pressing remonstrances on the part of Russia to the Federal Government from the time that diplomatic missions were organized between the two countries. These remonstrances, repeated at different times, remain constantly without effect, and the inconveniences to which they ought to bring a remedy continue to increase.

The Imperial Government, respecting the intentions of the American Government, has always abstained from attributing the ill success of its remonstrances to any other motives than those which flow (if I may be allowed the expression) from the very nature of the institutions which govern the national affairs of the American federation. But the high opinion which the Emperor has always entertained of the rectitude of the American Government cannot exempt him from the care which his sense of justice towards his own subjects imposes upon him. Pacific means not having brought any alleviation to the just grievances of the Russian American Company against foreign navigators in the waters which environ their establishments on the northwest coast of America, the Imperial Government saw itself under the necessity of having recourse to the means of coercion, and of measuring the rigor according to the inveterate character of the evil to which it wished to put a stop. Yet it is easy to discover, on examining closely the last regulation of the Russian American Company, that no spirit of hostility had any thing to do with its formation. The most minute precautions have been taken in it to prevent abuses of authority on the part of commanders of Russian cruisers appointed for the execution of said regulation. At the same time, it has not been neglected to give all the timely publicity necessary to put those on their guard against whom the measure is aimed.

Its action, therefore, can only reach the foreign vessels, which, in spite of the notification, will expose themselves to seizure by infringing upon the line marked out in the regulation. The Government flatters itself that these cases will be very rare; if all remain as at present appears, not one.

I ought, in the last place, to request you to consider, sir, that the Russian possessions in the Pacific ocean extend, on the northwest coast of America, from Bhering's strait to the fifty-first degree of north latitude, and on the opposite side of Asia, and the islands adjacent, from the same strait to the forty-fifth degree. The extent of sea, of which these possessions form the limits, comprehends all the conditions which are ordinarily attached to *shut seas*, (mers fermées,) and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities.

The Emperor, my august sovereign, sets a very high value upon the maintenance of the relations of amity and good understanding which have till now subsisted between the two countries. The dispositions of His Imperial Majesty in this regard have never failed appearing at all times when an occasion has presented itself in the political relations of the United States with the European Powers; and surely, in the midst of a general peace, Russia does not think of aiming a blow at the maritime interests of the United States—she who has constantly respected them in those difficult circumstances in which Europe has been seen to be placed in the latter times, and the influence of which the United States have been unable to avert.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

PIERRE DE POLETICA.

The Secretary of State to Mr. De Poletica.

SIR: DEPARTMENT OF STATE, WASHINGTON, *March* 30, 1822.

I have had the honor of receiving your letter of the 28th ultimo, which has been submitted to the consideration of the President of the United States.

From the deduction which it contains of the grounds upon which articles of regulation of the Russian American Company have now, for the first time, extended the claim of Russia on the northwest coast of America to the fifty-first degree of north latitude, its only foundation appears to be the existence of the small settlement of Novo Archangelsk, situated, not on the American continent, but upon a small island in latitude 57°; and the principle upon which you state that this claim is now advanced is, that the fifty-first degree is equidistant from that settlement of Novo Archangelsk and the establishment of the United States at the mouth of Columbia river. But, from the same statement, it appears that, in the year 1799, the limits prescribed by the Emperor Paul to the Russian American Company were fixed at the fifty-fifth degree of latitude, and that, in assuming now the latitude 51°, a new pretension is asserted, to which no settlement made since the year 1799 has given the color of a sanction.

This pretension is to be considered not only with reference to the question of territorial right, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within one hundred Italian miles of the coasts. From the period of the existence of the United States as an independent nation, their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than ninety degrees of longitude, or four thousand miles.

As little can the United States accede to the justice of the reason assigned for the prohibition above mentioned. The right of the citizens of the United States to hold commerce with the aboriginal natives of the northwest coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas. That right has never been exercised in a spirit unfriendly to Russia; and although general complaints have occasionally been made on the subject of this commerce by some of your predecessors, no specific ground of charge has ever been alleged by them of any transaction in it which the United States were, by the ordinary laws and usages of nations, bound either to restrain or to punish. Had any such charge been made, it would have received the most pointed attention of this Government, with the sincerest and firmest disposition to perform every act and obligation of justice to yours which could have been required. I am commanded by the President of the United States to assure you that this disposition will continue to be entertained, together with the earnest desire that the most harmonious relations between the two countries may be preserved.

Relying upon the assurance in your note of similar dispositions reciprocally entertained by His Imperial Majesty towards the United States, the President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights.

I am happy to renew the assurances of my distinguished consideration.

JOHN QUINCY ADAMS.

The CHEVALIER DE POLETICA, *Envoy Extraordinary, &c. from Russia.*

[TRANSLATION.]

The Chevalier de Poletica to the Secretary of State.

SIR: WASHINGTON, *March* 21, [*April* 2,] 1822.

I had the honor yesterday to receive the letter which you were pleased to address to me, dated 30th March last; and, not being authorized to continue the discussion to which it refers, I find myself under the necessity of taking the contents of that letter *ad referendum*, reserving myself to communicate it to my Government as soon as possible.

In the mean time, I shall take the liberty of submitting to your consideration some observations which have been suggested to me by certain passages in your letter which require particular notice.

In the first official letter which I had the honor of addressing to you, dated 16th [28th] February last, I thought I had succeeded in clearly demonstrating that the rights of Russia to the possession of a certain extent of the northwest coast of America, as far as these rights can be rendered legitimate by the first discovery, the first occupation, and a possession not contested for more than half a century—that these rights, I say, go back to times considerably earlier than the reign of the Emperor Paul I.

When this sovereign granted, in 1799, to the Russian American Company its first charter of incorporation, there had never been a question about abandoning to that company the right of sovereignty over one determinate portion of the northwest coast of America in all its plenitude. The question was purely and simply of conceding to the said company a part of the sovereignty, or rather certain exclusive privileges of commerce, and it is in this view that the act of 1799, to which you refer, sir, fixed the limits of the operations of the Russian American Company.

The rights of sovereignty belonging to Russia could lose nothing of their local extent in consequence of the concessions made to that company in the reign of the Emperor Paul. That these rights extended, in the opinion of the Imperial Government, farther south than the fifty-fifth degree of latitude, appears evident from the structure of the third article of the act of incorporation, which authorizes the company to form establishments south of the fifty-fifth degree of north latitude.

But what will dispel even the shadow of doubt in this regard is the authentic fact that, in 1789, the Spanish packet St. Charles, commanded by Captain Haro, found, in the latitude 48° and 49°, Russian establishments to the number of eight, consisting, in the whole, of twenty families, and four hundred and sixty-two individuals. These were the descendants of the companions of Captain Tchiricoff, who was supposed till then to have perished.

With such titles justifying the rights claimed by Russia, you yourself, sir, will agree that it is perfectly immaterial whether the Russian establishment at Novo Archangelsk be small or large. If the rights of territorial possession were measured according to the dimensions of the points occupied, what would become of those of the United States upon a very considerable extent of the same northwest coast? for the only American establishment ever yet known is certainly very inferior in stability to that of Russia at Novo Archangelsk.

In the same manner the great extent of the Pacific ocean at the fifty-first degree of latitude cannot invalidate the right which Russia may have of considering that part of the ocean as close. But as the Imperial Government has not thought fit to take advantage of that right, all further discussion on this subject would be idle.

As to the right claimed for the citizens of the United States of trading with the natives of the country of the northwest coast of America, without the limits of the jurisdiction belonging to Russia, the Imperial Government will not certainly think of limiting it, and still less of attacking it there. But I cannot dissemble, sir, that this same trade beyond the fifty-first degree will meet with difficulties and inconveniences, for which the American owners will only have to accuse their own imprudence after the publicity which has been given to the measures taken by the Imperial Government for maintaining the rights of the Russian American Company in their absolute integrity.

I shall not finish this letter without repeating to you, sir, the very positive assurance which I have already had the honor once of expressing to you, that, in every case where the American Government shall judge it necessary to make explanations to that of the Emperor, the President of the United States may rest assured that these explanations will be always attended to by the Emperor, my august sovereign, with the most friendly, and, consequently, the most conciliatory dispositions.

Be pleased to accept, sir, the assurance of my high consideration.

PIERRE DE POLETICA.

17th CONGRESS.] No. 329. [1st SESSION.

SALARIES AND EXPENSES OF AMERICAN MINISTERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 30, 1822.

DEPARTMENT OF STATE, *April* 30, 1822.

In obedience to a resolution of the House of Representatives of the 8th instant, directing the Secretary of State to furnish that House with a statement of the amount of money paid as salaries, outfits, and contingent expenses, to foreign ministers since the year 1800, and the amount paid to each; also, the courts at which they were employed, and the time they were respectively engaged in the discharge of their duties as ministers from the United States, the Secretary of State has the honor to report to the House of Representatives a statement, prepared at the Register's Office, conformably with that resolution, which contains the information required, together with a copy of the letter from the Register to this Department accompanying his statement.

Respectfully submitted.

JOHN QUINCY ADAMS.

The Register of the Treasury to the Secretary of State.

SIR: TREASURY DEPARTMENT, REGISTER'S OFFICE, *April* 29, 1822.

I have the honor to transmit herewith a "statement exhibiting the amount paid for outfit, return, salaries, and contingent expenses, to each envoy extraordinary and minister plenipotentiary and chargé d'affaires from the United States to the respective foreign courts, from 1st January, 1801, to the 31st December, 1821," as far as the accounts have been received at the Treasury, in which the courts are designated to which the ministers were appointed, with a recapitulation showing the total amount of moneys paid to each person, formed agreeably to the requisition I had the honor to receive from your Department, predicated on the resolution of the House of Representatives of the United States of the 8th April, 1822.

I am, with great respect, sir, your most obedient servant,

JOSEPH NOURSE, *Register.*

Hon. JOHN Q. ADAMS, *Secretary of State.*

Statement exhibiting the amount paid to each Envoy Extraordinary and Minister Plenipotentiary and Chargé d'Affaires from the United States to the respective foreign courts, for outfit, return, salary, and contingent expenses, with a recapitulation of the amount paid to each Minister and Chargé d'Affaires, commencing on the 1st January, 1801, and ending on the 31st December, 1821.

Names and time of service.	Outfit.	Return.	Salaries.	Contingencies.	Total.
TO GREAT BRITAIN.					
Rufus King, from January 1, 1801, to May 18, 1803,	-	$2,250 00	$21,279 45	$5,472 12	$29,001 57
James Monroe, from April 18, 1803, to November 15, 1807,	$9,000 00	2,250 00	41,231 50	5,539 00	58,020 50
William Pinkney, from April 23, 1806, to May 7, 1811,	13,500 00	2,250 00	45,369 86	6,913 77	68,033 63
John Q. Adams, from February 28, 1815, to June 10, 1817,	9,000 00	2,250 00	20,546 00	3,005 62	24,801 62
Richard Rush, from August 6, 1817, to December 31, 1821,	9,000 00	-	39,163 04	4,851 64	53,014 68
Albert Gallatin, from August 11 to October 29, 1818,	-	-	-	2,965 67	2,965 67
Jonathan Russell, chargé d'affaires, from October 26, 1811, to July 27, 1812,	4,500 00	1,125 00	3,390 41	2,410 93	11,426 34
TO FRANCE.					
Robert R. Livingston, from September 23, 1801, to November 24, 1804,	9,000 00	2,250 00	28,549 31	2,310 10	42,109 41
James Monroe, from January 12, 1801, to April 17, 1803,	9,000 00	-	2,367 13	546 66	11,913 79
John Armstrong, from June 7, 1804, to October 12, 1810,	9,000 00	2,250 00	57,147 94	8,343 27	76,741 21
Joel Barlow, from April 1, 1811, to December 26, 1812,	9,000 00	2,250 00	15,625 00	6,138 30	33,013 30
William H. Crawford, from April 9, 1813, to April 28, 1815,	9,000 00	2,250 00	18,493 15	2,510 39	32,253 54
Albert Gallatin, from March 1, 1816, to December 31, 1820,	9,000 00	-	43,500 00	2,472 03	54,972 03
Jonathan Russell, chargé d'affaires, from August 10, 1810, to October 25, 1811,	4,500 00	-	5,437 50	2,575 03	12,512 53
Henry Jackson, chargé d'affaires, from April 27, 1815, to July 17, 1816,	4,500 00	1,125 00	5,512 50	573 20	11,710 70
TO THE NETHERLANDS.					
William Vans Murray, from January 1, 1801, to September 12, 1801,	-	1,125 00	3,144 00	192 40	4,461 40
Albert Gallatin,	-	-	-	2,408 88	2,408 88
William Eustis, from April 1, 1815, to May 5, 1818,	9,000 00	2,250 00	27,875 00	2,568 06	41,693 06
Alexander H. Everett, chargé d'affaires, from November 10, 1818, to December 31, 1819,	4,500 00	-	5,135 87	185 80	9,821 67
TO GHENT.					
John Q. Adams, from April 29, 1813, to February 27, 1815,	9,000 00	-	20,299 31	6,345 60	15,345 60
Albert Gallatin, from April 21, 1813, to July 22, 1815,	9,000 00	2,250 00	13,647 94	2,216 23	33,765 54
Henry Clay, from January 17, 1814, to July 22, 1815,	9,000 00	2,250 00	19,500 00	1,620 00	26,517 94
James A. Bayard, from April 19, 1813, to June 18, 1815,	9,000 00	2,250 00	-	1,887 79	32,637 79
Jonathan Russell, chargé d'affaires,	-	-	-	1,875 00	1,875 00
Levett Harris, chargé d'affaires,	-	-	-	5,145 91	5,145 91
TO RUSSIA.					
William Short, from October 1, 1808, to May 10, 1809,	-	2,250 00	5,473 97	177 59	7,901 56
John Q. Adams, from August 5, 1809, to February 27, 1815,	9,000 00	-	50,104 00	5,153 54	64,657 54
William Pinkney, from March 7, 1816, to February 16, 1818,	9,000 00	2,250 00	17,550 00	1,232 84	30,032 84
George W. Campbell, from April 18, 1818, to July 8, 1820,	9,000 00	2,250 00	20,025 32	4,458 57	35,733 89

STATEMENT—Continued.

Names and time of service.	Outfit.	Return.	Salaries.	Contingencies.	Total.
Henry Middleton, from April 6, 1820, to September 30, 1821,	$9,000 00	- -	$12,137 67	$629 03	$21,766 70
Levett Harris, chargé d'affaires, from April 17, 1814, to February 21, 1817,	- -	$1,125 00	12,812 50	3,627 72	17,565 22
TO PRUSSIA.					
John Q. Adams, from January 1, 1801, to April 26, 1801,	- -	2,250 00	2,860 27	- -	5,110 27
TO SWEDEN.					
Jonathan Russell, from January 25, 1814, to October 1, 1816,	9,000 00	- -	24,172 60	1,184 91 }	50,448 63
Jonathan Russell, from July 15, 1817, to December 31, 1818,	- -	2,250 00	13,133 15	707 97 }	
TO SPAIN.					
David Humphreys, from January 1 to December 9, 1801,	- -	2,250 00	8,432 88	888 63	11,571 51
Charles Pinckney, from July 10, 1801, to October 2, 1805,	9,000 00	2,250 00	38,071 23	- -	49,321 23
James Monroe, from October 8, 1804, to July 17, 1805,	- -	- -	- -	11,744 83	11,744 83
James Bowdoin, from May 10, 1805, to October 1, 1807,	9,000 00	2,250 00	21,517 80	773 81	33,541 61
George W. Erving, from September 24, 1814, to August 28, 1815,	9,000 00	- -	8,364 12 }	1,862 02	49,366 24
George W. Erving, from April 10, 1816, to May 15, 1819,	- -	2,250 00	27,890 10 }		
John Forsyth, from February 18, 1819, to December 31, 1821,	9,000 00	- -	15,800 00	2,843 06	37,643 06
George W. Erving, chargé d'affaires, from October 24, 1805, to April 5, 1810,	- -	1,125 00	20,035 27	3,934 34	25,094 61
TO PORTUGAL.					
William L. Smith, from January 1 to September 9, 1801,	- -	2,250 00	6,213 69	194 05	8,657 74
Thomas Sumpter, to the Brazils, from July 9, 1809, to July 24, 1819,	9,000 00	2,250 00	90,391 30	18,264 42	119,905 72
John Graham, to the Brazils, from March 12, 1819, to June 10, 1820,	9,000 00	2,250 00	11,255 50	150 59	22,656 09
TO THE TWO SICILIES.					
William Pinkney,	9,000 00	- -	- -	1,995 23	10,995 23
Total,	$265,500 00	$59,625 00	$853,456 28	$141,296 55	$1,319,877 83

Recapitulation of the foregoing statement.

Names and time of service.	Outfit.	Return.	Salaries.	Contingencies.	Total.
Rufus King, minister plenipotentiary to Great Britain, from 1st January, 1801, to 18th May, 1803, - - -	-	$2,250 00	$21,279 45	$4,472 12	$29,001 57
James Monroe, envoy extraordinary and minister plenipotentiary to France, from 12th January to 15th Nov., 1807, $9,000 Great Britain, - - - 9,000 Spain.	$18,000 00	2,250 00	43,598 63	17,830 49	81,679 12
Wm. Pinkney, envoy extraordinary and minister plenipotentiary to Great Britain, from 23d Apr. 1806, to 7th May, 1811, 13,500 Russia, from 7th March, 1816, to 16th Feb. 1818, 9,000 the Two Sicilies, - - - 9,000	31,500 00	4,500 00	62,919 86	10,141 84	109,061 70
John Q. Adams, envoy extraordinary and minister plenipotentiary to Prussia, from 1st January to 26th April, 1801. Russia, from 5th August 1809, to 10th June, 1817, 9,000 Ghent, - - - - 9,000 Great Britain, - - - 9,000	27,000 00	4,500 00	73,510 27	14,904 76	119,915 03
Richard Rush, envoy extraordinary and minister plenipotentiary to Great Britain, from 6th Aug. 1817, to 31st December, 1821,	9,000 00	-	39,163 04	4,851 64	53,014 68
Robert R. Livingston, envoy extraordinary and minister plenipotentiary to France, from 23d Sept. 1801, to 24th Nov. 1804, -	9,000 00	2,250 00	28,549 31	2,310 10	42,109 41
John Armstrong, envoy extraordinary and minister plenipotentiary to France, from 7th June, 1804, to 12th October, 1810, -	9,000 00	2,250 00	57,147 94	8,343 27	76,741 21
Joel Barlow, envoy extraordinary and minister plenipotentiary to France, from 1st April, 1811, to 26th December, 1812, -	9,000 00	2,250 00	15,625 00	6,138 30	33,013 30
William H. Crawford, envoy extraordinary and minister plenipotentiary to France, from 9th April, 1813, to 28th April, 1815, -	9,000 00	2,250 00	18,493 15	2,510 39	32,253 54
Albert Gallatin, envoy extraordinary and minister plenipotentiary to France, from 1st March, 1816, to 31st Dec. 1820, 9,000 Ghent, from 21st April, 1813, to 22d July, 1815, 9,000	18,000 00	2,250 00	63,799 31	10,062 81	94,112 12
William Vans Murray, minister resident at the Hague, from 1st January to 12th September, 1801, - - -	-	1,125 00	3,144 00	192 40	4,461 40
William Eustis, envoy extraordinary and minister plenipotentiary to the Netherlands, from 1st April, 1815, to 5th May, 1818, -	9,000 00	2,250 00	27,875 00	2,568 06	41,693 06
Henry Clay, envoy extraordinary and minister plenipotentiary to Ghent, from 17th January, 1814, to 22d July, 1815, -	9,000 00	2,250 00	13,647 94	1,620 00	26,517 94
James A. Bayard, envoy extraordinary and minister plenipotentiary to Ghent, from 19th April, 1813, to 18th June, 1815, -	9,000 00	2,250 00	19,500 00	1,887 79	32,637 79
William Short, envoy extraordinary and minister plenipotentiary to Russia, from 1st October, 1808, to 10th May, 1809, -	-	2,250 00	5,473 97	177 59	7,901 56
George W. Campbell, envoy extraordinary and minister plenipotentiary to Russia, from 18th April, 1818, to 8th July, 1820, -	9,000 00	2,250 00	20,025 32	4,458 57	35,733 89
Henry Middleton, envoy extraordinary and minister plenipotentiary to Russia, from 6th April, 1820, to 30th September, 1821, -	9,000 00	-	12,137 67	629 03	21,766 70
David Humphreys, envoy extraordinary and minister plenipotentiary to Spain, from 1st January to 9th December, 1801, -	-	2,250 00	8,432 88	888 63	11,571 51
Charles Pinckney, envoy extraordinary and minister plenipotentiary to Spain, from 10th July, 1801, to 2d October, 1805, -	9,000 00	2,250 00	38,071 23	-	49,321 23
James Bowdoin, envoy extraordinary and minister plenipotentiary to Spain, from 10th May, 1805, to 1st October, 1807, -	9,000 00	2,250 00	21,517 80	773 81	33,541 61
George W. Erving, envoy extraordinary and minister plenipotentiary to Spain, from 24th September, 1814, to 15th May, 1819,	9,000 00	2,250 00	36,254 22	1,862 02	49,366 24
John Forsyth, envoy extraordinary and minister plenipotentiary to Spain, from 18th February, 1819, to 31st December, 1821, -	9,000 00	-	25,800 00	2,843 06	37,643 06
William Smith, envoy extraordinary and minister plenipotentiary to Portugal, from 1st January to 9th September, 1801, -	-	2,250 00	6,213 69	194 05	8,657 74
Thomas Sumpter, envoy extraordinary and minister plenipotentiary to the Brazils, from 9th July, 1809, to 24th July, 1819, -	9,000 00	2,250 00	90,391 30	18,264 42	119,905 72
John Graham, envoy extraordinary and minister plenipotentiary to the Brazils, from 12th March, 1819, to 10th June, 1820, -	9,000 00	2,250 00	11,255 50	150 59	22,656 09
Jonathan Russell, envoy extraordinary and minister plenipotentiary to Sweden and Ghent, from 25th January, 1814, to 1st October, 1816, and from 15th July, 1817, to 31st December, 1818, - - - - -	9,000 00	2,250 00	37,305 75	3,767 88	52,323 63
George W. Erving, chargé d'affaires to Spain, from 24th October, 1805, to 5th April, 1810, - - - -	-	1,125 00	20,035 27	3,934 34	25,094 61
Jonathan Russell, chargé d'affaires to Great Britain and France, from 10th August, 1810, to 27th July, 1812, - -	9,000 00	1,125 00	8,827 91	4,985 96	23,938 87
Henry Jackson, chargé d'affaires to France, from 27th April, 1815, to 17th July, 1816, - - - -	4,500 00	1,125 00	5,512 50	573 20	11,710 70
Alexander H. Everett, chargé d'affaires to the Netherlands, from 10th November, 1818, to 31st December, 1819, - -	4,500 00	-	5,135 87	185 80	9,821 67
Levett Harris, chargé d'affaires to Russia, from 17th April, 1814, to 21st February, 1817, - - - -	-	1,125 00	12,812 50	8,773 63	22,711 13
	$265,500 00	$59,625 00	$853,456 28	$141,296 55	$1,329,877 83

TREASURY DEPARTMENT, REGISTER'S OFFICE, *April* 29, 1822.

JOSEPH NOURSE, *Register.*

17th Congress.] No. 330. [1st Session.

NORWAY: COMMERCIAL RECIPROCITY.

TRANSMITTED TO THE HOUSE OF REPRESENTATIVES, ON THE 2D OF MAY, 1822.

To the House of Representatives of the United States: WASHINGTON, *May* 1, 1822.

In the message to both Houses of Congress at the commencement of their present session, it was mentioned that the Government of Norway had issued an ordinance for admitting the vessels of the United States and their cargoes into the ports of that kingdom upon the payment of no other or higher duties than are paid by Norwegian vessels, of whatever articles the said cargoes may consist, and from whatever ports the vessels laden with them may come.

In communicating this ordinance to the Government of the United States, that of Norway has requested the benefit of a similar and reciprocal provision for the vessels of Norway and their cargoes which may enter the ports of the United States.

This provision being within the competency only of the legislative authority of Congress, I communicate to them, herewith, copies of the communications received from the Norwegian Government in relation to the subject, and recommend the same to their consideration.

JAMES MONROE.

[TRANSLATION.]

The Count d'Engestrom to Mr. Hughes.

STOCKHOLM, *January* 25, 1821.

By the express order of the King, the undersigned, Minister of State and of Foreign Affairs, has the honor to inform Mr. Hughes, chargé d'affaires of the United States of North America, that, hereafter, vessels belonging to citizens of the United States, as well as their cargoes, will be subject, in the ports of the kingdom of *Norway*, to no other or higher duties of entry or clearance than those payable by the national vessels and their cargoes; so that every sort of distinction between Norwegian and American vessels may cease, and that neither the place from which a vessel arrives, nor the place of her destination, may be any cause of exception from the general rule. The cargoes may consist of the productions of the soil, or of the industry of such country, whatever it may be.

In requesting Mr. Hughes to be pleased to communicate the contents of this note to his Government, the undersigned embraces this opportunity of renewing to Mr. Hughes the assurances of his most distinguished consideration.

COUNT D'ENGESTROM.

[TRANSLATION.]

Baron de Stackelberg to the Secretary of State.

WASHINGTON, *July* 11, 1821.

The undersigned, chargé d'affaires of His Majesty the King of Sweden and of Norway, has the honor to address, officially, his excellency the Secretary of State of the United States, to inquire if, in virtue of the commercial regulations existing in the United States, the Norwegian commerce will enjoy in the ports of the said States the same advantages and immunities which have been lately granted in the ports of Norway to the American commerce.

The undersigned takes this occasion to renew to the Secretary of State of the United States the assurance of his high consideration, &c.

STACKELBERG.

The Secretary of State to Baron de Stackelberg.

DEPARTMENT OF STATE, WASHINGTON, *July* 23, 1821.

The Secretary of State, in reference to the note of Baron de Stackelberg of the 11th instant, has the honor of informing him that, by an act of Congress of 3d March, 1815, "so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States, as imposes a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, is repealed, *so far as the same respects the produce or manufacture of the nation* to which such foreign ships or vessels may belong; such repeal to take effect in favor of any foreign nation, whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished."

And this act, by a subsequent act of Congress of 3d March, 1819, will cease and expire on the 1st day of January, 1824.

From the copy of a note from his excellency Count d'Engestrom to Mr. Hughes, of the 25th of January last, it appears that all discriminating or countervailing duties in the kingdom of Norway, so far as they operated to the disadvantage of the United States, have been abolished; and if it be desired by the Baron de Stackelberg that a proclamation from the President should issue, declaring Norwegian vessels entitled to the advantages set forth in the act of Congress of 3d March, 1815, it will immediately be issued. But the baron will observe that this act is not so extensive as the ordinance for the kingdom of Norway, notified by Count d'Engestrom, inasmuch as the latter expressly provides that "the cargoes may consist of the productions of the soil, or of the industry of any and all countries, without exception," and as it is without limitation of time.

The Secretary of State requests the Baron de Stackelberg to accept the assurance of his distinguished consideration.

JOHN QUINCY ADAMS.

The BARON DE STACKELBERG, *Chargé d'Affaires from Sweden.*

[TRANSLATION.]

Baron de Stackelberg to the Secretary of State.

WASHINGTON, *August* 16, 1821.

The undersigned, chargé d'affaires of His Majesty the King of Sweden and of Norway, has had the honor to receive the note of his excellency the Secretary of State of the United States, dated the 23d of last month, the substance of which is, that the Government of the United States cannot grant to the Norwegian commerce in their ports the same advantages and immunities which have been granted by the Swedish and Norwegian Government in the ports of Norway to the American commerce, which advantages are stipulated in a note, dated the 25th of January last, addressed by his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs of His Majesty the King of Sweden and of Norway, to the chargé d'affaires of the United States at Stockholm; according to which, if the undersigned desire it, the President of the United States has been pleased to consent to issue his proclamation declaring the Norwegian commerce to have a right to enjoy the advantages granted by the act of Congress of the 3d of March, 1815.

In consideration whereof, and in obedience to the orders of the King, his master, the undersigned ought instantly to demand a perfect reciprocity on the part of the United States towards the Norwegian commerce; yet, as the laws of the United States do not appear to have given an extent equivalent to that which has been granted to American commerce in Norway, and until an arrangement can be made upon this subject, it is his duty, officially, to require for the Norwegian commerce the advantage contained in the act of Congress of 3d March, 1815, as well as the act of 1st March, 1817, which says: "After the thirtieth day of September next, no goods, wares, or merchandise shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation: *Provided, nevertheless*, That this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation:" consequently, as the American commerce can enter into the ports of Norway with cargoes of the productions of the soil or of manufactures of their country, the undersigned considers the act of navigation in question as being reciprocally applicable to the Norwegian commerce in the ports of the United States.

The undersigned likewise proposes, officially, to the Government of the United States, in order to establish a perfect reciprocity in the commerce between the two countries, to pass a law by which the Norwegian commerce may enjoy in the ports of the said States the same privileges and advantages as have been mentioned in the note of his excellency the Count d'Engestrom in favor of the American commerce in the ports of the kingdom of Norway.

The undersigned prays the Secretary of State to be pleased to lay this note before the President of the United States.

The undersigned has the honor to be, &c.

STACKELBERG.

The Secretary of State to Baron de Stackelberg.

SIR: DEPARTMENT OF STATE, WASHINGTON, *August* 21, 1821.

I have the honor of enclosing, herewith, a copy of a proclamation of the President of the United States, declaring the vessels of Norway to be entitled in the ports of the United States to the benefit of the advantages prescribed by the act of Congress of 3d March, 1815. They will also be entitled, without further proceeding, to those prescribed by the act of 1st March, 1817, as I had the honor of explaining verbally to you its purport.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

The BARON DE STACKELBERG,
Chargé d'Affaires of His Majesty the King of Sweden and Norway.

17th CONGRESS.] No. 331. [1st SESSION.

GREAT BRITAIN: DUTIES ON IRON.

TRANSMITTED TO CONGRESS, MAY 3, 1822.

To the House of Representatives of the United States: WASHINGTON, *May* 1, 1822.

I transmit, herewith, to Congress copies of letters received at the Department of State from the minister of Great Britain on the subject of the duties discriminating between imported rolled and hammered iron.

I recommend them particularly to the consideration of Congress, believing that although there may be ground for controversy with regard to the application of the engagements of the treaty to the case, yet a liberal construction of those engagements would be compatible at once with a conciliatory and a judicious policy.

JAMES MONROE.

Mr. Antrobus to Mr. Adams.

SIR: WASHINGTON, *November* 22, 1819.

I have the honor to inform you that I have been instructed by His Majesty's Government again to bring under your notice the difference of duties levied in the ports of this country on British and other foreign iron in bars and bolts.

It is stipulated by the commercial convention between Great Britain and the United States that articles the growth, produce, and manufacture of Great Britain shall pay no higher duties on importation into the United States than like articles the growth, produce, and manufacture of any other foreign countries.

Mr. Bagot, in a letter of the 18th November, 1816, addressed to Mr. Monroe, at that time Secretary for the Department of State, to which I beg leave to refer you, has clearly pointed out that iron manufactured in Great Britain by rolling ought to be considered a like article to iron manufactured by hammering, both in Sweden and Russia; and I feel confident it is only necessary for me to call your attention to this similarity in the state of the manufacture of British and other foreign iron in bars and bolts, to decide the Government of the United States to adopt measures for the admission to importation of this article on terms more consistent with the spirit of the treaty of commerce existing between the two nations.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

G. CRAWFURD ANTROBUS.

JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Antrobus to Mr. Adams.

SIR: WASHINGTON, *May* 1, 1820.

In the month of November of the year 1816, Mr. Bagot had the honor of addressing to Mr. Monroe, at that time Secretary of State, a note calling his attention to a provision of an act of Congress passed on the 27th of April of that year, entitled "An act to regulate the duties on imports and tonnage," imposing on the importation into the United States of iron in bars and bolts, manufactured by rolling, a duty equal to that paid on anchors; whereas, by it, iron in bars and bolts, manufactured by hammering, was subject to a lower duty.

On the 22d November last, I had the honor to address a note to you on the same subject, requesting the adoption by the American Government of such measures as would give to the British merchant the advantages secured to him by the second article of the treaty of commerce between Great Britain and the United States, namely, "that no higher duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign countries."

As it is understood that the modification of the tariff thus sought for can only be effected by an act of the Legislature, and as it is believed that the present session of that body is now drawing to a close, I take the liberty of again bringing this matter under your notice, and of expressing a hope that the present high rate of duty on the importation of rolled iron will no longer be allowed to exist, to the prejudice of the British manufacturer, and, it would seem, contrary to the spirit of the commercial treaty.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

G. CRAWFURD ANTROBUS.

JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Canning to Mr. Adams.

SIR: WASHINGTON, *March* 31, 1821.

It is in obedience to instructions which I have lately received from His Majesty's Government, that I have the honor to recall your attention to a subject of considerable interest, on which Mr. Bagot and Mr. Antrobus have already had occasion, respectively, to open a correspondence with your office—I mean the discrimination established by Congress in the duties on imported iron manufactured by rolling or hammering.

I abstain, for the present, from troubling you with any additional argument in support of the general principles asserted by Mr. Bagot; but, as there is reason to suppose that some erroneous notions have prevailed with respect to the process of rolling iron as employed in the British manufactories, it is confidently hoped that an authentic statement of the real process will suffice to remove any objections which the Government of the United States may still entertain to an equalization of the duties in question.

The *pig iron* is first purified or refined in what is called *a finery;* during which stage of the process it loses in weight about 2½ cwt. per ton.

The metal thus refined is taken to the *puddling furnace*, from which, after it has undergone the operation of *puddling*, it is conveyed in balls, each weighing about *sixty pounds*, to the *slabbing rolls*, and there rolled into a *slab* or *rough bar.*

This bar is then divided into several pieces, which are placed in piles of three or four pieces together, and, after being again heated in a *reverberating furnace*, are rolled into what is called *a merchant bar.*

In these two stages there is a further waste of about 5 cwt. in the ton.

The metal, after being refined in the puddling furnace, is sometimes placed under a *helve*, or iron hammer of three or four tons weight, and shingled or hammered into what is termed a *half bloom*, which is subsequently cut into pieces, and rolled into a merchant bar, in the same way as the piled slabs. The quality of the manufactured metal, and the cost of the operation, are very nearly the same in both cases.

To these facts, which are derived on authority to all appearance unquestionable, from the principal iron manufactories in England, it may be added that, even the pig iron employed there is probably of a superior quality, owing to the great care with which the dross is drawn off from the ore.

Persuaded that the preceding statement will receive at your hands an attentive and liberal consideration, I beg, sir, that you will accept the assurances with which

I have the honor to be, your most obedient, humble servant,

STRATFORD CANNING.

JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Canning to Mr. Adams.

SIR: WASHINGTON, *November* 26, 1821.

On the 31st of March I did myself the honor of writing to you with reference to the discriminating duties laid by Congress on imported rolled and hammered iron. It is under the special instructions of my Government that I now return to a subject which has been repeatedly pressed upon your notice, in full persuasion that, sooner or later, the Legislature of the United States would recognise the propriety and justice of repealing the exceptionable duty.

I do not feel myself at liberty to draw any inference unfavorable to this expectation from the silence with which you received my former letter. I abstained on that occasion from going at large into the merits of the question, conceiving that an exposition of certain facts, capable of being verified, would be sufficient until the meeting of Congress should furnish a fit occasion for examining the whole subject in a more complete and deliberate manner.

You will remember, sir, that the facts which I then stated, and to which I again solicit your attention, were calculated chiefly to remove the erroneous impressions entertained by some persons in this country with respect to the real nature of British rolled iron, and the process of that manufacture. It had been asserted that, in rolling iron according to the practice of Great Britain, the metal was only twice heated, and so rapidly converted into bars as not to allow of its acquiring those qualities which are supposed to be imparted to it by the more laborious operation of hammering. It now appears, from the testimony of many respectable individuals acquainted with this important branch of industry, that the iron is heated no less than three times; that it is refined with such effect as to lose 7½ cwt. per ton in passing from the state of *pig iron* to that of *merchant bars;* and, further, that it is cut into pieces after the first rolling, and piled so as to cross the grain when again heated and rolled.

In the qualities of rolled, as in those of hammered iron, there may be an occasional difference resulting from the nature of the ores employed in its composition. The British ironmasters use a great variety of ores, the different mixtures and combinations of which have, doubtless, a considerable effect in producing a better or an inferior article. But to suppose that any difference is made in the quality or manufacture of British iron when destined for the foreign market, other than when it is kept for home consumption, is an error which cannot be met with too distinct and positive a denial.

This notion, groundless as it is, has, however, been brought forward with others equally erroneous, to prevent an equalization of the duties on imported iron. It has even been alleged that, while rolled iron is exported from Great Britain for the use of foreign countries, the British import large quantities of hammered iron from the north of Europe for their own use; and that, in shipbuilding, this latter article, owing to its superior quality, is indispensable.

In reply to these assertions, I appeal with confidence to the accounts of British and foreign bar iron employed in Great Britain at three successive periods within the last sixteen years. In 1806, in 1814, and in 1820, the respective quantities of the former were 101,877, 137,365, and 136,642; and those of foreign bar iron were 27,411, 11,635, and 6,242. To confirm the results suggested by this statement, it may be added that in Ireland, where a strong prejudice is known to have once prevailed in favor of foreign iron, the consumption, which, in 1807, was 5,690 of British, and 3,229 of foreign, was, in the year 1820, 474 of the latter, and no less than 13,073 of the former.

For the manufacture of steel, and for that alone, the Baltic iron has some advantage over British; and whatever quantity of it is imported into Great Britain is either converted into steel, (in which way it is at present almost exclusively used,) or re-exported to those countries, where the nature and properties of British rolled iron are as yet imperfectly understood.

Concerning the particular point, of shipbuilding, the abstract which follows of the respective quantities of British and foreign iron, employed at different times by His Majesty's Navy Board, must of itself carry conviction to every impartial mind:

Years.	Foreign.	British.
1806,	457	1,343
1810,	289	1,668
1815,	82	1,743
1820,	51	1,824

The truth is, that, except for making steel, any superior fitness for which is clearly an accident of nature, and not the effect of hammering, English bar iron is at least equal to that of Sweden and Russia. It is used throughout Great Britain in the most important constructions—in her manufactories, dock-yards, and military establishments. It is prepared exactly in the same manner for exportation as for domestic consumption. It is never finished by a single rolling, except at a very few works, where the metal has been previously formed by hammering. It rarely happens, indeed, that the ironmaster knows, at the time of manufacturing, for which market the iron is destined; and when he is apprized of this circumstance, a sense of his own interest, the interest of the trade, would alone restrain him from sending an inferior manufacture to the foreign market.

It is, in short, the greatest of delusions to imagine that the consumers of iron are interested in giving a preference to the process of hammering over that of rolling. The Baltic manufacturers have, doubtless, their reasons for adhering to their former practice; but so far from their deriving any claim to superiority from that circumstance, it is well known to persons familiar with the trade that their iron would be improved rather than deteriorated by the application of the rolling machine. This being the case, it would be absurd to defend the discriminating duty on the ground of its preventing the manufacture of rolled iron in the northern countries of Europe.

Even in the counter-statements which have been made upon this subject, it is admitted, not only that the ores of England may be equal to those of other countries, but also that the process of rolling only requires to be repeated in order to place it upon a level with that of hammering. Allow me, sir, to remark, in reference to this admission, that, in the present state of your legislative enactments, the British iron imported into the United States might pass under the roller any number of times, without being relieved, on that account, from the pressure of which I complain.

The difference of value or cost at which the rolled and hammered iron may be prepared for sale can surely present no argument in favor of the discriminating duties. That difference, whatever it may be, is a natural result of labor-saving machinery; it is the just reward of ingenuity employed with success in the service of mankind. Science and inventive genius are peculiar to no soil; all nations have an interest in their progress; and to grudge them a fair remuneration would be no less unworthy of the character than foreign to the views of an enlightened Legislature.

I have now, sir, replied, and I trust conclusively, to such parts of the explanatory statement which you communicated to Mr. Antrobus in your letter dated the 31st of May, 1820, as were grounded (how justly I leave to your candor) on the principle of expediency. It remains for me to take a more comprehensive view of the case, as involving, in my belief, a breach of agreement, unintentional no doubt, but not therefore less prejudicial to His Majesty as a contracting party, nor calling the less for a seasonable amendment.

By the second article of the convention of commerce subsisting between the two countries, it is declared that "no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe than are or shall be payable on the *like articles* being the growth, produce, or manufacture of any other foreign country." To secure certain stipulated advantages reciprocally to both the contracting parties was the general object of the convention; to secure to the produce and manufactures of Great Britain a fair unshackled competition in the markets of the United States with all articles of a similar nature imported from other foreign countries, is the plain, indisputable object of this par-

ticular clause. But how can these objects be considered as fully or adequately effected while British bar iron is made to pay, on its importation into the United States, double the amount of duty levied on the same article when imported from Sweden and Russia? I am aware of the distinction which has been drawn between rolled and hammered iron, and of the assertion, founded on that distinction, that, so long as all importations of hammered, and all importations of rolled iron are subject, respectively, to the same rate of duty, Great Britain has no right to complain. But Great Britain being the sole exporter of rolled iron, the discriminating duties do in fact operate to her prejudice; and, in point of principle, it will not be difficult to show that the articles in question are truly and essentially like articles, such as cannot, with any color of reason, be excluded from the benefit of the treaty.

You will readily admit, sir, that like articles, in the sense of the convention, must necessarily be such as are similar to each other in their leading characteristic properties. On any other supposition, the clause in question is an idle form of words, and, contrary to the very end and purpose of the treaty, a door would be opened to arbitrary interpretation in one of its principal provisions. Now, the process or mechanical operation by which an article is manufactured can surely never be reckoned among its properties. Any difference of use or quality resulting from the mode of manufacture may, indeed, constitute a fair ground of distinction; but there is every reason to believe that no such difference exists in the present instance. It has been shown, on the contrary, that, for all the ulterior purposes to which bar iron, as such, is applicable, the rolled is equally good with the hammered; that both the one and the other are sent to market in the same stage of manufacture, and that the only difference between them is one of a retrospective nature, not affecting the identity of their present state, but relating solely to the process by which they were brought to the same point.

To borrow an illustration from language—two words of similar meaning, in common acceptation, would surely not be deemed the less synonymous because they might be traced to different roots, or had passed through different modes of formation.

I further entreat you, sir, to observe with what facility the same distinction may be extended to other articles of commerce. Even the chief staple of your Southern States might, upon the same principle, be discriminated in British ports from the cotton of Brazil or the Levant, for no other reason than because it had been prepared by Mr. Whitney's ingenious and useful machinery. Examples bearing upon either party might easily be multiplied; I have taken this because it is the most obvious. In fact, the same natural productions are common to so many different countries, while the means of improving them are varied according to the vast diversity of local resources, that, even of those articles which barely rank as manufactures, few might not be brought within range of the same distinction which is now applied (unwarrantably, I think,) to bar iron. That a latitude of interpretation, thus tending to nullify one of the principal clauses of the treaty, should have been contemplated by those who framed it, is utterly inconceivable. Yet this, sir, is the conclusion to which we must come, if it be admitted that rolled and hammered bar iron are not *like articles*—an admission which, taking the fair and natural meaning of that phrase, would surely be equivalent to saying that what is bar iron when hammered is not bar iron when rolled.

It is with regret, sir, that I have found it necessary to take up so much of your time on this subject; but I feel persuaded that you will appreciate its importance, and that it will receive from the American Government an early and equitable revisal, to the end of relieving, by law, the importations of British rolled iron from the present discriminating duty, and thereby fulfilling the obligations of the commercial treaty.

I embrace this opportunity, sir, to repeat to you the assurance of my perfect consideration.

STRATFORD CANNING.

[NOTE.—See No. 343, post.]